

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, NOVEMBER 20, 2018  
7:30 P.M.**

**A. ROLL CALL OF MEMBERS:**

**B. PLEDGE OF ALLEGIANCE**

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

1. CAUCUS PRIOR TO MEETING HELD ON NOVEMBER 7, 2018.
2. REGULAR COUNCIL MEETING HELD ON NOVEMBER 7, 2018.

**D. REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee - Chairman, Poindexter  
Finance Committee - Chairman, Scott  
Legislative Committee - Chairman, Mencini  
Parks & Recreation Committee - Chairman, Salvatore  
Planning Committee - Chairman, Burgio  
Safety Committee - Chairman Stemm  
Service Committee - Chairman, Orcutt  
Board of Zoning Appeals - Chairman, 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):**

VERBAL APPROVAL:

1. 2019 CAUCUS - COUNCIL MEETING SCHEDULE.
2. CITIZEN OF THE YEAR COMMITTEE.

**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. 11046-2018, PROVIDING FOR A CONTRACT BETWEEN THE CUYAHOGA COUNTY GENERAL HEALTH DISTRICT AND THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
2. RESOLUTION NO. 36-2018, SUPPORTING POSTAL BANKING AND DECLARING AN EMERGENCY. Introduced by Councilman Poindexter.
3. RESOLUTION NO. 37-2018, AUTHORIZING THE MAYOR TO FILE AN APPLICATION WITH THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR A COMMUNITY DEVELOPMENT SUPPLEMENTAL GRANT PROGRAM AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
4. RESOLUTION NO. 38-2018, REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAX REVENUES FROM THE PROCEEDS OF TAX LEVIES PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella and C/W.

**N. SECOND READING OF ORDINANCES AND RESOLUTIONS:**

1. ORDINANCE NO. 11040-2018, ENACTING SECTION 533.25 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SEX OFFENDER RESIDENCY PROHIBITION' AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio, C/W and Mayor Gammella

**O. THIRD READING OF ORDINANCES AND RESOLUTIONS:**

1. ORDINANCE NO. 10079-2017, AUTHORIZING AND APPROVING THE MAYOR TO ENTER INTO A CONTRACT WITH ENDLESS POOLS AND RADIANT HEAT SYSTEMS FOR THE PURCHASE AND INSTALLATION OF TWO (2) DUAL PROPULSION ENDLESS POOLS AND SYSTEMS, WITHOUT PUBLIC BIDDING AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

**P. ADJOURNMENT:**

**SYNOPSIS OF ORDINANCES AND RESOLUTIONS  
FOR THE COUNCIL MEETING OF NOVEMBER 20, 2018**

**FIRST READING:**

Res. No. 36-2018      A RESOLUTION SUPPORTING POSTAL BANKING, AND DECLARING AN EMERGENCY.

SYNOPSIS: A resolution requesting the U.S. Postal Service to provide consumers with additional and affordable financial services for postal banking.

Res. No. 37-2018      A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION WITH THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT OF A COMMUNITY DEVELOPMENT SUPPLEMENTAL GRANT PROGRAM, AND DECLARING AN EMERGENCY.

SYNOPSIS: A resolution authorizing the Mayor to seek application for a Community Development Supplemental Block Grant (CDSG) of \$50,000 for the Sheldon Road Resurfacing Project.

Res. No. 38-2018      A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAX REVENUES FROM THE PROCEEDS TO TAX LEVIES PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

SYNOPSIS: A resolution requesting the Cuyahoga County Fiscal Officer and the Treasurer of said County to advance payment to the City of Brook Park any money in the County Treasury lawfully applicable to the purpose of the fiscal year, including all amounts to be distributed for real property advances and special assessment funds.

Ord. No. 11046-2018    AN ORDINANCE PROVIDING FOR A CONTRACT BETWEEN THE CUYAHOGA COUNTY GENERAL HEALTH DISTRICT AND THE CITY OF BROOK PARK, OHIO, AND DECLARING AN EMERGENCY

SYNOPSIS: An Ordinance authorizing and directing the Mayor to enter into a two-year contract between the Cuyahoga County General Health District and the City of Brook Park, Ohio, for health services to be provided, and to include all necessary medical, nursing, sanitary, laboratory and such other services as is required by the Statutes of the State of Ohio.

**THIRD READING:**

Ord. No. 10079-2017 AN ORDINANCE AUTHORIZING AND APPROVING THE MAYOR TO ENTER INTO A CONTRACT WITH ENDLESS POOLS AND RADIANT HEAT SYSTEMS FOR THE PURCHASE AND INSTALLATION OF TWO (2) DUAL PROPULSION ENDLESS POOLS AND SYSTEMS WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY

SYNOPSIS: An Ordinance authorizing and directing the Mayor to enter into a contract with Endless Pools and Radiant Heat Systems for the purchase and installation of two (2) dual propulsion pools at the John A. Poloyne Community Center.

Ord. No. 11040-2018 AN ORDINANCE ENACTING SECTION 533.25 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SEX OFFENDER RESIDENCY PROHIBITION' AND DECLARING AN EMERGENCY

SYNOPSIS: An Ordinance Enacting Section 533.25 Of The Brook Park Codified Ordinances Entitled 'Sex Offender Residency Prohibition' that prohibits sex offenders from living within a 1,000 feet of a public park, school or child care center.

**PREPARED BY THE BROOK PARK LEGAL DEPARTMENT  
NOVEMBER 16, 2018**

**2019 CAUCUS-COUNCIL MEETING SCHEDULE**

**JANUARY**

8 - Caucus  
15 - Caucus Prior  
15 - Council  
22 - Caucus

**Holidays Observed**

New Year's Day 1/1/19 (Tuesday)  
  
Martin Luther King Jr. 1/21/19

**JULY**

2 - Caucus Prior  
2 - Council  
9 - Caucus  
16 - Caucus Prior  
16 - Council

**Holidays Observed**

Independence Day 7/4/19

**FEBRUARY**

5 - Caucus Prior  
5 - Council  
12 - Caucus  
19 - Caucus Prior to  
19 - Council

President's Day 2/18/19

**AUGUST**

6 - Caucus Prior  
6 - Council  
13 - Caucus  
20 - Caucus Prior  
20 - Council

**MARCH**

5 - Caucus Prior  
5 - Council  
12 - Caucus  
19 - Caucus Prior  
19 - Council

**SEPTEMBER**

3 - Caucus Prior  
3 - Council  
11 - Caucus  
17 - Caucus Prior  
17 - Council

Labor Day 9/2/19

Primary Election 9/10/19

**APRIL**

2 - Caucus Prior  
2 - Council  
9 - Caucus  
16 - Caucus Prior  
16 - Council

**OCTOBER**

1 - Caucus Prior  
1 - Council  
8 - Caucus  
15 - Caucus Prior  
15 - Council

**MAY**

7 - Caucus Prior  
7 - Council  
14 - Caucus  
21 - Caucus Prior  
21 - Council

Memorial Day 5/27/19

**NOVEMBER**

6 - Caucus Prior  
6 - Council  
12 - Caucus  
19 - Caucus Prior  
19 - Council

General Election 11/5/19

Veteran's Day 11/11/19

Thanksgiving Day 11/28/19

**JUNE**

4 - Caucus Prior  
4 - Council  
11 - Caucus  
18 - Caucus Prior  
18 - Council

**DECEMBER**

3 - Caucus Prior  
3 - Council  
10 - Caucus  
17 - Caucus Prior  
17 - Council

Christmas Day 12/25/19

**Amended 11/13/18 Caucus**

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11046-2018

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE  
PROVIDING FOR A CONTRACT BETWEEN THE  
CUYAHOGA COUNTY GENERAL HEALTH DISTRICT AND  
THE CITY OF BROOK PARK, OHIO,  
AND DECLARING AN EMERGENCY

**WHEREAS**, the Cuyahoga County General Health District, has offered to provide health services for the City of Brook Park for the years 2019 and 2020. Such services to include all necessary medical, nursing, sanitary, laboratory, and such other health services as is required by the Statutes of the State of Ohio; and

**WHEREAS**, it is considered to be in the best interest of the City of Brook Park that said contract be entered into and to appropriate the sum of \$91,065.00 for 2019; and \$104,705.00 for 2020 for these services.

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

**SECTION 1:** The Mayor is hereby authorized and directed to enter into a two year contract between the Cuyahoga County General Health District and the City of Brook Park, Ohio, for health services to be provided, and to include all necessary medical, nursing, sanitary, laboratory and such other services as is required by the Statutes of the State of Ohio. A copy of said contract is attached hereto marked Exhibit A, and made a part hereof as if fully rewritten herein.

**SECTION 2:** The Fiscal Officer of the Cuyahoga County is hereby authorized to deduct from Fund No. 100, General Fund said sum of \$91,065.00 in equal semi-annual installments of \$45,532.50 from the regular tax settlement to be made for said City for the year 2019; and the sum of \$104,705.00 in equal semi-annual installments of \$52,352.50 from the regular tax settlement to be made for said City for the year of 2020.

**SECTION 3:** This contract shall be in full force and effect from January 1, 2019 to December 31, 2020.

**SECTION 4:** The money needed for the aforesaid transaction shall be paid from funds shall be appropriated from the General Fund No. 100 for said purpose.

**SECTION 5:** 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 6:** 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 to provide for a contract for the public health services for the years 2019 and 2020; provided that 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

  
\_\_\_\_\_  
DIRECTOR OF LAW

**PUBLIC HEALTH SERVICES AGREEMENT**  
(City with a General Health District - Authority--Sec. 3709.08 O.R.C.)

This Agreement is entered into on the 1<sup>st</sup> day of January, 2019 ("Effective Date") by and between the **Cuyahoga County Board of Health** (the "Board"), a separate political subdivision of the State of Ohio organized under the Constitution and Laws of the State of Ohio, and the **City of Brook Park**, a political subdivision, with its principal office located at 6161 Engle Road, Brook Park, Ohio 44142 (the "City"), for and in consideration of the promises, covenants, and conditions hereinafter set forth.

WHEREAS, Cuyahoga County General Health District is a general health district as defined under Ohio Revised Code (ORC) Section 3709.01 and is endowed with all of the statutory and other authority granted to it by reason of the Ohio Statutes as amended from time to time by the State Legislature; and

WHEREAS, the City has continued to have a city public health district as required by Ohio law; and

WHEREAS, pursuant to ORC Section 3709.01, each city in the State constitutes a health district and each county is a "general health district," and as provided for in ORC Sections 3709.051, 3709.07, and 3709.10, there may be a union of a general health district and a city health district; and

WHEREAS, ORC Section 3709.08 authorizes cities and villages in Cuyahoga County to enter into an Agreement with the Cuyahoga County General Health District on certain terms and conditions; and

WHEREAS, the District Advisory Council of the Cuyahoga County General Health District, created by ORC 3709.03, after giving due notice by publication as required by law, held a public meeting on March 8, 2018, at which by a majority vote of members representing the townships and villages of said county, did vote affirmatively on the question of providing public health services to the cities in Cuyahoga County, and did authorize the Chairman of the District Advisory Council to enter into an Agreement with the Mayor of the City for providing public health services therein; and

WHEREAS, the Board is engaged in the governance of providing public health services as described in this Agreement, has the knowledge, skill, and resources to provide such services, and desires to perform such services for or on behalf of the Board for City; and

WHEREAS, the City is willing to enter into an Agreement with the Board to provide such services in accordance with the terms and conditions of Ohio law and this Agreement.

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

**1. EFFECTIVE DATE, TERM AND TERMINATION.**

- (a) **Effective Date, Term.** This Agreement shall commence on the Effective Date first stated above and shall continue through **December 31, 2020**, unless earlier terminated pursuant to Section 1(b).
- (b) **Termination.** This Agreement may be terminated upon the occurrence of one of the following events:
  - (i) Failure for any reason of the either party to fulfill its obligations under this Agreement, after written notice is provided by the non-breaching party of such failure providing at least ninety (90) days for the breaching party to correct any such failure, and if such failure is not corrected within said period, the non-breaching party may give written notice of immediate termination;

- (ii) Upon nine (9) months written notice, or on or before April 1 of the year prior to termination by either party for any reason.

## 2. THE SERVICES.

- (a) **Scope of Services.** Subject to the terms and conditions contained in this Agreement and its exhibits, the Board will provide to the City and, as applicable, to all persons receiving the direct services provided for herein, the Services that are set forth and described in the Scope of Work (SOW) attached as **Exhibit A**, which Exhibit is incorporated herein.
- (b) Unless otherwise agreed by the Parties in writing, all transactions for Services through Board will be provided in accordance with the provisions of Ohio law and/or this Agreement, including any revisions of the same, as both Parties may from time to time execute to document the addition, revision, or enhancement of Services.
- (c) **Standard of Performance of Services.** The Board will devote such time and will use its best efforts as necessary to perform the Services in a professional manner that: (i) is consistent with the standards of its industry and in a good and workmanlike manner, and (ii) utilizes the care, skill, and diligence normally applied by other similar boards of health in the performance of services similar to the Services.
- (d) The City shall provide suitable space for the Board employees who make regular visits to the City on a daily or weekly basis.

## 3. PAYMENT.

- (a) **Compensation.** Compensation is based on the ten (10) year census population estimate for the City and a per capita rate established by the Board. The per capita rate is the same rate applied to all Villages, Townships in the general health district as well as for all cities that enter into a Public Health Services Agreement with the Board. The most recent ten (10) year census for population in the City dated April, 2010 is 19,212 residents. The current per capita rate established by the Board is \$4.74 per capita for calendar year 2019 and \$5.45 per capita for calendar year 2020. The total amount due based on the per capita rate will be Ninety One Thousand Sixty Five Dollars (\$91,065.00) for calendar year 2019 and be One Hundred Four Thousand Seven Hundred Five Dollars (\$104,705.00) for calendar year 2020. The Board reserves the right to change its per capita rate, as considered on an annual basis, based on current economic conditions and public health needs. In the event that the Board votes to make a change in the per capita rate, said change shall be limited to annual rates effective on January 1 for the following calendar year. The Board shall provide notice of the change in the per capita rate for the coming calendar year on or before October 31st of the current calendar year.
- (b) In consideration for the health services described in Exhibit A, which will be provided by the Board to and within the City, the City shall pay to the Board the total annual sum of Ninety One Thousand Sixty Five Dollars (\$91,065.00) for calendar year 2019 and the total annual sum of One Hundred Four Thousand Seven Hundred Five Dollars (\$104,705.00) for calendar year 2020. The City hereby directs the Fiscal Officer of Cuyahoga County to place to the credit of the Board and the Fiscal Office of Cuyahoga County is hereby authorized and directed to deduct the sum stated above in equal, semi-annual installments of Forty Five Thousand Five Hundred Thirty Two Dollars and Fifty Cents (\$45,532.50) from the regular property tax settlement to be made for said City for calendar year 2019 and Fifty Two Thousand Three Hundred Fifty Two Dollars and Fifty Cents (\$52,352.50) from the regular property tax settlement to be made for said City for calendar year 2020.

#### 4. RECORDS.

- (a) The Board shall maintain copies of all records created or received by the Board in the performance of the work under this Agreement as required by Ohio's public records law. Any records created or received as a part of this Agreement shall be made available to the City upon request subject to exceptions listed below.
- (b) Any non-private health information in confidential records or information in the records created by the Board or that come into the possession of the Board under this Agreement shall, if provided to the City, be kept confidential by the City.
- (c) The Board is prohibited by State and Federal law from sharing protected health information and said records will not be shared with the City unless there is compliance with the proper method for release of said information.

#### 5. REPORTS.

The Board shall provide semi-annual written reports to the City regarding the work conducted and services provided on behalf of the City under this Agreement. Such Reports shall be in a form as is provided to all political subdivisions for which the Board provides Agreement services.

#### 6. NO ASSIGNMENT, TRANSFER, OR SUBAGREEMENT.

In performing the services specified under the terms of this Agreement, the Board shall not assign, transfer, or delegate any of the work or services, nor subcontract the work out to any other entity, nor shall any subcontractor commence performance of any part of the work or services included in this Agreement, unless such subcontracting is specified in this Agreement or its Exhibits, or unless prior written consent is provided by the City.

#### 7. INDEPENDENT AGREEMENTOR.

- (a) The Board hereby acknowledges that it is an independent contractor and neither it nor its employees or agents are employees of the City. The Board shall be responsible for the payment or withholding of any federal, state or local taxes, including, but not limited to, income, unemployment, and workers' compensation for its employees, and the City will not provide, or contribute to any plan which provides for benefits, including but not limited to unemployment insurance, workers' compensation, retirement benefits, liability insurance or health insurance. All individuals employed by the Board provide personal services to the City are not public employees of the City under Ohio state law.
- (b) No agency, employment, joint venture or partnership has been or will be created between the parties pursuant to the terms and conditions of this Agreement. Inasmuch as the City is interested in the Board's end product, the City does not control the manner in which the Board performs this Agreement.

#### 8. NOTICES.

All notices, invoices and correspondence which may be necessary or proper for either party shall be addressed as follows:

**TO THE BOARD:**

Cuyahoga County District Board of Health  
Attention: Terry Allan, Health Commissioner  
5550 Venture Drive  
Parma Ohio 44130

**TO THE CITY:**

City of Brook Park  
Attention: Mayor Mike D. Gammella  
6161 Engle Road  
Brook Park, Ohio 44142

And

City of Brook Park  
Attention: Director of Law  
6161 Engle Road  
Brook Park, Ohio 44142

**9. EFFECT OF ELECTRONIC SIGNATURE**

By entering into this Agreement, the parties agree that this transaction may be conducted by electronic means, including, without limitation, that all documents requiring signatures by the parties may be executed by electronic means, and that the electronic signatures affixed by the authorized representatives of the parties shall have the same legal effect as if the signatures were manually affixed to a paper version of the documents. The parties also agree to be bound by the provisions of Chapter 1306 of the Ohio Revised Code as it pertains to electronic transactions.

**10. APPLICABLE LAW AND VENUE**

Any and all matters of dispute between the Parties to this Agreement whether arising from the Agreement itself or arising from alleged extra contractual facts prior to, during, or subsequent to the Agreement, including without limitation, fraud, misrepresentation, negligence, or any other alleged tort or violation of the Agreement, will be governed by, construed, and enforced in accordance with the Laws of the State of Ohio, without regard to the conflict of laws or the legal theory upon which such matter is asserted.

**11. SEVERABILITY.**

If any provision hereof shall be determined to be invalid or unenforceable, such determination shall not affect the validity of the other provisions of this Agreement. Moreover, any provisions that should survive the expiration or termination will survive the expiration or termination of this Agreement.

**12. AMENDMENT**

This Agreement shall not be modified except by the express written consent by both parties hereto.

**13. WAIVER.**

Waiver by either party or the failure by either party to claim a breach of any provision of this Agreement shall not be deemed to constitute a waiver or estoppel with respect to any subsequent breach of any provision hereof.

**14. FORCE MAJEURE.**

Neither party shall be liable for any delay or failure to perform any duty or obligation it may have pursuant to this Agreement where such delay or failure has been occasioned by any act of God, fire, strike, inevitable accident, war or any cause outside the party's reasonable control.

**15. COUNTERPARTS**

This Agreement may be executed in several counterparts, each of which shall be deemed to be an original copy, and all of which together shall constitute one Agreement binding on all parties hereto, notwithstanding that all the parties shall not have signed the same counterpart.

**16. ENTIRE AGREEMENT.**

This Agreement constitutes the entire agreement of the parties with respect to its subject matter, and supersedes all prior and contemporaneous agreements, representations or understandings, whether written or oral, as to the same.

IN WITNESS WHEREOF, the parties have executed this Agreement by their duly authorized representative to be effective as of the Effective Date as specified in Section 1 of this Agreement.

**FOR THE BOARD:**

Approved as to form.  
Cuyahoga County Board of Health  
Office of General Counsel

\_\_\_\_\_  
Mayor David Smith, President District  
Advisory Council

By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**FOR THE CITY:**

Approved as to form.

\_\_\_\_\_  
Mayor Mike D. Gammella

By: \_\_\_\_\_  
Director of Law

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT A**

**SCOPE OF WORK**

The General Health District of Cuyahoga County, Ohio, hereby agrees to provide health services for the **City of Brook Park** for the calendar years 2019 and 2020 as set forth below (“Services”).

- The Board shall have full authority to be and act as the public health authority for the City.
- The Services described in the schedule listed below in this Exhibit will be provided by the District Board of Health of Cuyahoga County (“Board”) to the City.
- The Services will include all necessary medical, nursing, sanitary, laboratory and such other health services as are required by the Statutes of the State of Ohio.
- Air pollution enforcement services, as described in Chapter 3704 of the Ohio Revised Code (“ORC”), will be conducted through the designated agent, the Cleveland Division of Air Pollution Control, not by the Board. This authorization is contingent upon renewal of the Agreement between the Ohio EPA and the City of Cleveland and satisfactory performance of the Agreement terms and conditions regarding air pollution control in Cuyahoga County. The Board of Health reserves the right to alter, modify or amend this Agreement provision with notice to the City.
- The following specific services shall be a part of the Services provided under this Agreement:

**List of Functions, Programs and Services**

<b>Animal Control and Shelter:</b>
Rabies Surveillance – Animal bite follow up
<b>Environmental Health - State Programs:</b>
Food Service Operation Licensing/ Inspection/Education
Retail Food Establishment Licensing & Inspection.
School Facilities Inspection
Smoke Free Workplace Enforcement
Public Swimming Pool & Spa Licensing & Inspection
Tattoo & Body Piercing Enforcement
Temporary Park Camp Licensing/Inspection/Enforcement
Clean Indoor Air Regulation - complaint based response
Home Day Care Inspections - USDA Inspections Only/Fee for Service
Nuisance & Vector Control
Residential Housing/Commercial Building Inspection - complaint based response
Solid Waste Enforcement
West Nile Virus Prevention/Mosquito Control
Animal Venue Licensing/Inspection/Enforcement
<b>Emergency Preparedness:</b>
Public Health Emergency Preparedness (PHEP)
Planning and Cities' Readiness Initiative activities
Emergency Management Committee - participation

Development of Local Emergency Response Plan - participation
Community Outreach and Education
Northeast Ohio Regional Public Health Partnership - participation
<b>Epidemiology, Surveillance, Investigation Services:</b>
Reportable Infectious Disease investigation and follow-up (excluding HIV/AIDS; STD; TB)
Disease Outbreak Management
Regional Infection Control Committee – participation
NEO Regional. Epidemiology Response Team – participation
Nursing Services:
<b>Health Promotion:</b>
First Aid/Communicable disease classes – fee for service
Cleveland Safe Kids Coalition - participation
<b>Immunization Program:</b>
Childhood and Adult Vaccine Administration Services - Fee for Service. Most insurance accepted, by appointment. Charges may be waived for inability to pay.
Seasonal Influenza vaccine clinics - Fee for Service, most insurance accepted.
Immunize Ohio- participation
<b>Jail Inmate Health Services:</b>
Jail Inspection - provided once annually
<b>Lead Poisoning Prevention:</b>
Pediatric blood lead testing - Fee for Service. Charges may be waived for inability to pay
Case management
Environmental Assessment - Limited fee for service
Community Education and Outreach
Greater Cleveland Healthy Homes Advisory Council
<b>Occupational Health:</b>
Immunizations and Tuberculosis screenings - Fee for Service
Bureau for Children with Medical Handicaps (BCMH) Public Health Nursing Services
<b>Administrative Services:</b>
Administration
Grant Writing & Management
Budget
Records Management
Accounts Payable, Accounts Receivable
Data Entry & Program Management
Reports - Financial & Statistical
Payroll

The Board maintains a range of grant funded programs for citizens throughout the County who are income qualified.

**THE BOARD RESERVES THE RIGHT TO AMEND THIS EXHIBIT AT ANYTIME PRIOR TO AUTHORIZATION OF THE CITY COUNCIL AND THE BOARD OF HEALTH ANNUALLY.**

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 36-2018

INTRODUCED BY: COUNCILMAN POINDEXTER

A RESOLUTION  
SUPPORTING POSTAL BANKING,  
AND DECLARING AN EMERGENCY

**WHEREAS**, an astounding one in four U.S. households (26.9%) is at least partially outside the financial mainstream, or underserved by traditional banks, according to a 2015 survey by the Federal Deposit Insurance Corporation; and

**WHEREAS**, those underserved by traditional banks must rely on high-cost and often predatory "alternative" financial services including payday loans and check-cashing services, resulting in underserved households with an average annual income of \$25,000 spending an average of \$2,400 per year on interest and fees; and

**WHEREAS**, access to financial services is key to ensuring economic and social opportunity for low-income Americans, a vital priority at a time of growing inequality in our nation; and

**WHEREAS**, large banks have closed branches in low-income communities); and

**WHEREAS**, the U.S. Postal Service operates more than 33,000 retail locations nationwide, many of which are located in "bank deserts" (59 percent of post offices are in zip codes with either zero banks or only one bank branch); and

**WHEREAS**, worldwide, 1.5 billion people receive some financial services through their postal service and the U.S. Post Office Department successfully offered financial services, including savings accounts, for more than 50 years from 1911-1967; and

**WHEREAS**, the Postal Service is consistently rated one of the most trusted institutions and enjoys a much higher level of confidence from the public than do banks and payday lenders; and

**WHEREAS**, the U.S. Postal Service Office of Inspector General asserts that the Postal Service can act now to provide consumers with affordable financial services, by expanding and enhancing services including money orders and international money transfers, and introducing new services such as check-cashing, bill pay, and no-fee ATMS, and can do so under current legal and regulatory authority and the Post Master General shall endorse postal banking; and

**WHEREAS**, the Union shall have a seat at the table during the negotiations of establishing the return of Postal Banking with the understanding that the staffing levels will be established to handle the demand, and all employees shall receive proper training;

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

**SECTION 1:** This Council hereby requests the USPS to provide consumers with additional and affordable financial services for postal banking.

**SECTION 2:** The Clerk of Council is hereby authorized and instructed to forward a certified copy of this Resolution to the following: U.S. Representative Marcy Kaptur, 2186 Rayburn Building, Washington, D.C. 20515, providing Brook Park, Ohio will receive high priority in the return of our post office.

**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 urge the U.S. Postal Service to expand their financial services; 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: \_\_\_\_\_

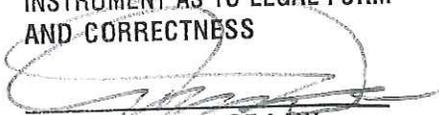
\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
Clerk of Council

APPROVED: \_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE

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

  
\_\_\_\_\_  
DIRECTOR OF LAW

P/C  
Caucus 11/13/18  
1<sup>st</sup> R 11/20/18  
2<sup>nd</sup> R  
3<sup>rd</sup> R  
B/C

CITY OF BROOK PARK, OHIO

RESOLUTION NO.

37-2018

INTRODUCED BY:

MAYOR GAMMELLA

A RESOLUTION

AUTHORIZING THE MAYOR TO FILE AN APPLICATION WITH  
THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR A  
COMMUNITY DEVELOPMENT SUPPLEMENTAL GRANT PROGRAM,  
AND DECLARING AN EMERGENCY.

WHEREAS, Community Development Supplemental Block Grant (CDSG) funds are now available and the City desires to make application for such funding for the Sheldon Road Resurfacing Program from East of Eastland Road to Engle Road; and

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

**SECTION 1:** That the Council of the City of Brook Park, hereby authorizes the Mayor to seek an application for a Community Development Supplemental Block Grant (CDSG) of \$50,000 for the Sheldon Road Resurfacing Project.

**SECTION 2:** 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 3:** 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 further reason to authorize the Mayor to file an application with the Cuyahoga County Department of Development for a supplemental block grant; therefore, this Resolution 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

P/C 11/7/18 Finance  
Caucus 11/13/18  
1<sup>st</sup> R 11/20/18  
2<sup>nd</sup> R  
3<sup>rd</sup> R  
B/C

RESOLUTION NO. 38-2018

INTRODUCED BY: MAYOR GAMMELLA +clw

A RESOLUTION  
REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE  
TAX REVENUES FROM THE PROCEEDS OF TAX LEVIES  
PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE,  
AND DECLARING AN EMERGENCY

WHEREAS, Section 321.34 of the Ohio Revised Code provides that any money in the County Treasury to the account of the City of Brook Park, and lawfully applicable to the purpose of the current fiscal year, may be drawn upon by request of the City; and

WHEREAS, the City's Finance Director has recommended that the City be authorized to receive advances of real property tax revenues and special assessment revenues collected in 2019, as reflected in the attached tax advance schedule from the Finance Director.

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

**SECTION 1:** The Cuyahoga County Fiscal Officer be and is hereby requested to draw these warrants, and the Treasurer of said County be and is hereby requested to pay the City of Brook Park any money in the County Treasury to the account of the City of Brook Park and lawfully applicable to the purpose of the fiscal year, including all amounts to be distributed for real property advances and special assessment funds, specifically fund numbers M321798A and M521799.

**SECTION 2:** The Clerk of Council is hereby authorized to furnish a certified copy of this Resolution to the Cuyahoga County Budget Commission, 2079 East Ninth Street, Cleveland, OH 44115.

**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 further reason that it is necessary to provide for the payment to the City of taxes collected by the County at the earliest possible time; therefore, this Resolution shall take effect and be in force from and after the earliest time 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

**Cuyahoga County Budget Commission**

**Real Property  
Tax Advance Schedule  
Calendar Year 2019**

**Real property**

**1st Half Collection Closing Date** **1/24/2019**

First Half Advance #1 Deposit Date 1/15/2019

First Half Advance #2 Deposit Date 2/15/2019

**2nd Half Collection Closing Date** **7/11/2019**

Last Half Special Tax Advance #1 Deposit Date 5/15/2019

Last Half Advance #2 Deposit Date 7/15/2019

**Important:**

**Taxing authorities wishing to receive tax advances in 2019 must submit a resolution to the County Budget Commission by 12/31/2018.**

P/C 4/18/17 Recreation  
Cau 4/25/17  
1<sup>st</sup> R 5/2/17  
2<sup>nd</sup> R 5/16/17  
3<sup>rd</sup> R 6/6/17  
B/C 6/6/17  
Cau 5/9/17 - Discussion  
Cau 5/23/17 - Discussion  
B/C 5/23/17  
Cau 10/10/17  
B/C 10/10/17  
3<sup>rd</sup> R 11/20/18

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10079-2017

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE

AUTHORIZING AND APPROVING THE MAYOR TO ENTER INTO  
A CONTRACT WITH ENDLESS POOLS AND RADIANT HEAT SYSTEMS  
FOR THE PURCHASE AND INSTALLATION OF TWO (2) DUAL  
PROPULSION ENDLESS POOLS AND SYSTEMS  
WITHOUT PUBLIC BIDDING, AND DECLARING AN EMERGENCY

WHEREAS, Council deems it necessary for the City to enter into a contract with a specialist in order to provide for the purchase and installation of two (2) dual propulsion endless pools at the John A. Poloyne Community Center; and

WHEREAS, said services are of such a highly specialized nature, requiring the exercise of peculiar skill and aptitude, that said contract is properly deemed excepted from the bidding requirements ordinarily associated with the letting of public contracts; and

WHEREAS, Endless Pools at 1601 Dutton Mill Road, Aston, PA 19014 is a sole source patented provider for commercial dual propulsion endless pools; and

WHEREAS, Radiant Heat Systems, P.O. Box 1128, Mount Vernon, Ohio 43050 is the certified factory installation contractor for Endless Pools for our region; and

WHEREAS, the purchase and installation of this dual propulsion pools will enhance the physical and well being and enjoyment of our citizens; and

WHEREAS, the Mayor and City Council is desirous of proceeding to make these improvements to our Recreation Center;

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

SECTION 1: That the Mayor is hereby authorized and directed to enter into a contract with Endless Pools and Radiant Heat Systems for the purchase and installation of two (2) dual propulsion pools at the John A. Poloyne Community Center.

SECTION 2: That the funds for the purpose of the aforesaid expenditure have been appropriated or to be appropriated and shall be paid from the Special Recreation Fund No. 250, Public Recreation Fund No. 343 and Equipment Fund No. 552 an amount not to exceed the amount of \$180,000.

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 Council deems it necessary for the Mayor to enter into said contract with Endless Pools and Radiant Heat Systems, without undue delay; 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.

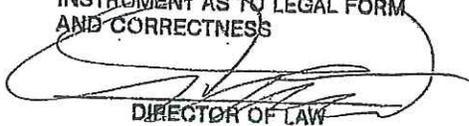
PASSED: \_\_\_\_\_

\_\_\_\_\_  
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

Endless Pools  
1601 Dutton Mill Road  
Aston, PA 19014



Voice: (800) 732-8660  
Fax: (610) 497-9328

Quotation

Printed on: 04/26/2017

Ship Date: N/A

City Of Brook Park (Pool #2) (Thomas Coyne)  
6161 Engle Rd  
Brookpark, OH, 44142-2197, USA

Account Number: 2372177

Full Payment Due Within  
10 Days of Finalizing Your Order

Pool Configuration

Commercial Dual Propulsion Endless Pool	\$48,900.00
Commercial Grade Water Quality System	
Chemical Feeder	
High Efficiency Water Circulation Pump	
Electric Heater 4Kw/Controller with Deck Mount Display	
NSF Listed Automatic Surface Skimmer with Float Valve, Equalizer Valve and line & VGB 2008	
Compliant 3.75" dia. Suction Cover	
NSF Listed 75 sf Cartridge Filter	
UL Listed In-Line UV Sanitation System	
Horizontal Clamp-On/Insertion Mount In-Line Flow Meter	
Heavy Duty 60 mil Welded Membrane	
60HZ Power	
3 Phase Power	\$500.00
Low Voltage (190/208/230)	
Width:15 Ft (4.57m) Inside Dimension	\$1,700.00
Length:15 Ft (4.57m) Inside Dimension	\$850.00
54" (51" water depth)	\$2,375.00
Base:Tension Straps with Leveling System	\$200.00
Interior Stairs (3 Tread) (Rear Right)	\$450.00
12 Inch Bench Riser	\$300.00
Skirting Type: Provided Locally	
Bullnose Coping System	\$400.00
Sapphire Return Channels	
Manual Retractable Security Cover (Color: Light Blue)	\$1,395.00
Pool Location:Indoor	
Cover Mounting Option:Mount on Coping, Skirting, or Other	
Commercial Hydraulic Treadmill	\$9,000.00
Treadmill Pace Display	\$295.00
Hand Rail	\$180.00
2 - Underwater Swim Mirror	\$300.00
2 - Floor Mirror	\$990.00
2 - Digital Swim Pace Display	\$590.00
Main Drains, Wall Mounted (low on panel, beneath underwater return channels), qty ___	\$200.00
Sub-Total:	\$68,625.00
Limited Time Treadmill Discount	\$-3,000.00
Sub-Total:	\$65,625.00
Repeat Customer Discount - 10% off the total purchase price.	\$-6,562.50
Pre-Tax Total:	\$59,062.50

2  
Sales Tax: (excludes shipping charges) (EXEMPT) \$0.00

Grand Total \$59,062.50

Please remit payment to Endless Pools at 1601 Dutton Mill Rd. Aston PA 19014

The following is the consumption of energy used to operate each pool. Please keep in mind your rates may vary between single phase power and 3 phase power. The 3 phase power costs should be much less than the single phase. There are variables as far as the room temperature and water temperature. The warmer the air the less the pool works to keep the water heated.

Qty3 - 5.0 hp Hydraulic Power Units (two for Swim Current, one for Treadmill), each can consume ~15 A @ Three Phase 208 V  
5 hp appx ~ 3.7 kW  
Say under busy conditions 3 hrs / day for each Hydraulic Power Unit, so 9 hrs \* 3.7 kW = 33 kWh / day, and with 25 days / month of use = 830 kWh / month

Qty1 - 1.0 hp Water Circulation Pump, consumes ~ 5 A @ Three Phase 208 V  
Qty1 - 6 kW Electric Heater, consumes ~17 A @ Three Phase 208 V  
1.0 hp appx ~0.75 kW  
Pump runs 24 hrs/day \* 30 days/month = 720 hrs / month \* 0.75 kW = 540 kWh / month  
6 kW heater runs maybe 8 hrs / day \* 30 days/month = 1440 kWh / month

So you have 830 kWh + 540 kWh + 1440 kWh = appx 2800 kWh / month per pool. Likely crunches out to a couple hundred dollars / month for each pool.

Per Finance from Electric Company

2800kWh x .0614 = \$171.92 x 2 pools = \$343.84 a month for both pools  
\$4,126.08 a year

2800kWh x .11569 = \$323.93 x 2 pools = \$647.86 a month for both pools-  
All in cost for all fees and charges  
\$7,774.32 a year

17 MAY 16 PM 5:37:16

P/C 9/11/18 Safety  
Caucus 9/11/18  
Caucus Prior 9/18/18  
1<sup>st</sup> R 9/18/18  
2<sup>nd</sup> R 10/2/18  
3<sup>rd</sup> R 11/20/18  
B/C 10/2/18  
Caucus Prior 10/16/18  
B/C 10/16/18

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11040-2018

INTRODUCED BY: COUNCIL PRESIDENT VECCHIO, *clw, Macke Gammella*

AN ORDINANCE

ENACTING SECTION 533.25 OF THE BROOK PARK CODIFIED ORDINANCES  
ENTITLED 'SEX OFFENDER RESIDENCY PROHIBITION'  
AND DECLARING AN EMERGENCY

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

SECTION 1: Section 533.25 of the Brook Park Codified Ordinances, entitled 'Sex Offender Residency Prohibition' is hereby enacted to read as follows:

**533.25**

(a) It is unlawful for a child-victim sex offender who is required to register with the County Sheriff as a sexual offender to reside within one thousand (1,000) feet of a public park, school premises, municipally owned recreation facility, preschool or commercial child day-care center premises.

(b) Any person who violates this provision is herein guilty of a misdemeanor of the first degree and shall be punished as provided in Sections 501.99 and 503.99 of the Codified Ordinances.

(c) Nothing in this section shall prevent the Director of Law or Prosecutor from taking action against a person convicted of a sexually oriented offense who is required to register as a sexual offender as provided in Ohio R.C. 2950.034.

(d) The City of Brook Park adopts the provisions of the law of Ohio now or hereafter in effect concerning the definition, determination, registration or classification of a person who has been convicted of, is convicted of, has plead guilty to either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and has been classified as a sexual predator.

(e) Council finds that because children are especially vulnerable to being victims of sexually abusive behavior, kidnapping, and abduction, and are likely to present a significant amount of time on or near school premises, daycares, public parks,

municipally owned recreation facility and libraries, that certain persons who have been convicted of or have plead guilty to a sexually oriented offense or a child-victim offense and classified as a sexual predator must not establish a residence or occupy residential premises within 1,000 feet of any school premises, daycare, library, or preschool.

(f) Council adopts the determinations and intent of the Ohio General Assembly as articulated in O.R.C. 2950.02.

(g) This section applies to any person registering on or after the effective date of this legislation.

**SECTION 2:** 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 3:** 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 to enact Section 533.25 of the Brook Park Codified Ordinances; 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.

PASSED: \_\_\_\_\_

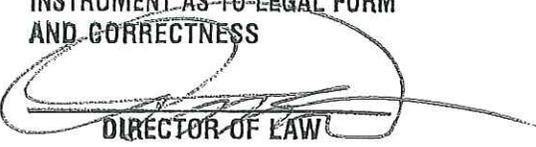
\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

APPROVED: \_\_\_\_\_  
MAYOR

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

\_\_\_\_\_  
DATE

  
DIRECTOR OF LAW