

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, APRIL 16, 2019
7:30 P.M.**

A. ROLL CALL OF MEMBERS

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. SPECIAL CAUCUS MEETING HELD ON MARCH 26, 2019.
2. SPECIAL COUNCIL MEETING HELD ON MARCH 26, 2019.
3. CAUCUS PRIOR TO MEETING HELD ON APRIL 2, 2019.
4. REGULAR COUNCIL MEETING HELD ON APRIL 2, 2019

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:

1. A PROCLAMATION HONORING THE 5TH - 6TH GRADE GIRLS BASKETBALL LEAGUE CHAMPIONS 'THUNDER'.
2. A PROCLAMATION HONORING THE 1ST - 2ND GRADE COED BASKETBALL LEAGUE CO-CHAMPIONS 'HEAT'.
3. A PROCLAMATION HONORING THE 1ST - 2ND GRADE COED BASKETBALL LEAGUE CO-CHAMPIONS 'CELTICS'.
4. A PROCLAMATION HONORING THE 3RD - 4TH GRADE BOYS BASKETBALL LEAGUE CHAMPIONS 'CLIPPERS'.
5. A PROCLAMATION HONORING THE 5TH - 6TH GRADE BOYS BASKETBALL LEAGUE CHAMPIONS 'MAGIC'.
6. A PROCLAMATION HONORING THE 10TH - 12TH GRADE BOYS BASKETBALL LEAGUE CHAMPIONS 'TARHEELS'.

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):

1. CORRESPONDENCE RECEIVED FROM RESIDENT ON APRIL 12, 2019.

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. 11077-2019, AMENDING CHAPTERS 1803 AND 1806 OF THE BROOK PARK CODIFIED ORDINANCES AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
2. ORDINANCE NO. 11078-2019, AUTHORIZING THE DEMOLITION OF THE FORMER BROOK PARK CITY HALL AND COUNCIL CHAMBER BUILDINGS AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
3. RESOLUTION NO. 7-2019, HONORING EXPRESS DELI AND BEVERAGE FOR MAKING YELP'S TOP 100 LIST OF BEST PLACES TO EAT IN THE ENTIRE COUNTRY AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore, Council as a Whole and Mayor Gammella.
4. RESOLUTION NO. 8-2019, HONORING MIDPARK HIGH SCHOOL CLASS REUNION COMMITTEE OF 1968 ON THEIR 50TH YEAR REUNION AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore, Council as a Whole and Mayor Gammella.
5. RESOLUTION NO. 9-2019, URGING THE UNITED STATES CONGRESS TO NEGOTIATE LOWER DRUG PRICES AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore, Council as a Whole and Mayor Gammella.
10. RESOLUTION NO. 10-2019, AUTHORIZING THE MAYOR TO PARTICIPATE IN THE ODOT CONTRACT FOR ROAD SALT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
11. RESOLUTION NO. 11-2019, DEDICATING THE BROOK PARK 2019 SOFTBALL SEASON IN HONOR AND REMEMBRANCE OF KHLOE NIDA AND DECLARING AN EMERGENCY. Introduced by Councilman Salvatore, Council as a Whole and Mayor Gammella.

N. SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. RESOLUTION NO. 6-2019, PROCLAIMING JUNE 8, 2019 AS 'GLOBAL WELLNESS DAY' IN BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Councilman Orcutt, Council as a Whole and Mayor Gammella.

O. THIRD READING OF ORDINANCES AND RESOLUTIONS:

P. ADJOURNMENT:

**SYNOPSIS OF ORDINANCES AND RESOLUTIONS
FOR THE COUNCIL MEETING OF APRIL 16, 2019**

FIRST READING:

- Res. No. 7-2019 A RESOLUTION HONORING EXPRESS DELI AND BEVERAGE, FOR MAKING YELP'S TOP 10 LIST OF BEST PLACES TO EAT IN THE ENTIRE COUNTRY, AND DECLARING AN EMERGENCY.
- SYNOPSIS: A resolution honoring Express Deli and Beverage on being chosen as one of Yelp's Top 100 Best Places to Eat in the entire county.
- Res. No. 8-2019 A RESOLUTION HONORING MIDPARK HIGH SCHOOL CLASS REUNION COMMITTEE OF 1968 ON THEIR 50TH YEAR REUNION, AND DECLARING AN EMERGENCY.
- SYNOPSIS: A resolution honoring and commending the Midpark Class Reunion Committee of 1968 on creating one of the most memorable class reunions, and congratulating them on their 50th Reunion.
- Res. No. 9-2019 A RESOLUTION URGING THE UNITED STATES CONGRESS TO NEGOTIATE LOWER DRUG PRICES, AND DECLARING AN EMERGENCY.
- SYNOPSIS: A resolution urging congress to require drug companies to make their prices more affordable for everyone.
- Res. No. 10-2019 A RESOLUTION AUTHORIZING THE MAYOR TO PARTICIPATE IN THE ODOT CONTRACT FOR ROAD SALT, AND DECLARING AN EMERGENCY.
- SYNOPSIS: A resolution authorizing the Mayor to participate in the ODOT Salt Contract for the Fall of 2019 and Spring of 2020.
- Res. No. 11-2019 A RESOLUTION DEDICATING THE BROOK PARK 2019 SOFTBALL SEASON IN HONOR AND REMEMBRANCE OF KHLOE NIDA, AND DECLARING AN EMERGENCY.
- SYNOPSIS: A resolution dedicating this year's 2019 softball season in Brook Park in the memory of Khloe Nida for her love of softball.

Ord. No. 11077-2019 AN ORDINANCE AMENDING CHAPTERS 1803 AND 1806 OF THE BROOK PARK CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance amending Chapter 1803 and Chapter 1806 of our Taxation Code to be in compliance with the provisions and limitations specified in O.R.C. Chapter 718.

Ord. No. 11078-2019 AN ORDINANCE AUTHORIZING THE DEMOLITION OF THE FORMER BROOK PARK CITY HALL AND COUNCIL CHAMBER BUILDINGS, AND DECLARING AN EMERGENCY.

SYNOPSIS: An Ordinance authorizing and approving the demolition of the former Brook Park City Hall and Council Chamber buildings.

SECOND READING:

Res. No. 6-2019 A RESOLUTION PROCLAIMING JUNE 8, 2019 AS 'GLOBAL WELLNESS DAY,' IN BROOK PARK, AND DECLARING AN EMERGENCY.

SYNOPSIS: A resolution promoting Global Wellness Day on June 8, 2019 and encouraging residents to practice a healthier life style throughout the year as well.

**PREPARED BY THE BROOK PARK LEGAL DEPARTMENT
April 11, 2019**

P/C 2/19/19 Legislative
Caucus 4/9/19
1st R 4/16/19
2nd R
3rd R
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11077-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AMENDING CHAPTERS 1803, AND 1806,
OF THE BROOK PARK CODIFIED ORDINANCES
AND DECLARING AN EMERGENCY

WHEREAS, through Ohio H.B. 49, updates have been made to the Municipal Income Tax by the Ohio General Assembly since Ohio H.B. 5 was passed; and

WHEREAS, upon a detailed review of Ohio H.B. 49, this Ordinance is found and determined by this Council to enact the amendments required to be in accord with the provisions and limitations specified in Chapter 718 of the Ohio Revised Code;

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

SECTION 1: Section 1803.035 of the Codified Ordinances of the City of Brook Park is hereby amended to read as follows:

1803.35 QUALIFYING WAGES.

"Qualifying wages" means wages, as defined in Section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

(a) Deduct the following amounts:

(1) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in Section 125 of the Internal Revenue Code.

(2) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.

(b) Add the following amounts:

(1) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.

(2) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not exempted the amount from withholding and tax adopted before January 1, 2016. Division

(b) (2) of this section applies only to those amounts constituting ordinary income.

(3) Any amount not included in wages if the amount is an amount described in Section 401(k), 403(b), or 457 or other similar plans of the Internal Revenue Code. Division (b) (3) of this section applies only to employee contributions and employee deferrals.

(4) Any amount that is supplemental unemployment compensation benefits described in Section 3402(o) (2) of the Internal Revenue Code and not included in wages.

(5) Any amount received that is treated as self-employment income for federal tax purposes in accordance with Section 1402(a) (8) of the Internal Revenue Code.

(6) Any amount not included in wages if all of the following apply:

A. For the taxable year the amount is employee compensation that is earned outside of the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under Section 911 of the Internal Revenue Code;

B. For no preceding taxable year did the amount constitute wages as defined in section 3121(a) of the Internal Revenue Code;

C. For no succeeding taxable year will the amount constitute wages; and

D. For any taxable year the amount has not otherwise been added to wages pursuant to either division (b) of this section or R.C. § 718.03, as that section existed before the effective date of H.B. 5 of the 130th general assembly, March 23, 2015.

SECTION 2. Existing Section 1803.35 of the City's Codified Ordinances and all other Ordinances inconsistent herewith are hereby repealed.

SECTION 3: Section 1806.02 of the Codified Ordinances of the City of Brook Park is hereby amended to read as follows:

**1806.02 NET PROFIT; INCOME SUBJECT TO NET PROFIT TAX;
ALTERNATIVE APPORTIONMENT.**

This section applies to any taxpayer engaged in a business or profession in the Municipality unless the taxpayer is an individual who resides in the Municipality or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under R.C. Chapter 5745.

(a) Net profit from a business or profession conducted both within and without the boundaries of the Municipality shall be considered as having a taxable situs in the Municipality for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the

business or profession in the Municipality during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated. As used in this paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the Municipality or wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under Section 1805.02;

(3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the Municipality to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.

(b) (1) If the apportionment factors described in division (a) of this section do not fairly represent the extent of a taxpayer's business activity in the Municipality, the taxpayer may request, or the Tax Director of the Municipality may require, that the taxpayer use, with respect to all or any portion of the income of the taxpayer, an alternative apportionment method involving one or more of the following:

- A. Separate accounting;
- B. The exclusion of one or more of the factors;
- C. The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the Municipality;
- D. A modification of one or more of the factors.

(2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the Tax Director denies the request in an assessment issued within the period prescribed by Section 1819.01(a).

(3) The Tax Director may require a taxpayer to use an alternative apportionment method as described in division (b)(1) of this section only by issuing an assessment to the taxpayer within the period prescribed by Section 1819.01(a).

(4) Nothing in division (b) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by the Tax Director or otherwise agreed upon by both the Tax Director and taxpayer before January 1, 2016.

(c) As used in division (a)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

A. The employer;

B. A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

C. A vendor, customer, client, or patient of a person described in division (c)(1)B. of this chapter, or a related member of such a vendor, customer, client, or patient.

(2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(3) Any other location, if the Tax Director determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (c)(1) or (c)(2) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the Tax Director makes such a determination, the employer may dispute the determination by establishing, by a preponderance of the evidence, that the Tax Director's determination was unreasonable.

(d) For the purposes of division (a)(3) of this section, receipts from sales and rentals made and services performed shall be sited to the municipality as follows:

(1) Gross receipts from the sale of tangible personal property shall be sited to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in a municipal corporation if, regardless of where title passes, the property meets any of the following criteria:

A. The property is shipped to or delivered within the municipal corporation from a stock of goods located within the municipal corporation.

B. The property is delivered within the municipal corporation from a location outside the municipal corporation, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within such municipal corporation and the sales result from such solicitation or promotion.

~~C. The property is shipped from a place within the municipal corporation to purchasers outside the municipal corporation, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.~~

(2) Gross receipts from the sale of services shall be sited to the municipal corporation to the extent that such services are performed in the municipal corporation.

(3) To the extent included in income, gross receipts from the sale of real property located in the municipal corporation shall be sited to the municipal corporation.

(4) To the extent included in income, gross receipts from rents and royalties from real property located in the municipal corporation shall be situated to the municipal corporation.

(5) Gross receipts from rents and royalties from tangible personal property shall be situated to the municipal corporation based upon the extent to which the tangible personal property is used in the municipal corporation.

(e) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual or by a disregarded entity owned by the individual is subject to tax only by the municipal corporation in which the property generating the net profit is located and the municipal corporation in which the individual taxpayer that receives the net profit resides. A municipal corporation will allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated in this Division to the municipal corporation in which the property is located.

(f) (1) Except as provided in division (f)(2) of this section, commissions received by a real estate agent or broker relating to the sale, purchase, or lease of real estate are situated to the municipal corporation in which the real estate is located. Net profit reported by the real estate agent or broker shall be allocated to a municipal corporation based upon the ratio of the commissions the agent or broker received from the sale, purchase, or lease of real estate located in the municipal corporation to the commissions received from the sale, purchase, or lease of real estate everywhere in the taxable year.

(2) An individual who is a resident of a municipal corporation shall report the individual's net profit from all real estate activity on the individual's annual tax return for that municipal corporation. Such an individual may claim a credit for taxes the individual paid on such net profit to another municipal corporation to the extent that such credit is allowed under Section 1808.01.

(g) If, in computing a taxpayer's adjusted federal taxable income, the taxpayer deducted any amount with respect to a stock option granted to an employee, the taxpayer shall add the amount that is exempt from taxation to the taxpayer's net profit that was apportioned to that municipal corporation. In no case shall a taxpayer be required to add to its net profit that was apportioned to the Municipality any amount other than the amount upon which the employee would be required to pay tax were the amount related to the stock option not exempted from taxation. This division applies solely for the purpose of making an adjustment to the amount of a taxpayer's net profit that was apportioned to the Municipality under this section.

(h) When calculating the ratios described in division (a) of this section for the purposes of that division or division (b) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

SECTION 4. Existing Section 1806.02 of the City's Codified Ordinances and all other Ordinances inconsistent herewith are hereby repealed.

SECTION 5. Section 1806.06 of the Codified Ordinances of the City of Brook Park is hereby enacted to read as follows:

1806.06 ELECTION BY A NET PROFIT TAXPAYER TO BE SUBJECT TO THE PROVISIONS OF OHIO REVISED CODE CHAPTER 718

This section applies to any taxpayer, not an individual, engaged in a business or profession in the Municipality and electing to be subject to Sections 718.80 through 718.95 of the Ohio Revised Code, applicable for tax years beginning on or after January 1, 2018, pursuant to the language enacted by the Ohio Legislature during the 132nd General Assembly in the form of Am. Sub House Bill 49, which required municipal corporations to conform to and adopt the provisions of Ohio Revised Code Chapter 718 in order to retain the authority to impose, enforce, administer and collect a municipal income tax.

(A) A taxpayer may elect to be subject to sections 718.80 to 718.95 of the Revised Code in lieu of the provisions set forth in the remainder of Ohio Revised Code Chapter 718.

Notwithstanding any other provision of Chapter 718, upon the taxpayer's election, both of the following shall apply:

(1) The tax commissioner shall serve as the sole administrator of the municipal income tax for which the taxpayer is liable for the term of the election;

(2) The commissioner shall administer the tax pursuant to sections 718.80 to 718.95 of the Revised Code and any applicable provision of Chapter 5703. of the Revised Code.

(B) (1) A taxpayer shall make the initial election on or before the first day of the third month after the beginning of the taxpayer's taxable year by notifying the tax commissioner and each municipal corporation in which the taxpayer conducted business during the previous taxable year, on a form prescribed by the tax commissioner.

(2) (a) The election, once made by the taxpayer, applies to the taxable year in which the election is made and to each subsequent taxable year until the taxpayer notifies the tax commissioner and each municipal corporation in which the taxpayer conducted business during the previous taxable year of

its termination of the election.

(b) A notification of termination shall be made, on a form prescribed by the tax commissioner, on or before the first day of the third month of any taxable year.

(c) Upon a timely and valid termination of the election, the taxpayer is no longer subject to sections 718.80 to 718.95 of the Revised Code, and is instead subject to the provisions set forth in the remainder of this chapter.

(C) (1) (a) On or before the thirty-first day of January each year, the municipal corporation shall certify to the tax commissioner the rate of the tax in effect on the first day of January of that year.

(b) If, after the thirty-first day of January of any year, the electors of the municipal corporation approve an increase in the rate of the municipal corporation's tax on income that takes effect within that year, the municipal corporation shall certify to the tax commissioner the new rate of tax not less than sixty days before the effective date of the increase, after which effective date the commissioner shall apply the increased rate.

(2) The municipal corporation, within ninety days of receiving a taxpayer's notification of election under division (B) of this section, shall submit to the tax commissioner, on a form prescribed by the tax commissioner, the following information regarding the taxpayer:

(a) The amount of any net operating loss that the taxpayer is entitled to carry forward to a future tax year;

(b) The amount of any net operating loss carryforward utilized by the taxpayer in prior years;

(c) Any credits granted by the municipal corporation to which the taxpayer is entitled, the amount of such credits, whether the credits may be carried forward to future tax years, and, if the credits may be carried forward, the duration of any such carryforward;

(d) Any overpayments of tax that the taxpayer has elected to carry forward to a subsequent tax year;

(e) Any other information the municipal corporation deems relevant in order to effectuate the tax commissioner's efficient administration of the tax on the municipal corporation's behalf.

(3) If the municipal corporation fails to timely comply with divisions (C) (1) and (2) of this section, the tax commissioner shall notify the director of budget and management, who, upon receiving such notification, shall withhold from each payment made to the municipal corporation under section 718.83 of the Revised Code fifty per cent of the amount of the payment otherwise due to the

municipal corporation under that section. The director shall compute the withholding on the basis of the tax rate most recently certified to the tax commissioner until the municipal corporation complies with divisions (C) (1) and (2) of this section.

(D) The tax commissioner shall enforce and administer sections 718.80 to 718.95 of the Revised Code. In addition to any other powers conferred upon the tax commissioner by law, the tax commissioner may:

(1) Prescribe all forms necessary to administer those sections;

(2) Adopt such rules as the tax commissioner finds necessary to carry out those sections;

(3) Appoint and employ such personnel as are necessary to carry out the duties imposed upon the tax commissioner by those sections.

(E) No tax administrator shall utilize sections 718.81 to 718.95 of the Revised Code in the administrator's administration of a municipal income tax, and those sections shall not be applied to any taxpayer that has not made the election under this section.

(F) Nothing in this chapter shall be construed to make any section of Chapter 718, other than sections 718.01 and 718.80 to 718.95 of the Revised Code, applicable to the tax commissioner's administration of a municipal income tax or to any taxpayer that has made the election under this section.

(G) The tax commissioner shall not be considered a tax administrator, as that term is defined in section 718.01 of the Revised Code.

SECTION 6. 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 meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7: 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 amend chapter 1803, and 1806, of our codified ordinances; 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.

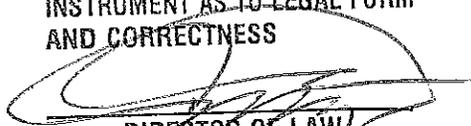
PASSED: _____

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

P/C _____
CA 4-9-19
1st R 4-16-19
2nd R _____
3rd R _____
C.O. _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11078-2019

INTRODUCED BY: COUNCIL AS A WHOLE

AN ORDINANCE
AUTHORIZING THE DEMOLITION OF THE FORMER BROOK PARK
CITY HALL AND COUNCIL CHAMBER BUILDINGS,
AND DECLARING AN EMERGENCY

WHEREAS, the administration has determined that the former City Hall and adjacent Council Chamber Buildings located at 6161 Engle Road, Brook Park, Ohio are no longer in use by the City; and

WHEREAS, it has been determined that it would be best if the former City Hall and Council Chamber Buildings, Permanent Parcel No. 343-16-001A be demolished; and

WHEREAS, the Planning Commission has approved the demolition of the former City Hall and Council Chamber Buildings at a hearing on April 1, 2019; and

WHEREAS, the City of Brook Park will receive grant money from the Cuyahoga County Department of Development Demolition Program for both buildings; and

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

SECTION 1: The Council for the City of Brook Park authorizes the approval for the demolition of the former City Hall and Council Chamber Buildings, Permanent Parcel No. 343-16-001A.

SECTION 2: The money needed for the aforesaid transaction shall be paid from funds theretofore appropriated for said purposes, pursuant to the Cuyahoga County Department of Development Demolition Program.

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 for the demolition of both the former City Hall and Council Chamber buildings; 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

RESOLUTION NO. 7-2019

INTRODUCED BY: COUNCILMAN SALVATORE, *clw + MAYOR GANNELLA*

A RESOLUTION
HONORING EXPRESS DELI AND BEVERAGE,
FOR MAKING YELP'S TOP 100 LIST OF BEST PLACES TO EAT IN THE
ENTIRE COUNTRY,
AND DECLARING AN EMERGENCY

WHEREAS, Express Deli and Beverage, which is part of a shopping plaza on Smith Road, is owned by the Aboukhaled family, originally from Lebanon.

WHEREAS, Pierre Aboukhaled, once an electrical engineer, purchased the deli two decades ago.

WHEREAS, Express Deli and Beverage is a neighborhood staple in the community and has one of the very few convenience store dining rooms in the region.

WHEREAS, Express Deli and Beverage is a 20-year-old family business that strives to make the lives of its customers just a little bit better.

WHEREAS, Express Deli and Beverage was named to Yelp's Top 100 List of Best Places to Eat in the entire country and we are proud and happy to have them in our City;

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 commend Express Deli and Beverage, for making Yelp's Top 100 List of Best Places to Eat in the Entire Country.

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

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 Express Deli and Beverage, for making Yelp's Top 100 List of Best Places to Eat in the Entire Country 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

P/C 3/19/19 Legislative
Caucus Prior 4/2/19
1st R 4/16/19
2nd R
3rd R
B/C

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 8-2019

INTRODUCED BY: COUNCILMAN SALVATORE, *C/W + MAYOR GAMMELLA*

A RESOLUTION

HONORING MIDPARK HIGH SCHOOL CLASS REUNION COMMITTEE OF 1968
ON THEIR 50TH YEAR REUNION,
AND DECLARING AN EMERGENCY

WHEREAS, Midpark High School Class of 1968 celebrated their 50th Year Reunion during an event that was filled with many good times and friendships shared from September 7, 2018 through September 9, 2018.

WHEREAS, the 50th Year Class Reunion took place on Saturday, September 8, 2018 at Middleburg Heights Recreation Center; and

WHEREAS, Midpark High School Class of 1968 have over 200 people who currently live in Ohio, 28 different states, one from Hawaii, and one from France; and

WHEREAS, Midpark High School Class of 1968 Reunion Committee consisted of Cheryl Stein Earle, Joe Crea, Linda VanDuyn, Sharon Christian Cwalinski, Pam Schirra Giguere, Dave DiBello, Ken Manoni and John Grech; and

WHEREAS, this class Reunion Committee was so successful, that they are now planning their 70th Birthday Bash as all members will reach the milestone in 2020;

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 the Midpark Class Reunion Committee of 1968 on creating one of the most memorable class reunions.

SECTION 2: The Clerk of Council is hereby directed to forward a certified copy of this Resolution to Midpark High School.

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 preparation and celebration of the 50th year Class Reunion of Midpark High School; 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

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



DIRECTOR OF LAW

DATE

CITY OF BROOK PARK, OHIO

P/C 3/19/19 Legislative
Caucus Prior 4/2/19
1st R 4/16/19
2nd R
3rd R
B/C

RESOLUTION NO.

9-2019

INTRODUCED BY:

COUNCILMAN SALVATORE

CLW + MAYOR GAMMELLA

A RESOLUTION
URGING THE UNITED STATES CONGRESS TO
NEGOTIATE LOWER DRUG PRICES,
AND DECLARING AN EMERGENCY

WHEREAS, high prices of drugs affect all Americans by raising taxes, premiums and out-of-pocket costs for everyone; and

WHEREAS, Congress needs to urge the drug companies to make prescriptions more affordable by allowing Medicare to negotiate for lower drug prices and to stop drug companies from protecting their monopolies by keeping their competitors from bringing lower priced drugs to market; and

WHEREAS, Congress should further seek the following on reducing drug prices:

- Cap out-of-pocket costs
- Get generic drugs on the market faster
- Let patients import drugs from Canada
- Tax the drug companies for price hikes
- Use foreign drug prices as indirect price controls

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

SECTION 1: That the Mayor and Council of the City of Brook Park hereby urge Congress to require drug companies to make their prices more affordable.

SECTION 2: That the Clerk of Council shall forward a certified copy of this Resolution to President Donald Trump, Senators Bernie Sanders, Sherrod Brown and Nickie Antonio, Representative Bride Sweeney and Congresswoman Marcy Kaptur.

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 7: 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 urge the United States Congress to provide a solution to reduce the costs of drugs; 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

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



DIRECTOR OF LAW

DATE

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 11-2019

INTRODUCED BY: MAYOR GAMMELLA

A RESOLUTION
AUTHORIZING THE MAYOR
TO PARTICIPATE IN THE ODOT
CONTRACT FOR ROAD SALT,
AND DECLARING AN EMERGENCY.

WHEREAS, the City of Brook Park (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and
- d. The Political Subdivision hereby requests through this participation agreement a total of 3,000 tons of Sodium

Chloride (Road Salt) of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and

e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract's effective period; and

f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and

g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 19 by 12:00 p.m. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email:

Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

NOW, THEREFORE, be it ordained by the following authorized person(s) that this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract:

SECTION 1: The Mayor be, and he hereby is, authorized to participate in the ODOT Road Salt Contract.

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 General Fund/Snow Removal Fund No. 432.

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 to authorize the Mayor to participate in the ODOT Road Salt Contract; 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

DATE


DIRECTOR OF LAW

**RESOLUTION AUTHORIZING PARTICIPATION
IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2019**

WHEREAS, the (INSERT POLITICAL SUBDIVISION NAME, COUNTY, LOCATION) (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and

b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and

c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and

d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and

e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract's effective period; and

f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and

g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 19 by 12:00 p.m. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

NOW, THEREFORE, be it ordained by the following authorized person(s) that this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract:

_____	(Authorized Signature)	_____	Approval Date
_____	(Authorized Signature)	_____	Approval Date
_____	(Authorized Signature)	_____	Approval Date
_____	(Authorized Signature)	_____	Approval Date
_____	(Authorized Signature)	_____	Approval Date

**THIS RESOLUTION MUST BE UPLOADED TO THE WINTER SALT PARTICIPATION WEBSITE BY NO LATER THAN
FRIDAY, APRIL 19, 2019.**

PLEASE NOTE: THE DEPARTMENT WILL NOT ACCEPT TYPED SIGNATURES. PARTICIPATION AGREEMENTS SUBMITTED WITH TYPED SIGNATURES WILL BE INVALID AND INELIGIBLE FOR APPROVAL. YOU CANNOT SUBMIT A WORD DOCUMENT VERSION OF THIS PARTICIPATION AGREEMENT. NO EXCEPTIONS.

P/C
Caucus 4/9/19 - amended
1st R 4/16/19
2nd R
3rd R
B/C

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 11-2019

INTRODUCED BY: COUNCILMAN SALVATORE, COUNCIL AS A WHOLE AND
MAYOR GAMMELLA

A RESOLUTION
DEDICATING THE BROOK PARK 2019 SOFTBALL SEASON
IN HONOR AND REMEMBRANCE OF KHLOE NIDA,
AND DECLARING AN EMERGENCY

WHEREAS, the City Council and the Mayor of Brook Park will dedicate this 2019 softball season in the memory of Khloe Nida; and

WHEREAS, the City of Brook Park will install a plaque at American Legion Field 1 during the 2019 softball season; and

WHEREAS, at the end of the season, one plaque will be given to Khloe Nida's family and one will be displayed in the John A. Poloyne Community Center; and

WHEREAS, Team Salvatore will retire the number 8 in loving memory of Khloe Nida; and

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 dedicate this year's 2019 softball season in Brook Park in the memory of Khloe Nida for her love of softball.

SECTION 2: The Clerk of Council is hereby directed to forward a certified copy of this Resolution to the Nida family.

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 in remembrance Khloe Nida during the 2019 softball; therefore provided that 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

DATE



DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 6-2019

INTRODUCED BY: COUNCILMAN ORCUTT, *C/W + MAYOR GARNIELLA*

A RESOLUTION
PROCLAIMING JUNE 8, 2019 AS
'GLOBAL WELLNESS DAY,' IN BROOK PARK
AND DECLARING AN EMERGENCY

WHEREAS, healthy citizens are needed to create healthy communities; and

WHEREAS, there is a growing body of evidence that the promotion of health and wellbeing can help diminish the prevalence and severity of chronic disease; and

WHEREAS, there is evidence that by supporting our families and our community's needs we can help create positivity and good feelings throughout our city; and

WHEREAS, we, in Brook Park seek better vitality, health and wellness for all of our citizens and know the importance of Global Wellness Day as a social movement devoted to living well with huge success embraced around the world; and

WHEREAS, we, as a community, need to encourage each person to embrace responsibility for his/her own health, the health of our planet, our family units and for each other; and

WHEREAS, we acknowledge that healthier people contribute to society by being better family members, more productive employees, better students, better friends and better citizens, and

WHEREAS, the residents of our City could benefit from a day to learn about sustainable wellness practices for ourselves and our environment and also how to provide help to and receive help from our community services, and

WHEREAS, on June 8, 2019, in 100 countries around the world, millions of people will gather to celebrate Global Wellness Day and its 7-step manifesto consisting of:

Walk for an Hour
Drink More Water
Don't Use Plastic Bottles
Eat Healthy Food

Do a Good Deed
Have a Family Dinner
Go to Bed at 10 p.m.

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

SECTION 1: This Council does hereby request that all residents of this community join with citizens of other communities recognizing "Global Wellness Day" as it is essential to promote health and well being and the quality of life not only on June 8, 2019, but all through the year as well.

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 celebrate June 8, 2019, as "Global Wellness Day" in the City of Brook Park; provided that 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