NOTE: Due to the COVID-19 Pandemic for the upcoming April 14, 2020 Emergency Special Council Meeting, Governor DeWine's directive for meetings and social distancing will strictly be in effect.

NOTICE
EMERGENCY SPECIAL COUNCIL MEETING

Clerk's Office, Brook Park, Ohio

April 14, 2020

TO: COUNCILMEMBERS TROYER, MENCINI, ORCUTT, SCOTT, SCHMUCK, POINDEXTER, SALVATORE, COUNCIL PRESIDENT VECCHIO, MAYOR GAMMELLA, LAW DIRECTOR HORVATH, AND FINANCE DIRECTOR CINGLE

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

XXX COUNCIL MEETING _____ CAUCUS MEETING

_____ EXECUTIVE SESSION _____ OTHER (Specify)

Such special meeting will accordingly be held on TUESDAY the 14TH day of APRIL, AT 6:00P.M. at the place of holding regular meetings. (*Refer to Rules of Council, No. 4, if applicable.)

SUBJECT:

ROLL CALL OF MEMBERS

PLEDGE OF ALLEGIANCE

OTHER COMMUNICATION AND PETITIONS AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):

SEE ATTACHED SHEET

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: FIRST READING:

ADJOURNMENT

Michael L. Vecchio
President of Council

Michelle Blazek
Clerk of Council

J. INTRODUCTION OF NEW LEGISLATION:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORSD) AND THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CHANGE ORDER BETWEEN FALLSWAY EMERGENCY EQUIPMENT AND THE CITY OF BROOK PARK FOR ADDITIONAL EMERGENCY REPAIRS TO OUR 2002 FIRE TRUCK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

3. AN ORDINANCE AUTHORIZING THE MAYOR TO GIVE CONSENT TO THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION, TO COMPLETE A GUARDRAIL UPGRADE PROJECT IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

4. A RESOLUTION AUTHORIZING THE MAYOR TO PARTICIPATE IN THE ODOT CONTRACT FOR ROAD SALT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

5. A RESOLUTION PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

6. A RESOLUTON TO CONDUCT COUNCIL MEETINGS REMOTELY WITH PROVISIONS FOR PUBLIC PARTICIPATION AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio.

7. A RESOLUTION TEMPORARILY SUSPENDING COLLECTIVE BARGAINING NEGOTIATIONS AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

P/C
SP. CA 7-7-2020
1st R
2nd R
3rd R
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: **MAYOR GAMMELLA**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY COST-SHARE AGREEMENT BY AND BETWEEN THE NORTHEAST OHIO REGIONAL SEWER DISTRICT (NEORSD) AND THE CITY OF BROOK PARK, AND DECLARING AN EMERGENCY

WHEREAS; The City of Brook Park entered into a regional Stormwater Management Program Service (SMP Service Agreement) as evidenced by Ordinance No. 10032-2016, passed August 2, 2016 and

WHEREAS, as a component of implementing a regional stormwater management program a "Community Cost-Share Account" has been created; and

WHEREAS, the Community Cost-Share Account is to provide funding to assist the City of Brook Park with the District approved project; and

WHEREAS, the District supports the Community Cost-Share Stormwater MCM #6 Implementation Plan as a Community Cost-Share project proposed by the City of Brook Park; and

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

SECTION 1: The Mayor is authorized and directed to execute on behalf of the Municipality a Community Cost-Share Stormwater MCM #6 Implementation Plan by and between the Northeast Ohio Regional Sewer District and the City of Brook Park, set forth in the Agreement attached hereto as Exhibit "1".

SECTION 2: The money needed for the aforesaid transaction shall be paid from funds theretofore appropriated for said purposes.

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 authorizing the Mayor to enter into an Agreement for a Community Cost-Share with Northeast Ohio Regional Sewer District; 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

COMMUNITY COST-SHARE AGREEMENT
BY AND BETWEEN
THE NORTHEAST OHIO REGIONAL SEWER DISTRICT
AND
CITY OF BROOK PARK

This Agreement is made and entered into this _____ day of _____, 2020, by and between the Northeast Ohio Regional Sewer District (District) acting pursuant to Resolution No. 114-13, adopted by the Board of Trustees of the District on May 16, 2013 (Exhibit "A"), and the City of Brook Park (City), acting pursuant to Ordinance/Resolution No. _____, adopted on _____, 20___ (Exhibit "B").

Recitals

WHEREAS, the District, as a component of implementing a regional stormwater management program, manages a financial account termed the "*Community Cost-Share Account*" that is for the aggregation and dissemination of funds derived from revenues collected from the Stormwater Fee; and

WHERAS, the purpose of the Community Cost-Share Account is to provide funding to assist the City with District-approved projects through the Community Cost-Share Program; and

WHEREAS, the Community Cost-Share Program funds are used for construction, operation, and maintenance of the Local Stormwater System or Regional Stormwater System, including administrative costs directly associated with such projects as well as costs related to repair or upgrade; and

WHEREAS, the District supports the Community Cost-Share Stormwater MCM #6 Implementation (the "Project") as a Community Cost-Share project proposed by the City; and

NOW THEREFORE, in consideration of the foregoing, the payment and the mutual promises contained in this Agreement, the parties agree as follows:

Article 1.0 City Obligations

1.1 The City agrees to perform as follows:

1.1.1 Complete work as detailed in the District approved Community Cost-Share application. (Exhibit "C")

1.1.2 Complete and submit Progress Reports when submitting Request for Payment as needed, or within 30 days of close of the Project, per Section 5.0 of the *Community Cost-Share Program Policy*.

1.1.3 Notify the City's Watershed Team Leader at least 7 business days prior to the start of the Project.

EXHIBIT 1

1.1.4 Meet with District staff when requested to review the Project status.

1.1.5 Submit requests for approval to modify the budget, deadline, deliverables, or other components of the Project to the City's Watershed Team Leader at least 30 business days prior to the desired date of execution of the modification.

1.2 Failure to meet any of the requirements listed in Article 1.1 may result in termination of this Agreement and reimbursement of disbursed funds to the District.

Article 2.0 District's Obligations

2.1 The District agrees to perform as follows:

2.1.1. Allocate $200,000.00 to the City for the Project from the City's Community Cost-Share Account.

2.1.2. Provide reimbursement of funds up to $200,000.00 to the City within 60 days of receipt of a complete Request for Payment from the City, detailing costs related to the Project.

2.1.3. Timely review and approval or disapproval of requests to modify the budget, deadline, deliverables, or other components of the Project.

2.1.4. Acknowledge the City in presentations or publications related to the Project.

Article 3.0 Dispute Resolution

3.01 The Parties shall continue the performance of their obligations under this Agreement notwithstanding the existence of a dispute.

3.02 The Parties shall first try to resolve the dispute at the level of the designated representatives as follows:

District Representative	City Representative
Watershed Team Leader	Service Director

If the Parties are unable to resolve the dispute at that level within ten (10) working days, the Parties shall escalate the dispute to the following level to resolve the dispute:

District Representative	City Representative
Director of Watershed Programs	Mayor

3.03 If the Parties remain unable to resolve the dispute within an additional ten (10) working days, the Parties shall proceed to mediation upon request by either party. The mediator shall review all documents and written statements, in order to accurately and effectively resolve the dispute. The mediator shall call a meeting between the Parties within ten (10) working days after mediator appointment, which meeting shall be attended by at least the respective representatives listed in paragraph 3.02 above. The Parties shall attempt in good faith to resolve the dispute. The Parties agree to follow the Uniform Mediation Act, Chapter 2710 of the Ohio Revised Code. The Parties shall share the cost of the mediator equally.

3.04 Such mediation shall be non-binding between the Parties and, to the extent permitted by law, shall be kept confidential. If the dispute is resolved and settled through the mediation process, the decision will be implemented by a written agreement signed by both Parties. If the dispute is unable to be resolved through mediation, the Parties agree to submit the dispute to the appropriate jurisdiction as per Article 4, Remedies, below.

Article 4 Remedies

4.01 The Parties agree that, after exhausting the dispute resolution process outlined above, all claims, counter-claims, disputes and other matters in question between the Parties arising out of or relating to this Agreement, or the breach thereof, will be decided at law. This Agreement shall be governed by and interpreted according to the law of the State of Ohio.

Article 5 Counterpart Signatures

5.01 This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but which counterparts when taken together shall constitute one Agreement.

Article 6 Governing Law

6.01 The terms and provisions of this Agreement shall be construed under and governed by the laws of Ohio (to which all Parties hereto consent to venue and jurisdiction).

Article 7 Disclaimer of Joint Venture

7.01 This Agreement is not intended to create a joint venture, partnership or agency relationship between the Parties, and such joint venture, partnership, or agency relationship is specifically hereby disclaimed.

Article 8 Authority to Execute

8.01 Each person executing this Agreement represents and warrants that it is duly authorized to execute this Agreement by the party on whose behalf it is so executing.

Article 9 Exhibits

The following exhibits are attached hereto and incorporated herein:

Exhibit "A" – District Resolution
Exhibit "B" – City Ordinance/Resolution
Exhibit "C" – District-Approved Community Cost Share Application

The parties have executed this Agreement on the day and year first above written.

NORTHEAST OHIO REGIONAL SEWER DISTRICT

BY:_____
Kyle Dreyfuss-Wells
Chief Executive Officer

AND

BY:_____
Darnell Brown, President
Board of Trustees

CITY OF BROOK PARK

By: _____

Title: _____

The Legal Form and Correctness of this
Instrument is hereby Approved:

CITY OF BROOK PARK

_____
Assistant/Director of Law

This Instrument Prepared By:

_____
Katarina K. Waag
Assistant General Counsel
Northeast Ohio Regional Sewer District

Each party agrees that this Agreement may be executed and distributed for signatures via email, and that the emailed signatures affixed by both parties to this Agreement shall have the same legal effect as if such signatures were in their originally written format.

CONTRACT NO.

NORTHEAST OHIO REGIONAL SEWER DISTRICT

WITH

CITY OF BROOK PARK

FOR

COMMUNITY COST-SHARE PROJECT:

STORMWATER MCM #6 IMPLEMENTATION

Total Approximate Cost: $200,000.00

The legal form and correctness of the within instrument are hereby approved.

CHIEF LEGAL OFFICER

Date

CERTIFICATION

It is hereby certified that the amount required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Treasury or in process of collection to the credit of the fund free from any obligation or certification now outstanding.

CHIEF FINANCIAL OFFICER

Date

BUDGET CENTER 8100

EXHIBIT A

NORTHEAST OHIO REGIONAL SEWER DISTRICT
RESOLUTION NO. 114-13

Authorizing the Executive Director to enter into Regional Stormwater Management Program Community Cost-Share Program Agreements with Member Communities.

WHEREAS, the Code of Regulations of the Northeast Ohio Regional Sewer District, Title V – Stormwater Management Code Chapter 9 outlines the Community Cost-Share Program developed to provide funds to District Member Communities for construction, operation and maintenance activities of community-specific stormwater management projects; and

WHEREAS, under the Community Cost-Share Program, 25% of the annual collected stormwater revenue from each Member Community will be held by the District in a Community Cost-Share account, whereby Communities, with review and approval by the District, through specific applications outlining the community-specific stormwater work to be performed can access reimbursement of their funds; and

WHEREAS, the District is seeking authority to enter into Regional Stormwater Management Program Community Cost-Share Program Agreements with Member Communities for the purpose of detailing and memorializing responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE NORTHEAST OHIO REGIONAL SEWER DISTRICT:

Section 1. That this Board finds that for the reasons stated in the preamble hereof it is in the best interests of the District to enter into Regional Stormwater Management Program Cost-Share Program Agreements with Member Communities to memorialize responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program.

Section 2. That this Board hereby authorizes the Executive Director to enter into Regional Stormwater Management Program Cost-Share Agreements with Member Communities to memorialize responsibilities of the District and Member Communities under specific applications to the Community Cost-Share Program under such terms and conditions that are satisfactory to the Director of Law and in the best interests of the District.

Section 3. That this Board authorizes the Executive Director to execute all documents and do all things necessary to effect the terms and conditions of the Stormwater Management Program Direct Billing Agreements with Member Communities.

Section 4. That this Board declares that all formal actions of the Board concerning and relating to the adoption of this resolution and that all deliberations of the Board and any of its committees that resulted in said formal action were conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On motion of Mayor Starr seconded by Mr. O'Malley, the foregoing resolution was unanimously adopted on May 16, 2013.

Sheila J. Kelly

Sheila J. Kelly, Secretary
Board of Trustees
Northeast Ohio Regional Sewer District

EXHIBIT B

(Insert Member Community

Ordinance/Resolution)

EXHIBIT C

Community Cost-Share Program
APPLICATION

Member Community Information

Community:	City of Brook Park
Primary Project Contact: (Name & Title)	Mr. Randy Garner
	Service Director
Mailing Address:	19065 Holland Road
	Brook Park Ohio 44142
Phone Number:	216 433 7192
Email:	rgarner@cityofbrookpark.com

Project Information

Project Title:	Stormwater MCM #6 Implementation
Address or Location of Project:	19065 Holland Road
	Brook Park, Ohio 44142
Project Start Date:	APRIL 1, 2020
Project End Date:	DECEMBER 31, 2020
Community Cost-Share Fund Request:	$200,000.00
Submission Date:	FEBRUARY 18, 2020

Project Narrative

1) **Project Summary (1,000 word maximum)**
   Describe the Project and include the following information, as applicable:
   - Describe the Project and deliverables; provide a map if applicable
   - Submit a deliverable worksheet listing tasks and deliverables with start dates and end dates for the significant benchmarks.
   - List permitting requirements necessary to initiate and complete project and how the requirements will be met.

The City would like to clean approximately 300 stormwater catch basins and dispose of the approximately 400 cubic yards of materials. The City will use BFI Lorain Co Landfill to test and dispose of the solid waste that is removed from the catch basins. The catch basin cleaning will mostly be done during the spring of 2020 and be completed by Dec. 31, 2020

Street Sweep approximately 500 miles of City streets three times during 2019. The City will use City equipment and personal to complete the work. The City will use BFI Lorain Co Landfill to test and dispose of the solid waste that is removed from the City streets.

No permits will be required to complete the work, the materials will be tested by BFI to make sure it is appropiate for disposal in a solid waste facility and not a hazardous waste facility. The work being preformed will also satisfy the Cities SWMP under its 2015-2019 MS4 Permit obligations.

2) **Ability to Provide Long Term Maintenance (500 word maximum)**
Describe the plans for long-term maintenance, addressing the following question:
   - **Who is responsible to provide on-going maintenance for the project and how will maintenance be ensured?**
   - **Provide documentation of scheduled maintenance and operation for completed stormwater project(s).**

The city will maintain the streets and catch basins under its normal maintenance program and under its SWMP.

3) Visibility and Public Outreach: (500 word maximum)
Public outreach is required if appropriate for your project.
- What audiences will be exposed to this Project (neighbors, students, community groups, general public)?

There is no planed public education and outreach events for this work, but the serve director will update the City Council during normal Council Meetings on the work that is being preformed. The meetings are open to the public.

4) **Budget Summary (500 words maximum)**
The Budget Summary and Project Budget (*see page 3*) represent the Community Cost-Share Project components exclusively. Include details on the provider of all services such as design, engineering, construction management and materials including specific material cost, equipment, and hourly rate.

If an engineer's estimate is included with the application, indicate which line items are included in the Community Cost-Share Project application.

The City Service Director will submit cost reimbursement requests as the work is completed. The City will use its standard salary and fringe for employees and will show invoices and canceled checks for other cost such as landfill cost.

The City Service Director estimates the proposed work to cost +_ $200,000.00 and will be preformed during 2020.

Vendor Registration

Prior to submission, ensure that the Member Community is a registered vendor with the District. Vendor Registration can be done by accessing http://www.neorsd.org/supplier_homepage.php and completing the New Vendor Registration. If unsure of the Member Community vendor status, by initiating the New Vendor Registration a message of active registration will appear if currently registered as a vendor.

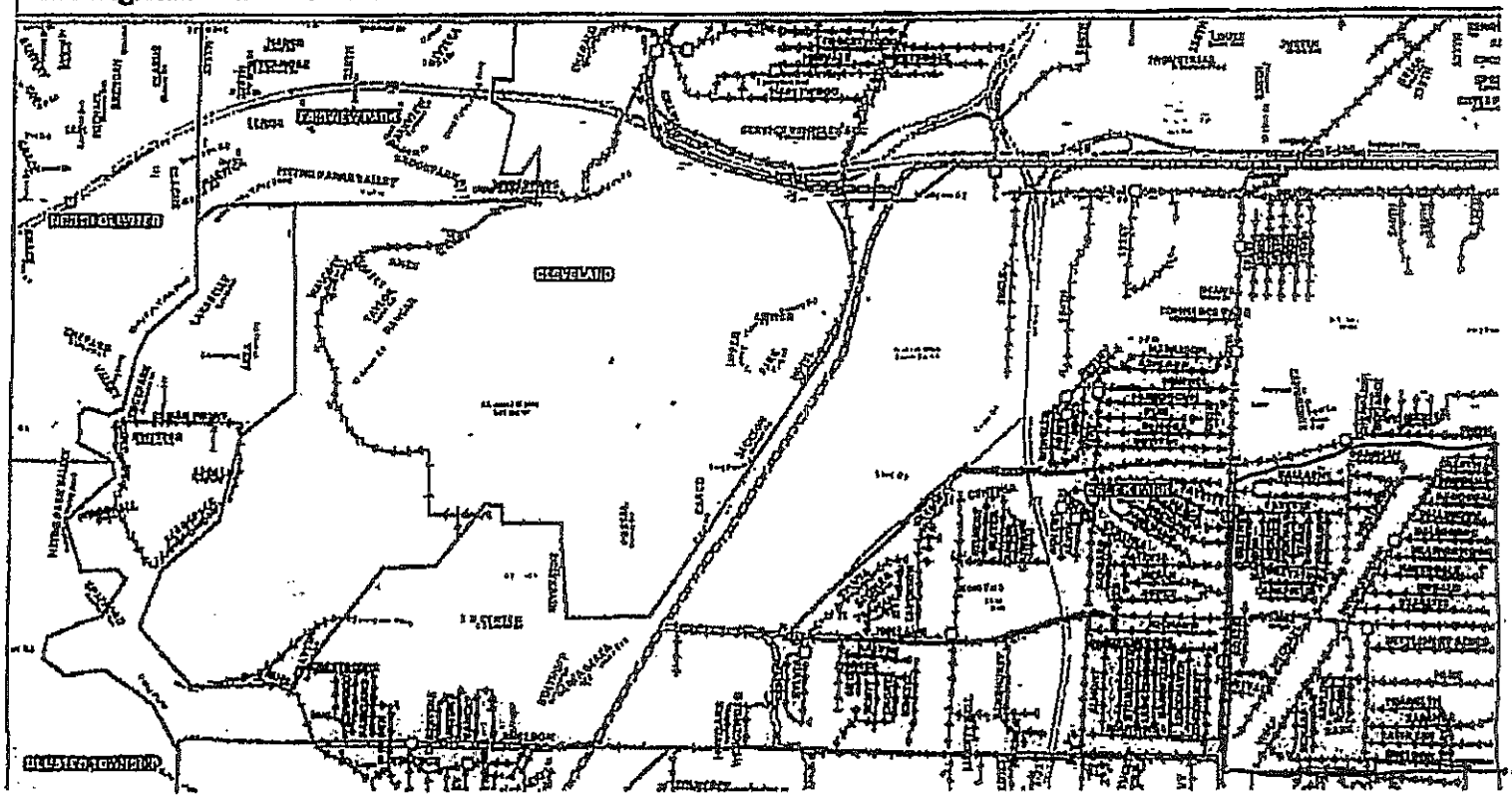
Project Budget

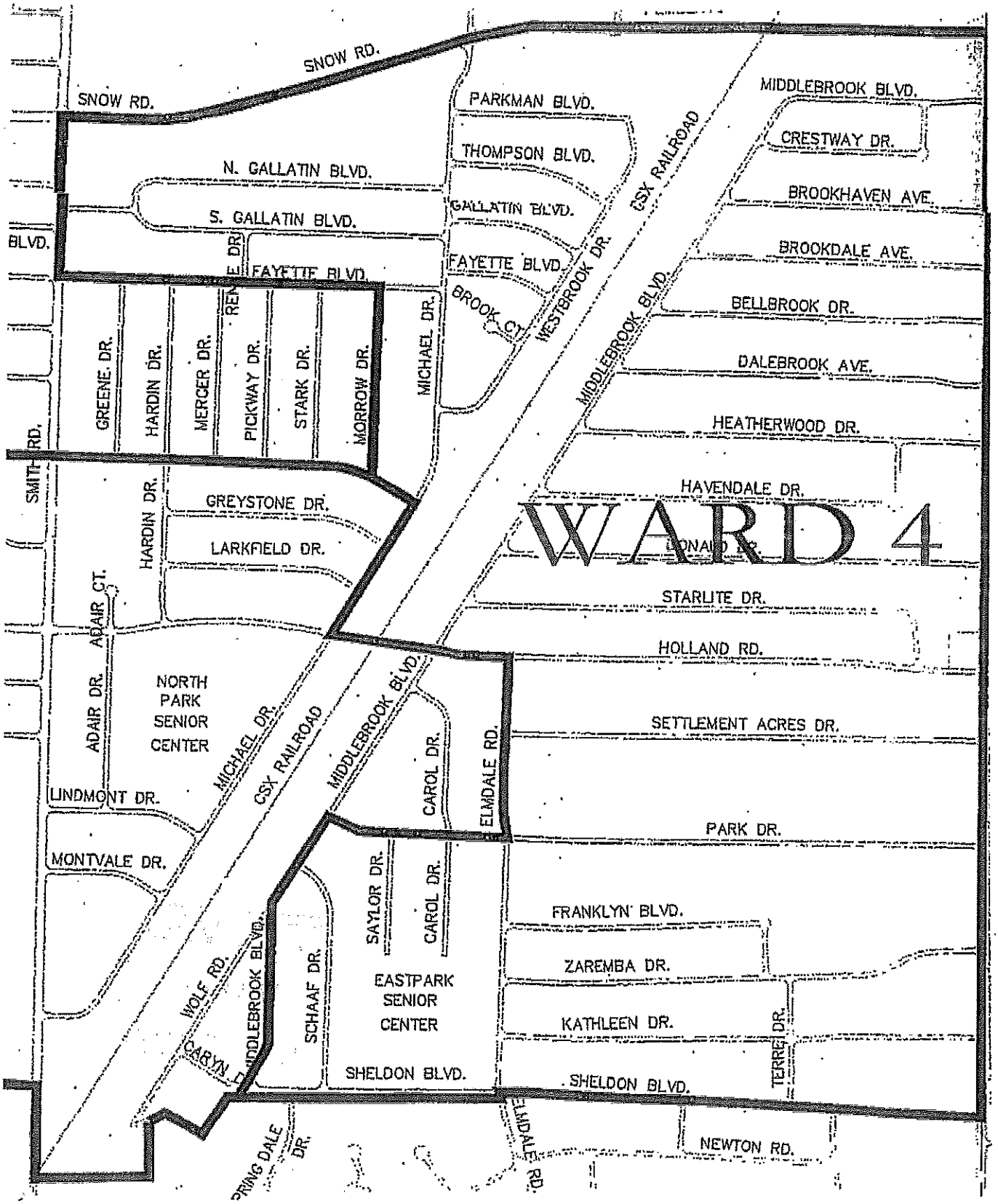
Project Expenses	Community Cost-Share Expense	Line Item Description
Professional Services		
Personnel *(Member Community staff only)*	155,000.00	Street sweeping and cash basin cleaning work
Subcontract	$45,000.00	BFI Lorain CO Landfill to test and dispose of material
Equipment		
Materials		
Other		
TOTAL	$ 200,000.00	

*** YELLOW CIRCLES*** INDICATE MONITORS INSIDE SANITARY MAINS -- IF JETTING, DO UP STREAM OR DOWN STREAM.
ANY QUESTIONS OR CONCERNS, CONTACT FOREMAN ON CALL

Northeast Ohio Regional Sewer District

Southwest Interceptor - Local Sewer System Evaluation Study

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SNOW RD.
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GREENE DR.
HARDIN DR.
MERCER DR.
PICKWAY DR.
STARK DR.
MORROW DR.
MICHAEL DR.
BROOK CT.
WESTBROOK DR.
CSX RAILROAD
MIDDLEBROOK BLVD.
MIDDLEBROOK BLVD.
CRESTWAY DR.
BROOKHAVEN AVE.
BROOKDALE AVE.
BELLBROOK DR.
DALEBROOK AVE.
HEATHERWOOD DR.
HAVENDALE DR.
STARLITE DR.
HOLLAND RD.
SETTLEMENT ACRES DR.
PARK DR.
FRANKLYN BLVD.
ZAREMBA DR.
KATHLEEN DR.
TERRE DR.
SHELDON BLVD.
NEWTON RD.
ELMDALE RD.
SMITH RD.
HARDIN DR.
GREYSTONE DR.
LARKFIELD DR.
ADAIR CT.
ADAIR DR.
NORTH PARK SENIOR CENTER
LINDMONT DR.
MONTVALE DR.
MICHAEL DR.
CSX RAILROAD
MIDDLEBROOK BLVD.
CAROL DR.
ELMDALE RD.
SAYLOR DR.
CAROL DR.
EASTPARK SENIOR CENTER
SCHAAF DR.
WOLF RD.
CARYN
SHELDON BLVD.
SPRING DALE DR.

Reference 2 pages

Special P/C 5/3/16
Special CA 7/19/16
1st R 7/19/16
2nd R 8/2/16 amended
3rd R
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10032-2016

INTRODUCED BY: MAYOR COYNE

AN ORDINANCE
AUTHORIZING THE MAYOR
TO ENTER INTO THE STORMWATER MANAGEMENT PROGRAM
SERVICE AGREEMENT WITH THE NORTHEAST OHIO REGIONAL
SEWER DISTRICT FOR IMPLEMENTATION OF ITS REGIONAL
STORMWATER MANAGEMENT PROGRAM,
AND DECLARING AN EMERGENCY

Reference 2 pages

WHEREAS, the Northeast Ohio Regional Sewer District (District), pursuant to the authority of Ohio Revised Code Chapter 6119, and Title V of the District's Stormwater Management Code (Title V), is authorized to provide overall Stormwater Management of the Regional Stormwater System, including planning, financing, design, improvement, construction, inspection, monitoring, maintenance, operation, and regulation for the proper handling of stormwater runoff and the development and provision of technical support information and services to Member communities; and; and

WHEREAS, the district has been established as a regional governmental entity mandated to operate and maintain a Regional Stormwater System in the general area encompassing fully or partially the City of brook Park; and

WHEREAS, flooding is a significant threat to public and private property; streambank erosion is a significant threat to public and private property, water quality, wildlife, and aquatic and terrestrial habitats; and inadequate stormwater management damages the water resources of Northeast Ohio, impairing the ability of these waters to sustain ecological and aquatic systems; and

WHEREAS, there is a manifest need for a watershed-based approach to stormwater management to effectively and efficiently plan, design, construct, and maintain long-term solutions to stormwater problems; and

WHEREAS, to ensure the consistent and coordinated delivery of District Regional Stormwater Management Program services within the City of Brook Park, a Stormwater Service Agreement between the District and the City of Brook Park is required.

Reference

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

SECTION 1: That this Council hereby authorizes the Mayor to enter into a Stormwater Management Program Service Agreement with the Northeast Ohio Regional Sewer District for implementation of its Regional Stormwater Management Program to ensure the consistent and coordinated delivery of District Stormwater Management Program services within the City of Brook Park.

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 for the further reason to authorize the Mayor to enter into a Stormwater Management Program Service Agreement with the Northeast Ohio Regional Sewer District; 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: August 2, 2016

Jim Astorga
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
Clerk of Council

APPROVED: [signature]
MAYOR

8/9/2016
DATE

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

[signature]
DIRECTOR OF LAW

Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no [illegible] in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Huple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days, commencing AUGUST 10, 2016

Michelle Blazak
MICHELLE BLAZAK
Clerk of Council

CERTIFICATE

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 16032-2016 passed on the 2nd day of AUGUST 2016 by said council.

Michelle Blazak
Clerk of Council

	Yea	Nay
Troyer	✓	
Mancini	✓	
Powers	✓	
Scott	✓	
Burgio	✓	
McCormick	✓	
Salvatore	✓	

P/C
SP. CAU 4/7/2020
1st R
2nd R
3rd R
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A CHANGE ORDER BETWEEN FALLSWAY EMERGENCY EQUIPMENT, AND THE CITY OF BROOK PARK FOR ADDITIONAL EMERGENCY REPAIRS TO OUR 2002 FIRE TRUCK, AND DECLARING AN EMERGENCY

WHEREAS, Ordinance No. 11098-2019, passed on June 18, 2019 authorized repair costs to our 2002 Fire Truck in an amount not to exceed $50,000.00;

WHEREAS, said repairs are now an additional $2,351.38 more due to rusted and corroded parts on this fire truck; and

WHEREAS, there is a need to have these emergency repairs made as soon as possible; and

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

SECTION 1: The Finance Director is hereby authorized and directed to pay Fallsway Emergency Equipment a total sum of $52,351.38 as shown in Exhibits A and B (attached hereto).

SECTION 2: That the funds for the purpose of the aforesaid repairs to this 2002 fire truck have been appropriated or are to be appropriated and shall be paid from an amount not to exceed $52,351.38.

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 to enter into a change order with Fallsway Emergency Equipment; 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

1277 DeValera Ave., P.O. Box 4537
Akron, Ohio 44310-0537
330-633-6000
1-800-458-7941
FAX 330-633-0834

EXHIBIT A

To: Brook Park Fire Department / Chief Tom Maund
Date: 5/22/2019
Quotation For: Fire Pump and Water Tank Replacement on Engine S-2
2002 Sutphen Rescue Pumper {HS-3648}
Vin #1S9A1HLD221003027

Quote valid for 60 days.
We appreciate the opportunity given to us to quote you the listed job and hope to be favored with your order.

Item	*Description*		*Price*
1)	Diagnose and repair the air leak coming from the right side MIV valve. *{Note: This is a diagnostic labor charge only and additional labor time and/or parts may be required to properly repair the problem. If additional labor time and/or parts are required, the Customer will be notified and this quote updated to reflect the additional cost to complete the repairs.}*		
	Labor: 1.5 hr. (@ $98.00/hr.)		$147.00
	Parts: ?	$	
2)	Replace the Water tank – leaking and NOT repairable. *{Note: Considerable amount of labor is involved in this job due to all of the dis-assembly and re-assembly to get to the water tank. Also, once the old tank is removed, the cradle and mounting points will be cleaned and coated before the new tank is installed.}*		
	Labor: 68.0 hr. (@ $98.00/hr.)		$6,664.00
	Parts: Poly Tank	$6,279.38	
	Misc. hardware	$250.00	
23)	Replace the Fire Pump – rotted through hole in the lower casting (un-repairable). *{Note: There is a considerable amount of labor time involved in this repair due to all of the dis-assembly and re-assembly of all the Body parts, plumbing, and electrical connections involved with the operation of the Pump.}*		
	Labor: 80.0 hr. (@ $98.00/hr.)		$7,840.00
	Parts: Waterous Pump Assembly	$19,696.00	
	Misc. hardware	$250.00	
4)	Perform an "In Service" pump test per NFPA 1911 standards and requirements for a new Pump, to be tested and placed into active fire fighting service. The new Pump must meet or exceed the designated pumping volume and pressures as set forth by the Manufacturer (Waterous). Document test results and provide the Customer with a full report.		
	Labor: (Special Pricing)		$350.00
	Parts: (None)	$0.00	

Chris Salwan Cell: (216) 408-2657 (csalwan@fallsway.com)

Estimated Total Labor Cost: $15,001.00
Estimated Total Parts Cost: $26,475.38
Estimated Shop Supplies: $225.00
Estimated Shipping Cost: $1,650.00

****

Estimated Total Cost: $43,351.38

****

Note: The estimated total cost of the above listed repairs is subject to change due to unknown factors that will not be realized until dis-assembly and inspection of all parts / components is completed for wear and/or damage. If additional labor time and/or parts are needed to properly complete the repairs as required, the Customer will be notified immediately and this estimate updated to reflect the additional labor time and/or parts required to properly complete the repairs.

All quotations made, orders placed, and repairs "in progress", are subject to changes and/or delays caused by unforeseen circumstances which may be beyond our control. All quotes are prepared with the understanding that all applicable taxes and shipping charges are additional and will be added to the quoted prices. All quotes are for the stated repairs only. Fallsway Equipment Co. reserves the right to amend this quote, with the customer's approval, should additional repairs and/or parts needed, be discovered, or customer requests additional repairs to be completed.

Quotation and/or Proposal Accepted By:

Signed: _____ Title: _____

Purchase Order Number: _____

Respectfully Submitted By:

Chris Salwan
Cell: (216) 408-2657

1277 DeValera Ave., P.O. Box 4537
Akron, Ohio 44310-0537
330-633-6000
1-800-458-7941
FAX 330-633-0834

EXHIBIT B

To: Brook Park Fire Department / Chief Tom Maund
Date: February 21, 2020
Quotation For: Supplement Repairs to the Pump on Engine S-2
2002 Sutphen Rescue Pumper {HS-3648}
Vin #1S9A1HLD221003027

Quote valid for 60 days.
We appreciate the opportunity given to us to quote you the listed job and hope to be favored with your order.

Item	*Description*		*Price*
1)	**Supplement for Water Tank Install:** Additional repairs and fabrication of support brackets are necessary upon installation the new water tank. It is necessary to cut and dismantle support brackets for the water tank to remove the existing tank. This extra work was unforeseen until dis-assembly due to the hose bed and other cover plating that was hiding the infrastructure of the tank cradle. To remove the existing tank, steel support brackets have to be cut and removed. Upon install of the new tank, new brackets have to be fabricated and welded into place. New plumbing and hardware also installed for all connections to the tank. Also found bad U-joints in the drive shaft to the transfer case so need to install new U-Joints and have the drive shaft balanced.		
	Labor: 0.0 hr. (@ $98.00/hr.)		$0.00
	Parts: Gasket material	$18.00	
	Pipe nipple	$105.48	
	Pipe nipple	$83.92	
	2.5" PVC adaptor	$4.53	
	Clamp (4 ea.) ($12.11/ea.)	$48.44	
	Barbed hose fitting (2 ea.) ($64.64/ea.)	$129.28	
	Drive shaft repair & balance	$170.07	
	Air fitting	$6.71	
2)	**Supplement for Pump Install:** Rebuild ALL valves for the Pump before re-installing and assembling the valves and plumbing back into the truck after the Pump body replacement. Also replace any plumbing, fittings, hardware, etc., that is in poor condition upon re-assembly.		
	Labor: 53.0 hr. (@ $98.00/hr.)		$5,194.00
	Parts: Elkhart drain valves (11 ea.) ($61.24/ea.)	$673.64	
	Waterous Primer Motor w/Solenoid	$359.49	
	Akron 1.5" Valve Kit w/Nylon Ball	$110.93	
	Akron 2.5" Valve Kit w/Nylon Ball (2 ea.) ($142.16/ea.)	$284.32	
	Akron 3" Valve Kit w/Nylon Ball (2 ea.) ($202.82/ea.)	$405.64	
	Pump Shift Switch	$183.60	

Akron 2" Valve Kit w/Nylon Ball (3 ea.) ($140.29/ea.)	$420.87
Waterous Drain Valve Kit	$42.25
Misc. SS hardware	$301.83
Switch (2 ea.) ($41.00/ea.)	$82.00

Estimated Total Labor Cost: $5,194.00
Estimated Total Parts Cost: $3,431.00
Shop Supplies & EPA: $175.00
Estimated Shipping Cost: $200.00

****

Estimated Total Cost: $9,000.00

****

Note: *The estimated total cost of the above listed repairs is subject to change due to unknown factors that will not be realized until dis-assembly and inspection of all parts / components is completed for wear and/or damage. If additional labor time and/or parts are needed to properly complete the repairs as required, the Customer will be notified immediately and this estimate updated to reflect the additional labor time and/or parts required to properly complete the repairs.*

All quotations made, orders placed, and repairs "in progress", are subject to changes and/or delays caused by unforeseen circumstances which may be beyond our control. All quotes are prepared with the understanding that all applicable taxes and shipping charges are additional and will be added to the quoted prices. All quotes are for the stated repairs only. Fallsway Equipment Co. reserves the right to amend this quote, with the customer's approval, should additional repairs and/or parts needed, be discovered, or customer requests additional repairs to be completed.

Quotation and/or Proposal Accepted By:

Signed: _____ Title: _____

Purchase Order Number: _____

Respectfully Submitted By:

Chris Salwan
Cell: (216) 408-2657

Reference 4 pages

P/O 6-4-19 Finance
CA PRIOR 6-18-19
1st R 6-18-19
2nd R
3rd R
S/O

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11098-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING AND APPROVING THE MAYOR TO HAVE
EMERGENCY REPAIRS MADE TO OUR 2002 FIRE TRUCK
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 emergency repairs to our 2002 Fire Truck; 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, Fallsway Emergency Equipment, 1277 DeValera Avenue, Akron, OH is a sole source provider for repairs to 2002 Fire Truck; and

WHEREAS, said emergency repairs need to be made to replace the fire pump, water tank, MIV valve and labor and miscellaneous parts; and

WHEAREAS, the Mayor and City Council is desirous of proceeding to make these necessary emergency repairs to our 2002 Fire Truck;

WHEREAS, in the estimate attached hereto as Exhibit "A" the cost is $43,351.38. It is noted that the cost is subject to change once it is dis-assembled, and hereby approve an amount not to exceed $50,000.

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 Fallsway Emergency Equipment for the emergency repairs needed on our 2002 Fire Truck.

Reference 4 pages

Reference

SECTION 2: That the funds for the purpose of the aforesaid expenditure have been appropriated or to be appropriated and shall be paid from an amount not to exceed the amount of $50,000.00

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 Fallsway Emergency Equipment, 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: June 18, 2019

PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
Clerk of Council

APPROVED:
MAYOR

6/18/19
DATE

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

Peter Jacobs
DIRECTOR OF LAW

CERTIFICATE

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 11048-2019 passed on the 18th day of June 20 19 by said council.

Michelle Blazak
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing June 18, 2019

Michelle Blazak
MICHELLE BLAZAK
Clerk of Council

	Yea	Nay
Stemm	✓	
Mencini	✓	
Orcutt	✓	
Scott	✓	
Burgio	✓	Excused
Poindexter	✓	
Salvatore	✓	

Reference

FALLSWAY EMERGENCY EQUIPMENT
1277 DeValera Ave., P.O. Box 4537
Akron, Ohio 44310-0537
330-633-6000
1-800-458-7941
FAX 330-633-0834

EXHIBIT A

To: Brook Park Fire Department / Chief Tom Maund
Date: 5/22/2019
Quotation For: Fire Pump and Water Tank Replacement on Engine S-2
2002 Sutphen Rescue Pumper {HS-3648}
Vin #1S9A1HLD221003027

Quote valid for 60 days.
We appreciate the opportunity given to us to quote you the listed job and hope to be favored with your order.

Item	*Description*		*Price*
1)	Diagnose and repair the air leak coming from the right side MIV valve. *{Note: This is a diagnostic labor charge only and additional labor time and/or parts may be required to properly repair the problem. If additional labor time and/or parts are required, the Customer will be notified and this quote updated to reflect the additional cost to complete the repairs.}*		
	Labor: 1.5 hr. (@ $98.00/hr.)		$147.00
	Parts: ?	$	
2)	Replace the Water tank – leaking and NOT repairable. *{Note: Considerable amount of labor is involved in this job due to all of the dis-assembly and re-assembly to get to the water tank. Also, once the old tank is removed, the cradle and mounting points will be cleaned and coated before the new tank is installed.}*		
	Labor: 68.0 hr. (@ $98.00/hr.)		$6,664.00
	Parts: Poly Tank	$6,279.38	
	Misc. hardware	$250.00	
23)	Replace the Fire Pump – rotted through hole in the lower casting (un-repairable). *{Note: There is a considerable amount of labor time involved in this repair due to all of the dis-assembly and re-assembly of all the Body parts, plumbing, and electrical connections involved with the operation of the Pump.}*		
	Labor: 80.0 hr. (@ $98.00/hr.)		$7,840.00
	Parts: Waterous Pump Assembly	$19,696.00	
	Misc. hardware	$250.00	
4)	Perform an "In Service" pump test per NFPA 1911 standards and requirements for a new Pump, to be tested and placed into active fire fighting service. The new Pump must meet or exceed the designated pumping volume and pressures as set forth by the Manufacturer (Waterous). Document test results and provide the Customer with a full report.		
	Labor: (Special Pricing)		$350.00
	Parts: (None)	$0.00	

Chris Salwan Cell: (216) 408-2657 (csalwan@fallsway.com)

Reference

Estimated Total Labor Cost: $15,001.00
Estimated Total Parts Cost: $26,475.38
Estimated Shop Supplies: $225.00
Estimated Shipping Cost: $1,650.00

****

Estimated Total Cost: $43,351.38

****

Note: The estimated total cost of the above listed repairs is subject to change due to unknown factors that will not be realized until dis-assembly and inspection of all parts / components is completed for wear and/or damage. If additional labor time and/or parts are needed to properly complete the repairs as required, the Customer will be notified immediately and this estimate updated to reflect the additional labor time and/or parts required to properly complete the repairs.

All quotations made, orders placed, and repairs "in progress", are subject to changes and/or delays caused by unforeseen circumstances which may be beyond our control. All quotes are prepared with the understanding that all applicable taxes and shipping charges are additional and will be added to the quoted prices. All quotes are for the stated repairs only. Fallsway Equipment Co. reserves the right to amend this quote, with the customer's approval, should additional repairs and/or parts needed, be discovered, or customer requests additional repairs to be completed.

Quotation and/or Proposal Accepted By:

Signed: _____ Title: _____

Purchase Order Number: _____

Respectfully Submitted By:

Chris Salwan
Cell: (216) 408-2657

P/C
Sp. CA 4-7-2020
1st R
2nd R
3rd R
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE MAYOR TO GIVE CONSENT TO THE STATE OF OHIO DIRECTOR OF TRANSPORTATION TO COMPLETE A GUARDRAIL UPGRADE PROJECT IN THE CITY OF BROOK PARK, AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park, referred to as the Local Public Agency (LPA) desires to upgrade guardrail and treatments on Snow Road and on the Berea Freeway; and

WHEREAS, the State of Ohio has determined the need for the described project:

Upgrade guardrail end treatments on Snow Road (CR-87) and on Berea Freeway (SR-237) in the City of Brook Park. This work is part of a larger ODOT project to upgrade guardrail end treatments on National Highway System routes within Cuyahoga and Lake counties.

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

SECTION 1: Consent statement. Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION 2: Cooperation Statement. The LPA shall cooperate with the Director of Transportation in the above described project as follows:

a. The entire cost and expense of the construction will be provided by the Department. No financial participation will be required by the LPA.

b. The LPA agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION 3: Utilities and Right-of-Way Statement. The LPA agrees to acquire and/or make required for the described Project. The LPA also understands that right-of-way costs include eligible

utility costs. The LPA agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 4: Maintenance. Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable State and Federal law, including, but not limited to Title 23, U.S.C., Section 116; (2) provide amble financial provisions, as necessary, for the maintenance of the described Project; (3) Maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 5: Authority to Sign. The Mayor of said City is hereby empowered on behalf of the City to enter into agreements with the Director of Transportation necessary to complete the above described Project.

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 meetings 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 authorize the Mayor to give consent to the State of Ohio to complete a guardrail project in the City of Brook Park; therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

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

PASSED: _____ _____
PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
Clerk of Council MAYOR

_____
DATE

F/C
SP CA 2-7-2020
1st R
2nd R
3rd R
I/C

CITY OF BROOK PARK, OHIO

RESOLUTION NO. _____

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 2,500 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

_____
DATE

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

_____
DIRECTOR OF LAW

I/C
SP CA 4-8-2020
1st R
2nd R
3rd R
I/C

CITY OF BROOK PARK, OHIO

RESOLUTION NO. _____

INTRODUCED BY: MAYOR GAMMELLA

A RESOLUTION
PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY AND DECLARING AN EMERGENCY

WHEREAS, the Centers for Disease Control and Prevention (CDC) considers the novel coronavirus (COVID-19) to be a very serious public health threat with outcomes ranging from mild sickness to severe illness and death; and

WHEREAS, COVID-19 is easily transmissible from person to person and has spread globally to over 177 countries and territories, infected more than 1,289,380 and killed more than 70,590 individuals as of April 6, 2020, according to the World Health Organization; and

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services Secretary Alex Azar declared a public Emergency for COVID-19; and

WHEREAS, the World Health Organization (WHO) has declared COVID-19 to be a pandemic; and

WHEREAS, the current threat of the COVID-19 pandemic has caused the Governor of the State of Ohio to declare a state of emergency and the Cuyahoga County Executive to declare a state of emergency in Cuyahoga County; and

WHEREAS, Governor DeWine has closed schools, day cares, senior centers, restaurants and bars, ordered all non-essential businesses to close, banned gatherings of more than ten individuals, and issued a "Stay-at-Home" order until at least May 1, 2020; and

WHEREAS, due to the current threat of the COVID-19 pandemic and in order to deliver services to the residents of Brook Park, including formal open meetings of the City's legislative body, quasi-judicial boards and commissions and other public bodies as well as the delivery of services directly to the public in a face-to-face manner, including safety services, utility services, and inspectional services, the social distancing measures must be implemented in a way that preserves to the greatest possible extent

the City's ability to deliver essential services, in compliance with the law and the City Charter and Ordinances.

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

SECTION 1: This Council finds and determines that the COVID-19 pandemic constitutes an emergency in the City of Brook Park, and that additional efforts to safeguard the health, safety and welfare of the public are required. In making the determinations and findings in this Resolution, it is Council's intention to exercise and avail itself, on behalf of the City of Brook Park, of the fullest extent of its power and authority under Article XVIII, Section 3 of the Ohio Constitution as well as the laws of the State of Ohio, all emergency management efforts including those contained in Section 5502 of the Ohio Revised Code, and the Charter and Ordinances of the City of Brook Park.

SECTION 2: This Council finds and determines that the efforts needed to prepare for, respond to and mitigate the impacts of the COVID-19 pandemic have and will place extraordinary requirements upon the City in its mission to deliver services to residents and advance the public health, safety and welfare.

SECTION 3: This Resolution shall be interpreted broadly so as to qualify for aid or assistance from any available source, including, but not limited to federal, state, regional and local governments or governmental agencies, as well as from private entities.

SECTION 4: This Council finds and determines that the City's ability to effectively respond to and manage the COVID-19 pandemic locally will require disruptions to normal meeting schedules and may impact staffing levels, work schedules, and performance of non-essential functions; that ensuring the City's ability to discharge its essential functions is of critical importance; and that the use of technology and digital communications including virtual and telephonic meetings, remote meeting and work technologies and other advanced communications technologies, including streaming technologies, is encouraged at this time, subject to the approval of the Mayor.

SECTION 5: This Council finds and determines that:

(a) Council will meet on 4/21/2020 electronically for a regular meeting. All other City Board and Commission meetings are cancelled until further notice;

(b) The regular schedule of Council meetings under Charter Section 4.05 is hereby suspended until Council determines that the local emergency declared herein has abated.

(c) Council may, during the period of emergency, hold regular or special meetings via teleconference or other means of remote communications, that the Council Rules will be

suspended and dispensed with at any such meeting; and that during such meetings during this time, no public comment period will be provided, although comments submitted in a signed writing or an email identifying the writer will be noted, may be read and will be included in the journal of proceedings.

SECTION 6: This Council finds and determines that in order to meet the challenges and objectives described herein, it will be necessary to provide for the maximum regulatory and operational flexibility permitted by Ohio law and the City's Charter and Ordinances, and that it is necessary to empower and authorize the Mayor to identify the best means and methods to ensure the City's ability to discharge its duties, in consultation with the Department Directors and other key staff and outside consultants, and to take all appropriate actions to discharge such duties within the foregoing parameters, and he is hereby so authorized. The flexibility and authority provided under this Resolution shall continue until Council determines that the current state of emergency has sufficiently abated that such additional measures are no longer necessary.

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, such emergency being the need to implement COVID-19 infection control and prevention practices as recommended by the WHO, CDC, and the state and local health departments, immediately; if 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.

SECTION 8: Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Brook Park.

PASSED: _____ _____
PRESIDENT OF COUNCIL

ATTEST: _____ APPROVED: _____
CLERK OF COUNCIL MAYOR

_____
DATE

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

DIRECTOR OF LAW

I/C
CA 4-8-2020
1st R
2nd R
3rd R
I/C

CITY OF BROOK PARK, OHIO

RESOLUTION NO. _____

INTRODUCED BY: COUNCIL PRESIDENT VECCHIO

A RESOLUTION
TO CONDUCT COUNCIL MEETINGS REMOTELY WITH PROVISIONS FOR PUBLIC PARTICIPATION, AND DECLARING AN EMERGENCY

WHEREAS, the current threat of the COVID-19 pandemic has caused the Governor of the State of Ohio to declare a state of emergency, order non-essential businesses to close, closed schools and issue a stay-at-home order until at least May 1, 2020, the Ohio Department of Health to severely restrict gathering to not more than ten people and the Cuyahoga County Executive to declare a state of emergency in Cuyahoga County; and

WHEREAS, COVID-19 is easily transmissible from person to person and has spread globally to over 177 countries and territories, infected more than 1,289,380 and killed more than 70,590 individuals as of April 6, 2020, according to the World Health Organization; and

WHEREAS, the above-mentioned states of emergency compel the cancellation of public events, and gatherings, including public meetings, and social distancing; and

WHEREAS, due to the current threat of the COVID-19 pandemic and in order to comply with the states of emergency, and Substitute HB 197, this Council will meet remotely with sufficient provisions for public participation (such as video or telephone communications) until December 1, 2020 or the expiration of the declarations of emergency.

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, shall conduct public meetings remotely with sufficient provisions for public participation (such as video or telephone communications) until December 1, 2020 or the expiration of the declarations of emergency.

SECTION 2: Council may be forced to cancel Council meetings

while the states of emergency are in place, and will give notice to the public and to the media if such action becomes necessary.

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 that the City of Brook Park must comply with the Ohio Department of Health by meeting remotely with sufficient provisions for public participation (video or telephone) and may cancel Council meetings due to the present emergencies; if 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

DIRECTOR OF LAW

P/C
CA
1st R
2nd R
3rd R
B/C
SP. COUNCIL 4-14-20

CITY OF BROOK PARK, OHIO

RESOLUTION NO. _____

INTRODUCED BY: COUNCIL AS A WHOLE

A RESOLUTION
TEMPORARILY SUSPENDING COLLECTIVE BARGAINING NEGOTIATIONS, AND DECLARING AN EMERGENCY

WHEREAS, the Centers for Disease Control and Prevention (CDC) considers the novel coronavirus (COVID-19) to be a very serious public health threat with outcomes ranging from mild sickness to severe illness and death; and

WHEREAS, COVID-19 is easily transmissible from person to person and has spread globally to over 177 countries and territories, infected more than 1,289,380 and killed more than 70,590 individuals as of April 7, 2020, according to the World Health Organization; and

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services Secretary Alex Azar declared a public Emergency for COVID-19; and

WHEREAS, the World Health Organization (WHO) has declared COVID-19 to be a pandemic; and

WHEREAS, the current threat of the COVID-19 pandemic has caused the Governor of the State of Ohio to declare a state of emergency and the Cuyahoga County Executive to declare a state of emergency in Cuyahoga County; and

WHEREAS, Governor DeWine has closed schools, day cares, senior centers, restaurants and bars, ordered all non-essential businesses to close, banned gathering of more than 10 people and issued a "Stay-at-Home" order until at least May 1, 2020; and

WHEREAS, because of this on-going emergency, the Mayor and the administration must temporarily suspend collective bargaining negotiations to assess the impact of the health and economic crisis on City operations.

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

SECTION 1: The Mayor and his administration has provided Brook Park City Council with information concerning City negotiations with all the labor employee organizations.

SECTION 2: City Council has considered the Mayor's assessment of the partial or full tentative agreements with the Fraternal Order of Police, Lodge #15 (Patrol and Detectives), International Association of Firefighters, Local 1141 and Teamsters, Local 436, and is in agreement with his assessment that the administration must temporarily suspend collective bargaining negotiations to assess the impact of the Covid-19 pandemic on City operations. Therefore, those partial and/or full tentative agreements are rejected.

SECTION 3: City Council has been advised of the Commissioner of Human Resources' email to all the City's labor union dated March 18, 2020, and affirms the Mayor and his administration's decision to temporarily suspend contract negotiations based upon the current health/economic crisis faced by the City.

SECTION 4: Council directs the Mayor and the administration to continue to assess the impact of the health and economic crisis on City operations and the impact on City collective bargaining negotiations.

SECTION 5: In accordance with the law, the Mayor should recommend negotiations with all the labor unions resume as soon as practical or, if the parties agree to submit to any statutory impasse procedure.

SECTION 6: 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 and Section 121.221 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 the further reason that collective bargaining negotiations must be temporarily suspended due to the present emergencies; if 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