

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, OCTOBER 13, 2020
7:00 P.M.**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE;

III APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MEETING HELD ON JUNE 9, 2020.
2. REGULAR CAUCUS MEETING HELD ON SEPTEMBER 8, 2020.

IV. DISCUSSION:

1. THE COOPER FOUNDATION (Councilman Poindexter) - PER COUNCIL PRESIDENT VECCHIO. **In attendance: Mr. Craig Cooper - Founder.**

V. FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO PROVIDE COVID-19 GRANT ASSISTANCE TO BROOK PARK SMALL BUSINESS OWNERS AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio.

VI. LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. AN ORDINANCE ENACTING SECTION 509.16 OF THE GENERAL OFFENSES CODE OF THE CITY OF BROOK PARK ENTITLED 'PEDESTRIAN OR VEHICLE INTERFERENCE; ATM PRIVACY' AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio. **Note:** Moved by **motion** from the September 8, 2020 Caucus meeting.
2. AN ORDINANCE EXEMPTING RETAIL ESTABLISHMENTS IN THE CITY OF BROOK PARK FROM CUYAHOGA COUNTY'S DISPOSABLE BAG BAN, CHAPTER 1304 OF THE CUYAHOGA COUNTY CODE AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer.

VII. PLANNING COMMITTEE - CHAIRMAN, ORCUTT:

1. A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO OPERATE A THIRD PARTY AUTOMOTIVE/LIGHT TRUCK MAINTENANCE FACILITY LOCATED AT 16701 BROOKPARK ROAD IN THE U7-B DISTRICT AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

VIII. SAFETY COMMITTEE - CHAIRMAN, TROYER:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH AMBULANCE MEDICAL BILLING (AMB) AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

IX. SERVICE COMMITTEE - CHAIRMAN, SALVATORE:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH NORTH SHORE PUMP & EQUIPMENT COMPANY, WITHOUT PUBLIC BIDDING, FOR THE PURCHASE AND INSTALLATION OF TWO GRUNDFOS DRY SUBMERSIBLE PUMPS, AND THE REMOVAL OF EXISTING PUMPS AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

X. ADJOURNMENT:

170 10-6-20 Finance
OA 10-13-20
1st R _____
2nd R _____
3rd R _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCIL PRESIDENT VECCHIO

AN ORDINANCE
AUTHORIZING THE MAYOR TO PROVIDE COVID-19 GRANT
ASSISTANCE TO BROOK PARK SMALL BUSINESS OWNERS,
AND DECLARING AN EMERGENCY

WHEREAS, the COVID-19 pandemic has caused hardship to businesses globally; and

WHEREAS, the COVID-19 pandemic has had an adverse effect on Brook Park small business owners by forcing shut downs, reducing capacity, or changing the way business can be conducted altogether; and

WHEREAS, this Council recognizes that small businesses are a part of the economic lifeline for the City of Brook Park; and

WHEREAS, many Brook Park small business owners did not receive federal funding.

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

SECTION 1: The Mayor and/or his Economic Development Commissioner are hereby authorized to allocate and dispense funds in the form of grants to small non-corporate owned businesses operated within the limits of the City of Brook Park Ohio, with the following conditions:

- 1) Such grants will be for small non-corporate owned businesses with ten or fewer employees
- 2) Such grants shall not exceed the amount of five thousand (\$5,000.00) dollars.
- 3) Combined said grants shall not exceed the total sum of one hundred thousand (\$100,000.00) dollars.

SECTION 2: The money needed for the aforesaid transaction shall be paid from funds received from section 5001 of the Coronavirus Aid Relief, and Economic Security Act ("CARES Act").

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 provide economic assistance to small businesses in our City that suffered losses due to the COVID-19 pandemic, therefore this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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


DIRECTOR OF LAW

P/C 4-21-20 LEGISLATIVE
CA 9-8-20
1st R _____
2nd R _____
3rd R _____
B/C _____
CAUCUS 10-13-20

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCIL PRESIDENT VECCHICO

AN ORDINANCE

ENACTING SECTION 509.16 OF THE GENERAL OFFENSES CODE OF THE CITY OF BROOK PARK ENTITLED "PEDESTRIAN OR VEHICLE INTERFERENCE; ATM PRIVACY", AND DECLARING AN EMERGENCY.

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

SECTION 1: Section 509.16 of the Brook Park Codified Ordinances, entitled 'Pedestrian or Vehicle Interference; ATM Privacy' is hereby enacted to read as follows:

509.16 Pedestrian or Vehicle Interference; ATM Privacy

- (a) Distribution in the right-of-way:
 - 1. No person shall engage in distribution with the driver or occupant of a vehicle in a right-of-way unless such vehicle is lawfully stopped, standing, or parked in compliance with chapter 4511 of the Ohio Revised Code and Title VII of the Ohio Revised Code.
 - 2. No person who is within a right-of-way shall engage in distribution with the driver or occupant of a vehicle stopped in a right-of-way in obedience to a traffic control signal. However, a person may engage in distribution with the occupant of a vehicle in the right-of-way so long as the person remains on the surrounding sidewalks and not in or on the right-of-way itself, including any medians or traffic islands within the right-of way.
 - 3. No person, being the driver or occupant of a vehicle in the right of way, shall engage in distribution with another who is not an occupant of the vehicle unless such vehicle is lawfully stopped, standing, or parked in compliance with Chapter 4511 of the Ohio Revised Code and Title VII of the Ohio Revised Code.
 - 4. No person, being the driver or occupant of a vehicle stopped in the right of way in obedience to a traffic

control signal, shall engage in distribution with another who is not an occupant of the vehicle. However, a driver or occupant of a vehicle in a right-of-way may engage in distribution with another who is not an occupant of the vehicle so long as the person remains on the surrounding sidewalks and not in the right-of-way itself, including any medians or traffic islands within the right-of-way.

5. Whoever violates this section is guilty of distribution in a right-of-way, a misdemeanor of the fourth degree. When a person has been previously convicted of a violation of this section, or any other substantially similar state statute or municipal ordinance, the offense of distribution in a right-of-way is a misdemeanor of the third degree.
6. For the purpose of this section, the term "distribution" means "an exchange or an attempt to exchange a physical item between two or more individuals."
7. All other words and phrases used in this section shall have the same meanings as defined in 4511.01 of the Ohio Revised Code.

(b) Aggressive distribution.

1. No person shall engage or attempt to engage in distribution in the following manners: by knowingly touching or grabbing another person or that person's property without that person's consent or by knowingly following another person and continuing to engage or attempt to engage in distribution with that person after that person has made an affirmative communication that the person is unwilling or unable to engage in distribution.
2. Whoever violates this section is guilty of aggressive distribution, a misdemeanor of the second degree. When a person has been previously convicted of a violation of this section, or any other substantially similar state statute or municipal ordinance, aggressive distribution is a misdemeanor of the first degree.
3. For the purpose of this section, the term "distribution" means "an exchange or an attempt to exchange a physical item between two or more individuals."

(c) ATM Privacy.

1. No person shall knowingly approach within three feet

of any person who is actively using an automated teller machine without that person's consent.

2. "Automated teller machine" means a fixed device linked to a financial institution's account records which is able to carry out transactions, including but not limited to, account transfers, deposits, withdrawals, balance inquiries, and mortgage and loan payments.

3. Whoever violates this section is guilty of invasion of ATM privacy, a misdemeanor of the fourth degree. When a person has been previously convicted of a violation of this section, or any other substantially similar state statute or municipal ordinance, the offense of violating ATM privacy is a misdemeanor of the third degree.

(d) Obstructing City Right-of-Way.

1. A person commits an offense if, without legal privilege or authority to do so, the person:

(A) Obstructs a highway, street, sidewalk, railway, waterway, elevator, aisle, hallway, entrance or exit to which the public or a substantial group of the public has access, or any other place used for the passage of persons, vehicles, or conveyances, regardless of the means of creating the obstruction and whether the obstruction arises from the person's acts alone or from the person's acts and the acts of others; or

(B) Disobeys a reasonable request or order to move issued by a person the actor knows to be or is informed is, a peace officer or a person with the authority to control the use of the premises when the request/order is made in order to prevent the obstruction of a highway or any of the areas mentioned in subsection (A).

2. For purposes of this section "obstruct" means to render impassable or to render passage unreasonably inconvenient or hazardous.

3. An offense under this section is a misdemeanor of the fourth degree. When a person has been previously convicted of a violation of this section or any substantially similar statute or municipal ordinance, the offense of obstructing a city right-of-way is a misdemeanor of the third degree.

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 further reason that Council desires to enact Section 509.16, therefore, provided this ordinance receives the affirmative vote of at least (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

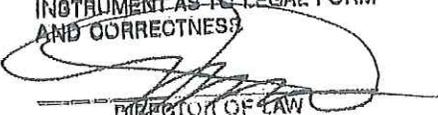
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

110 2-11-20 legislative
CA 2-11-20
1st R _____
2nd R _____
3rd R _____
2-11-20

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCILMAN TROYER

AN ORDINANCE
EXEMPTING RETAIL ESTABLISHMENTS IN THE CITY OF BROOK PARK FROM
CUYAHOGA COUNTY'S DISPOSABLE BAG BAN, CHAPTER 1304 OF THE
CUYAHOGA COUNTY CODE, AND DECLARING AN EMERGENCY

WHEREAS, the Cuyahoga County Council has enacted Chapter 1304 of the Cuyahoga County Code which prohibits the use of disposable plastic bags and non-permitted paper bags by retail establishments in Cuyahoga County beginning January 1, 2020; and

WHEREAS, our Council is in the best position to understand the needs of retail establishments located in Brook Park, including the financial burdens and economic factors that can challenge these establishments; moreover, this Council best understands the needs of Brook Park residents and the people who patronize Brook Park establishments; and

WHEREAS, the fact of the matter is that most of the disposable plastic bags are re-used by the residents of Brook Park; and

WHEREAS, Audrey's Outreach accepts re-usable plastic bags at its Holland Road location, and reuses donated bags during its pantries; and

WHEREAS, this Council intends to exempt Brook Park retail establishment from Chapter 1304 of the Cuyahoga County Code; and

WHEREAS, Council may create the City's own regulations to control the use of disposable bags by retail establishments in the City of Brook Park at a later date; and

WHEREAS, it is in interest of the community health, safety and welfare to exempt retail establishments within the City of Brook Park from Cuyahoga County Chapter 1304, pursuant to Ohio Revised Code Section 3796.29 and the Home Rule Powers conferred by Article XVIII, Section 3 of the Ohio Constitution.

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

SECTION 1: That, for the reasons stated in the preamble of this ordinance, retail establishments located in the City of Brook Park are exempt from Cuyahoga County's Disposable Bag Ban, Chapter 1304 of the Cuyahoga County Code.

SECTION 2: That the Brook Park City Council encourages donating any un-needed, clean and re-usable disposable plastic bags to Audrey's Outreach.

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 3: This ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and to exempt retail establishments from Cuyahoga County's Disposable Bag Ban, Chapter 1304 of the Cuyahoga County Code; provided this ordinance receives the affirmative vote of at least (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

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

DATE


DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

B/C Planning
6A PER 10-6-2020
1st R _____
2nd R _____
3rd R _____
B/C _____
CAUCUS 10-13-20

Resolution No. _____

Introduced By: COUNCIL AS A WHOLE

A RESOLUTION
GRANTING A CONDITIONAL USE PERMIT TO OPERATE A THIRD PARTY
AUTOMOTIVE/LIGHT TRUCK MAINTENANCE FACILITY
LOCATED AT 16701 BROOKPARK ROAD
IN THE U7-B DISTRICT,
AND DECLARING AN EMERGENCY

WHEREAS, All Engineering Corporation has filed an application for a conditional use permit with the Brook Park Planning Commission; and

WHEREAS, the conditional use requested is to operate a third party automotive/light truck maintenance facility, which is in a U7-B Zone; and

WHEREAS, the request for a conditional use permit was presented at a public hearing on September 14, 2020, to the Brook Park Planning Commission, which referred this matter to Council with certain conditions for approval and recommended the waiver of requirements set forth in Section 1121.36(c) of the Brook Park Codified Ordinances.

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

SECTION 1: The Council of the City of Brook Park finds that the proposed conditional use permit requested is appropriate in the location for which it is proposed and grants a conditional use permit to operate a third party automotive/light truck maintenance facility at 16701 Brookpark Road with the following contingencies:

- Sub-leasing prohibited
- Black ornamental fencing to be installed along frontage
- Long term and or disrepaired vehicles must be stored to the rear of the property
- At minimum, 1 parking space per vehicle on the lot and a parking space for every employee is required

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 the further purpose of granting a conditional use permit for operating a third party automotive/light truck maintenance facility; 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

DATE

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INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS



DIRECTOR OF LAW

10-6-20 SAFETY
CA 10-13-20
1st R _____
2nd R _____
3rd R _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH AMBULANCE MEDICAL BILLING (AMB),
AND DECLARING AN EMERGENCY

WHEREAS, Council deems it necessary for the City to enter into an agreement with a specialist in order to provide for certain information technology services related to ambulance billing and collection fees; and

WHEREAS, the Mayor as acting Safety Director and Fire Chief received bids from three vendors for said ambulance billing services; and

WHEREAS, the lowest and best bidder was Ambulance Medical Billing, hereinafter "AMB", who will provide computers, software and training in addition to the ambulance billing services.

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 an agreement with AMB, for the City's billing and collection of ambulance fees.

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 for the further reason to enter into an agreement with AMB for ambulance billing services; provided this ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

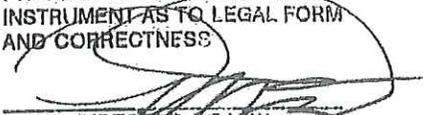
PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS


DIRECTOR OF LAW

10-6-20 Service
10-13-20
1st R _____
2nd R _____
3rd R _____
4th R _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH NORTH SHORE PUMP & EQUIPMENT COMPANY,
WITHOUT PUBLIC BIDDING, FOR THE PURCHASE AND INSTALLATION OF
TWO GRUNDFOS DRY SUBMERSIBLE PUMPS,
AND THE REMOVAL OF EXISTING PUMPS,
AND DECLARING AN EMERGENCY

WHEREAS, Council deems it necessary for the City to enter into a contract with an exclusive dealer for the purchase and installation of two (2) Grundfos 12 HP SEI.30A40 Submersible pumps and the other necessary equipment for the installation thereof, and removal of existing two (2) pumps at the Sylvania Pump Station; and

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

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 North Shore Pump & Equipment Co., for the purchase and installation of two dry pit submersible pumps and removal of existing pumps, as set forth in Exhibit "A."

SECTION 2: The money needed for the aforesaid transaction shall be paid from funds theretofore appropriated for said purposes, Capital Fund 429; provided that, in no event shall the total amount to be paid under said contract shall be \$66,718.00.

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 agreement with undue delay; therefore provided (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: _____

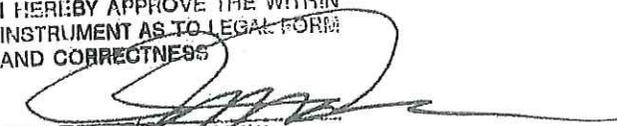
PRESIDENT OF COUNCIL

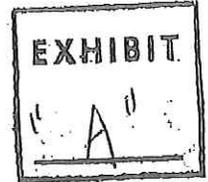
ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS


DIRECTOR OF LAW



North Shore Pump & Equipment Co.

2535 Center Street Cleveland, Ohio 44113

Telephone: 216-622-1890 Fax: 216-622-1894

Email: nspumpco@sbcglobal.net

September 1, 2020

City of Brookpark
Attn: Randy Garner
Reference: Ball Field Pump Station

Randy,

We wish to offer the following pumps and services to replace (2) existing Yeomans VPM Pumps.

Pumps sized for 600gpm @27'
New Pumps will deliver approx. 900gpm

Package to include:

- (2) Grundfos 12HP SEI.30A40 Dry Pi Submersibles
- (2) Pedestal stands
- Custom fabricated pipe and elbows to install into existing system
- Supply and install (2) 6" inlet valves, (1) 4" check valve, (2) 4" OSY Isolation valves.
- Wire pumps to existing Grundfos Controller
- Startup pumps

Package Net.....\$66,718.00

- ~ Pumps will be installed in (2) separate mobilizations.
- ~ City is responsible for pumping down wet well in order to install suction valves.

Thank you for the opportunity to quote.

Scott Bloomhuff