

**REGULAR CAUCUS MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
HELD ON TUESDAY, APRIL 13, 2021  
7:00 P.M.**

**I. ROLL CALL OF MEMBERS:**

**II. PLEDGE OF ALLEGIANCE**

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

1. REGULAR CAUCUS MINUTES HELD ON MARCH 9, 2021.

**IV. DISCUSSION:**

1. ORDINANCE NO, 11190-2021, AUTHORIZING THE DIRECTOR OF RECREATION TO PREPARE BID DOCUMENTS AND SPECIFICATIONS AND THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE CITY OF BROOK PARK'S MUNICIPAL CAMPUS OUTDOOR AMPHITHEATER AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella. **Note:** Moved by Council from the April 6<sup>th</sup> Council meeting for discussion purposes - PER COUNCIL PRESIDENT VECCHIO.
2. UPDATE ON THE REQUEST FOR PROPOSAL FOR THE NATATORIUM ROOF AND WALLS COMPREHENSIVE STUDY AND THE RECOMMENDATION OF CONSTRUCTION RESOURCES, INC. - (Mayor Gammella) - PER COUNCIL PRESIDENT VECCHIO.

**V. LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:**

1. AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; PUBLISHING THE ENACTMENT OF SUCH NEW MATTER; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio.

**VI. SAFETY COMMITTEE - CHAIRMAN, TROYER:**

1. AN ORDINANCE AUTHORIZING THE MAYOR TO CREATE A 'SAFE EXCHANGE ZONE' BY THE BROOK PARK POLICE DEPARTMENT AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini.

**VII. SERVICE COMMITTEE - CHAIRMAN, SALVATORE:**

1. A RESOLUTION AUTHORIZING THE MAYOR TO PARTICIPATE IN THE ODOT CONTRACT FOR ROAD SALT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella. **Deadline date 4/30/2021.**

**NOTE:** EXECUTIVE SESSION - MAYOR GAMMELLA - PURCHASE OF PROPERTY:

**VI. ADJOURNMENT:**

**Posted 4/9/2021**



P/C 4/6/21 *RECREATION*  
Cau 4/13/21 discussion only  
1<sup>st</sup> R 4/6/21  
2<sup>nd</sup> R  
3<sup>rd</sup> R  
B/C

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11190-2021

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE AUTHORIZING THE DIRECTOR OF RECREATION TO  
PREPARE BID DOCUMENTS AND SPECIFICATIONS,  
AND THE MAYOR TO ADVERTISE FOR BIDS, AND ENTER  
INTO A CONTRACT FOR THE CITY OF BROOK PARK'S MUNICIPAL CAMPUS  
OUTDOOR AMPHITHEATER, AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park has successfully secured a one-hundred thousand dollar (\$100,000.00) appropriation from the 133<sup>rd</sup> Ohio General Assembly, to build a new outdoor amphitheater on the Brook Park municipal campus; and

WHEREAS, the Mayor and Council believe the addition of this amphitheater will enhance the quality of life for our residents by providing music, culture and entertainment.

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

SECTION 1: City of Brook Park will administer the project and engage regularly with the Ohio Facilities Construction Commission to insure that all required guidelines set forth in the Cultural Facilities Grant Program/Project are met.

SECTION 2: The Director of Recreation is hereby authorized to prepare Bid Documents and Specifications, and the Mayor is hereby authorized to advertise for bids and enter into a contract with the lowest and/or best bidder or bidders for the City of Brook Park's Municipal Campus Outdoor Amphitheater.

SECTION 3: The money needed for the aforesaid transaction shall be paid from funds theretofore appropriated for said purpose.

SECTION 4: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare in the City, and for the further reason authorize the Mayor to request proposals from qualified companies to provide professional services for construction and installation of the City's outdoor amphitheater; 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 from and after 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

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## CITY OF BROOK PARK, OHIO

ORDINANCE NO. \_\_\_\_\_

INTRODUCED BY: COUNCIL PRESIDENT VECCHIO

**AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; PUBLISHING THE ENACTMENT OF SUCH NEW MATTER; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.**

WHEREAS, American Legal Publishing has completed its annual updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances and a resolution of a general and permanent nature that have been passed by Council since the date of the last updating and revision of the Codified Ordinances (January 21, 2019) have been included in the Codified Ordinances of the City; and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State law;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOK PARK, STATE OF OHIO, that:**

**Section 1.** The editing, arrangement and numbering or renumbering of the following ordinances or resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
11151-2020	6-16-20	505.23
11152-2020	6-16-20	1313.03
11177-2020	12-15-20	1361.98, 1361.99
11179-2020	12-23-20	153.01

**Section 2.** The following sections are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

313.12, 331.44, 335.09, 513.01



**Section 3.** The following section of these Codified Ordinances is hereby repealed:

537.17

Adopting Ordinance

2

**Section 4.** All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance, except as follows:

- (a) The enactment of the 2021 Replacement Pages for the Codified Ordinances shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to December 31, 2020.

**Section 5.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including R.C. § 121.22.

**Section 6.** Pursuant to R.C. § 731.23 and 731.25 and Section 123.01 of the Codified Ordinances, the Clerk of Council shall post a notice of the enactment of this ordinance, containing the title of this ordinance, together with a summary of the new matter contained in the 2021 Replacement Pages hereby approved, adopted and enacted, a copy of which Summary is attached hereto as Exhibit A, for a period of not less than fifteen days in the six public places provided in Section 123.01.

**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 the City, and for the further reason that it is immediately necessary to have an up-to-date codification of the laws of the City, one which is consistent with current State law, where and as required by Article XVIII, Section 3, of the Ohio Constitution, with which to administer the affairs of the City, ensure law and order and avoid practical and legal entanglements; 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

\_\_\_\_\_  
MAYOR

DATE: \_\_\_\_\_

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AND CORRECTNESS

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

## EXHIBIT A

### SUMMARY OF NEW MATTER CONTAINED IN THE 2021 REPLACEMENT PAGES FOR THE CODIFIED ORDINANCES OF BROOK PARK, OHIO

New matter in the Codified Ordinances of Brook Park, Ohio, as contained in the 2021 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
313.12	Signal preemption devices; prohibitions.
331.44	Wearing earplugs or earphones prohibited.
335.09	Display of license plates; expired or unlawful plates.
513.01	Definitions relating to drug offenses.
537.17	Criminal child enticement. (Repealed)



CITY OF BROOK PARK, OHIO

4-6-21 SAFETY  
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ORDINANCE NO: \_\_\_\_\_

INTRODUCED BY: COUNCILMAN MENCINI

AN ORDINANCE

AUTHORIZING THE MAYOR TO CREATE A "SAFE EXCHANGE ZONE" BY THE  
BROOK PARK POLICE DEPARTMENT AND DECLARING AN EMERGENCY

WHEREAS, many of our Brook Park residents buy, sell, or trade items in private party transactions and need a safe environment to do so; and

WHEREAS, a "Safe Exchange Zone" will provide a safe environment, with designated parking spaces at the police station and 24-hour video surveillance; and

WHEREAS, even with safe exchange zones, please keep these safety tips in mind when conducting such transactions:

- Do not go to a transaction alone
- Make sure a friend or family member is aware of the transaction details
- Insist on meeting in a public area like our safe transaction zone
- Do not go into someone else's house, and do not allow them into yours
- Complete the transaction during daylight hours
- Be extra cautious when buying or selling valuable items such as vehicles and jewelry
- Trust your instincts and be cautious of scams

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

SECTION 1: The Mayor is hereby authorized to create a "Safe Exchange Zone" by the Brook Park Police Department, with 24-hour surveillance for our Brook Park residents to safely conduct private party transactions.

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:** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare in the City, and for the further reason to authorize the Mayor to create a "Safe Exchange Zone"; 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 from and after 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  
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AND CORRECTNESS

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

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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: \_\_\_\_\_

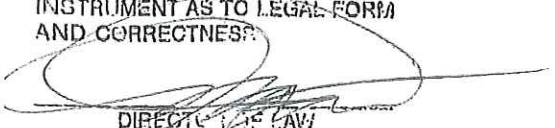
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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

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

\_\_\_\_\_  
DATE

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AND CORRECTNESS

  
DIRECTOR OF THE LAW