

**ITEMS TO BE CONSIDERED
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JUNE 15, 2021
7:00 P.M.**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III. DISCUSSION:

1. AMENDED ORDINANCE NO. 11192-2021,
AUTHORIZING THE MAYOR TO CREATE AN
'EXCHANGE ZONE' BY THE BROOK PARK POLICE
DEPARTMENT AND DECLARING AN EMERGENCY.
Introduced by Councilmembers Mencini, Orcutt, Scott,
Schmuck, Poindexter, Salvatore, Council President
Vecchio and Mayor Gammella - PER COUNCIL
PRESIDENT VECCHIO. **Note:** If moved to the Council
agenda immediately following will be placed under
letter O - Third Reading.
2. LIVESTREAMING ISSUES WITH THE JUNE 8, 2021
CAUCUS MEETING (Councilman Mencini - PER
COUNCIL PRESIDENT VECCHIO.
3. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER
INTO A CONTRACT WITH METIS CONSTRUCTION
SERVICES, LLC FOR THE CONSTRUCTION OF THE
CITY OF BROOK PARK'S MUNICIPAL CAMPUS
OUTDOOR AMPHITHEATER AND DECLARING AN
EMERGENCY. Introduced by Mayor Gammella PER
COUNCIL PRESIDENT VECCHIO.
4. A RESOLUTION IN SUPPORT OF SENATE BILL 164
AND DECLARING AN EMERGENCY. (Councilman
Scott) - PER COUNCIL PRESIDENT VECCHIO.

IV. ADJOURNMENT:

Posted: 6/11/2021

P/C 4/6/21 Safety
Cau 4/13/21
1st R 4/20/21
2nd R 5/4/21
3rd R 5/18/21 - amended
B/C
Cau 6/8/21 - discussion
3RD R 6/15/21

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11192-2021

INTRODUCED BY: COUNCILMAN MENCINI, ORCUTT, SCOTT, SCHMUCK,
POINDEXTER, SALVATORE, COUNCIL PRESIDENT VECCHIO AND MAYOR
GAMMELLA

AN ORDINANCE

AUTHORIZING THE MAYOR TO CREATE AN "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 an environment
to do so; and

WHEREAS, the exchange zone will provide an environment, with
designated parking spaces at the police station and 24-hour video
camera; and

WHEREAS, even with the exchange zone, 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 exchange
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 an
"Exchange Zone" by the Brook Park Police Department, with 24-hour
camera for our Brook Park residents to 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, and welfare in the City, and for the further reason to authorize the Mayor to create an "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
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS


DIRECTOR OF LAW

P/C
CA 6-8-21 DISCUSSION
1st R _____
2nd R _____
3rd R _____
D/C _____
CALL PRICE 6-15-21

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH
METIS CONSTRUCTION SERVICES, LLC FOR THE CONSTRUCTION OF 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 133rd 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; and

WHEREAS, the Director of Recreation was authorized by Council to prepare Bid Documents and Specifications, and the Mayor was authorized to advertise for bids for the City of Brook Park's Municipal Campus Outdoor Amphitheater by Ordinance No. 11190-2021, passed April 20, 2021; and Metis Construction Services, LLC did secure the lowest and/or best bid for said construction services.

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 Mayor is hereby authorized to enter into a contract with Metis Construction Services, LLC for the construction of the City of Brook Park's municipal campus outdoor amphitheater.

SECTION 3: The money needed for the aforesaid transaction shall be paid from Capital Improvement Parks and Playgrounds Fund Number 401 342 and reimbursed by the \$100,000.00 appropriation from the Ohio General Assembly.

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 enter into a contract with Metis Construction LLC; 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 OF LAW

(Not to be Completed by Contractor)

CONTRACT
For
Amphitheater Project
Contract 202106

THIS CONTRACT, made this June _____, in the year two thousand and twenty-one, by and between the CITY OF BROOK PARK, by its Mayor, In that behalf, party of the first part, duly authorized pursuant to Ordinance No. 11190-2021, passed by the Council of said City on April 20, 2021, and _____, hereinafter called the Contractor, party of the second part.

WHEREAS, it was one of the conditions of said award that a formal contract should be executed by and between the City and the Contractor.

WITNESSETH:

That said party of the second part has agreed and by these presents does agree for itself, its representatives, successors and assigns, with the party of the first part, as follows:

ARTICLE I. STATEMENT OF WORK

The Contractor shall furnish the materials and perform the work at the unit prices bid for the Amphitheater Project, Contract 202106 for a maximum consideration of _____ and XX/100 (\$_____, _____) Dollars.

ARTICLE II. THE CONTRACT

The Contract Documents as set forth in Section GC-1 of the General Conditions, all of which are incorporated herein and made part hereof as fully as if herein rewritten, constitute this Contract.

ARTICLE III. SITE INVESTIGATION

The Contractor hereby covenants and expressly agrees that he has full knowledge of the site, plans, specifications, contractual documents, conditions and circumstances relating to or affecting performance of work contemplated and covered by this Contract.

ARTICLE IV. ACCEPTANCE

The Contractor hereby covenants and agrees that affixing of his signature to this Contract constitutes acceptance without reservation of and full intent to comply with the Contract, Drawings, Specifications, Shop Drawings and Contractual Documents of this Contract.

ARTICLE V. TIME OF COMPLETION

All provisions of this Contract relating to the time of performance and completion of the work, are of the essence of this Contract. Accordingly, the Contractor shall begin work within ten (10) days from the date of the Notice to Proceed and shall fully and entirely perform this Contract and all of the work incident thereto within thirty (30) consecutive calendar day from the date of the Notice to Proceed. The Amphitheater Structure shall be ordered from the manufacturer immediately following the issuance of the Notice of Award by the City. The Contractor shall prosecute the work under this Contract with reasonable speed and diligence to insure completion of the work in accordance with times stipulated in this Article.

ARTICLE VI. LIQUIDATED DAMAGES

The Contractor further covenants and agrees that, in the event time of completion is delayed beyond the time stipulated in Article V above by action or inactions attributable to the Contractor, The City may retain monies due or that may become due to the Contractor in the amount of \$200 per day for each and every day (Sunday and legal holidays excluded) by which time of completion is delayed beyond time for completion stipulated in Article V above, and that such monies are expressly agreed and recognized as liquidated damages accruing to the City incident to such delays and causing unanticipated and additional expenses to the City.

ARTICLE VII. CITY TAXES

The Contractor further agrees that all city income taxes due and payable under Chapter 1705 of the City of Brook Park Codified Ordinances shall be withheld by the Contractor pursuant to Section 1713.02 (a through k) and further agrees that any of its subcontractors shall be required to withhold income taxes as set forth in Chapter 1705.

ARTICLE VIII. PAYMENT

Payments are to be made to the Contractor in accordance with and subject to the provisions embodied in the documents made a part of this Contract.

IN WITNESS WHEREOF, the parties hereunto have affixed their signature the day and year first above written.

WITNESS

CITY OF BROOK PARK, OHIO

BY

MAYOR

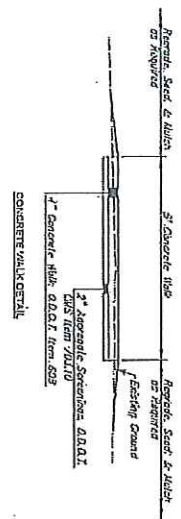
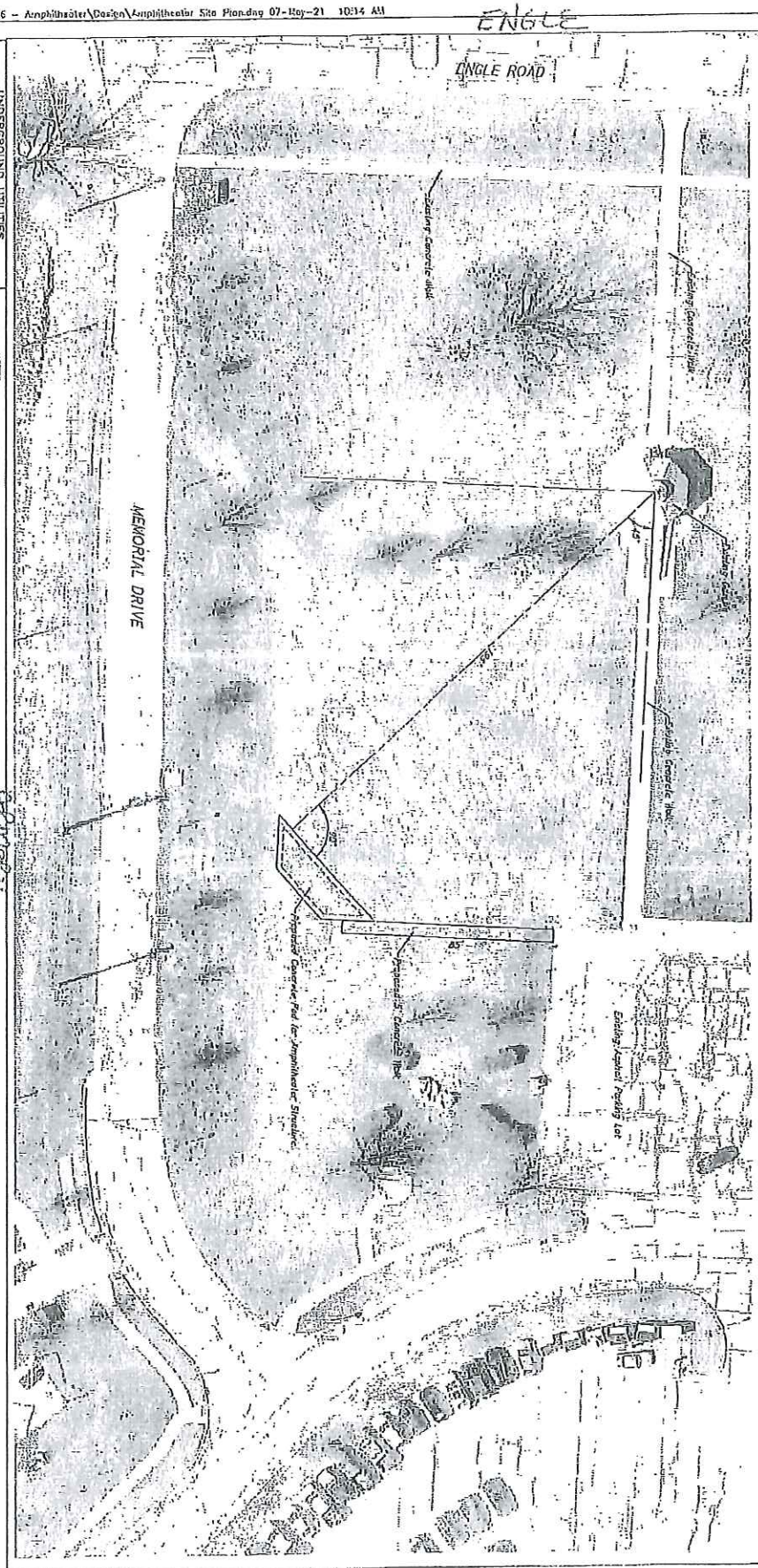
CONTRACTOR

BY

(Title)

Received 6-8-21 Bureau

CITY OF BROOK PARK 6161 ENGLE ROAD PROPOSED AMPHITHEATER SITE LAYOUT PLAN



1. Seating shall be located to the right of the main structure, to form rectangular blocks.
2. Seating shall be located to the right of the main structure, to form rectangular blocks.
3. Seating shall be located to the right of the main structure, to form rectangular blocks.

UNDERGROUND UTILITIES

BEFORE YOU DIG

Call 800-368-5848 (Toll Free)

PROTECTION SERVICE

Must be called before

1. Digging shall be done in accordance with the 2' diameter minimum or as in accordance with the structure manufacturer specifications.
2. Digging shall be done at 1/2 inch from the edge of the structure.
3. Digging shall be done at 1/2 inch from the edge of the structure.
4. Digging shall be done at 1/2 inch from the edge of the structure.
5. Digging shall be done at 1/2 inch from the edge of the structure.
6. Digging shall be done at 1/2 inch from the edge of the structure.
7. Digging shall be done at 1/2 inch from the edge of the structure.
8. Digging shall be done at 1/2 inch from the edge of the structure.
9. Digging shall be done at 1/2 inch from the edge of the structure.
10. Digging shall be done at 1/2 inch from the edge of the structure.



05/07/21
04/22/21



CT 202106

AMPHITHEATER PROJECT

05/07/21
04/22/21

05/07/21
04/22/21

05/07/21
04/22/21

AMPHITHEATER PROJECT - CONTRACT 202106

5/28/2021

DATE: 03-11-53

CITY OF BROOK PARK
CONSTRUCTION SCHEDULE

The City of Brook Park intends to award a Contract for this project shortly after taking bids, and the accepted Contractor shall begin work within 10 days from the date of the Notice to Proceed. This project shall be complete within the time limits stipulated in the Bid Form. The Bidder shall show a detailed schedule of the planned construction to show that the Bidder intends to meet the stated completion requirements.

NOTICE TO PROCEED

Contracting - 7 days - 6/7-6/11

Submittals - 7 days - 6/11-6/18

(manufacturers time) Shop Drawings - 22 days - 6/16-7/7

Mobilize - 5 days - 7/19-7/23

Clearing/Concrete forming - 10 days - 7/26-8/15

Concrete Inspection - 1 day - 8/6-8/6

Pour Concrete - 15 days - 8/9 - 8/24

Lead time for structure - 55 days - 7/7 - 8/30

Erect Structure - 15 days - 9/1 - 9/15

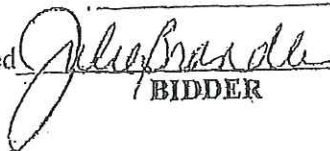
Clean Up - 2 days - 9/15 - 9/17

Finish 9/17/2021

5/28/2021

DATE

Signed


BIDDER

Julie Brandle, President

CITY OF BROOK PARK, OHIO

RESOLUTION NO. _____

INTRODUCED BY: COUNCILMAN SCOTT

A RESOLUTION IN SUPPORT OF SENATE BILL 164,
AND DECLARING AN EMERGENCY

WHEREAS, Senate Bill 164 has been introduced in the 134th General Assembly of the State of Ohio; and

WHEREAS, under the current Goddard's Law (H.B. 60), ORC 959.131 subsection C, it is a Fifth Degree Felony to knowingly cause serious physical harm to a companion animal; and

WHEREAS, with new sentencing reform laws, person(s) who are convicted of a Fifth Degree Felony are spending little or no time in prison even for the most egregious acts against companion animals; and

WHEREAS, Senate Bill 164 would increase penalties under Goddard's Law to a Fourth Degree Felony, for killing a companion animal with 6 to 18 months in prison and \$5,000 in fines; and

WHEREAS, the legislation would create a new offense for those who aid or abet in killing or causing serious injury to a companion animal, the penalty for such offense would be a Fifth Degree Felony; and

WHEREAS, Senate Bill 164 classifies the F4, F5 and M1 as Violent Offenses; and

WHEREAS, these felonies would be non-expungable; and

WHEREAS, Senate Bill 164 bans the use of the gas chamber to euthanize companion animals.

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

SECTION 1: The Clerk of Council is hereby directed to forward a certified copy of this Resolution to Sponsor State

Senator Jay Hottinger, Sponsor Senator Kenny Yuko, Co-Sponsor State Senator Hearcel F. Craig, and Co-Sponsor State Senator Mark Romanchuk.

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 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 the City of Brook Park show its support of Senate Bill 164; 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