

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON JUNE 15, 2021
7:30 P.M.**

A. ROLL CALL OF MEMBERS:

B. PLEDGE OF ALLEGIANCE:

C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

D. REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee - Chairwoman, Schmuck
Finance Committee - Chairman, Scott
Legislative Committee - Chairman, Mencini
Parks & Recreation Committee - Chairman, Poindexter
Planning Committee - Chairman, Orcutt
Safety Committee - Chairman Troyer
Service Committee - Chairman, Salvatore
Board of Zoning Appeals - Chairman, Mencini

E. REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center - Trustee, Orcutt
Berea Board of Education Representative, Mencini
Technology and Innovation Council Representative - Poindexter

F. REPORTS OF BOARDS AND COMMISSIONS:

G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

H. REPORTS AND COMMUNICATIONS FROM THE MAYOR:

**I. REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS, AND OTHER PUBLIC OFFICIALS:**

J. OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL: (INTRODUCTION OF NEW LEGISLATION):

Verbal Approval:

1. 2022 TAX BUDGET.

K. MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

L. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

M. INTRODUCTION OF ORDINANCES AND RESOLUTIONS: FIRST READING:

1. ORDINANCE NO. 11203-2021, AUTHORIZING THE MAYOR TO TRADE-IN THE CITY'S SUPER STAR GROOMER WITH ATTACHMENTS AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
2. RESOLUTION NO. 9-2021, GRANTING A CONDITIONAL USE PERMIT AT 15344 SNOW ROAD LOCATED IN THE U3-B ZONE TO OPERATE A BIGGBY COFFEE AND DECLARING AN EMERGENCY. Introduced by Council as a Whole.

N. SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 11201-2021, AMENDING SECTION 1366.03(b)2 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'VACANT PROPERTY/BUILDING REGISTRATION AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini.

O. THIRD READING OF ORDINANCES AND RESOLUTIONS:

P. ADJOURNMENT:

**SYNOPSIS OF ORDINANCES AND RESOLUTIONS
FOR THE COUNCIL MEETING OF JUNE 15, 2021**

FIRST READING:

Ord. No. 11203-2021 AN ORDINANCE AUTHORIZING THE MAYOR TO TRADE-IN THE CITY'S SUPERSTAR GROOMER WITH ATTACHMENTS, AND DECLARING AN EMERGENCY

SYNOPSIS: An ordinance allowing the Mayor to trade in the older ball field groomer for a credit when purchasing the new groomer.

Ord. No. 11204-2021 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.

SYNOPSIS: An ordinance authorizing the Mayor to enter into a contract with the lowest and or best bidder for the amphitheater contract, Metis Construction Services.

Res. No. 9-2021 A RESOLUTION GRANTING A CONDITIONAL USE PERMIT AT 15344 SNOW ROAD LOCATED IN THE U3-B ZONE TO OPERATE A BIGGBY COFFEE, AND DECLARING AN EMERGENCY.

SYNOPSIS: A resolution granting a conditional use permit at 15344 Snow Road, to have a Biggby Coffee Shop.

SECOND READING:

Ord. No. 11202-2021 AN ORDINANCE AMENDING SECTION 1366.03(b)2 OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED 'VACANT PROPERTY/BUILDING REGISTRATION', AND DECLARING AN EMERGENCY.

SYNOPSIS: If the owner/corporation of property in the city does not reside in or have their principle place of business in Ohio, they must have a manager, successor or agent within a 15-mile radius of the city designated.

PREPARED BY THE BROOK PARK LEGAL DEPARTMENT
June 9, 2021

ALTERNATIVE TAX BUDGET INFORMATION

Political Subdivision/Taxing Unit City of Brook Park

For the Fiscal Year Commencing January 1, 2022

Fiscal Officer Signature _____ Date _____

COUNTY OF CUYAHOGA

Background

Substitute House Bill No. 129 (HB129) effective June 3, 2002, was enacted by the 124th General Assembly in part to allow a county budget commission to waive the requirement that a taxing authority adopt a tax budget for a political subdivision or other taxing unit, pursuant to Ohio Revised Code (ORC) Section 5705.281.

Ohio Revised Code Section 5705.281

Under the amended version of this section pursuant to HB 129, a county budget commission, by an affirmative vote of a majority of the commission, including an affirmative vote by the county auditor, may waive the tax budget for any subdivision or other taxing unit. However, the commission may require the taxing authority to provide any information needed by the commission to perform its duties, including the division of the tax rates as provided under ORC Section 5705.04.

County Budget Commission Duties

The county budget commission must still certify tax rates to each subdivision or other taxing unit, by March 1 for school districts and by September 1 for all other taxing authorities under ORC Section 5705.35, even when a tax budget is waived. Also, the commission is still required to issue an official certificate of estimated resources under ORC Section 5705.35 and amended official certificates of estimated resources under ORC Section 5705.36.

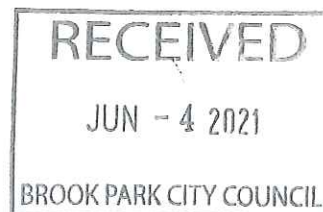
Therefore, when a budget commission is setting tax rates based on a taxing unit's need, for purposes of ORC Sections 5705.32, 5705.34, and 5705.341, its determination must be based on that other information the commission asked the taxing authority to provide under ORC Section 5705.281, when the tax budget was waived. Also, an official certificate must be based on that other information the commission asked the taxing authority to provide.

County Budget Commission Action

On October 11, 2002, during the Cuyahoga County Budget Commission meeting, the commission with an affirmative vote of all members waived the requirement for taxing authorities of subdivisions or other taxing units (Including Schools) to adopt a tax budget as provided under ORC Section 5705.281, but shall require the filing of this Alternative Tax Budget Information document on an annual basis.

Alternative Tax Budget Information Filing Deadline

For all political subdivisions excluding school districts, the fiscal officer must file one copy of this document with the County Fiscal Officer on or before July 20th. For school districts the fiscal officer must file one copy of this document with the County Fiscal Officer on or before January 20th.



DIVISION OF TAXES LEVIED

(Levies Inside & Outside 10 Mill Limitation, Inclusive Of Debt Levies)
(List All Levies Of The Taxing Authority)

SCHEDULE 1

I Fund	II Purpose	III Authorized By Voters On MM/DD/YY	IV Levy Type	V Number Of Years Levy To Run	VI Tax Year Begins/ Ends	VII Collection Year Begins/ Ends	VIII Maximum Rate Authorized	IX \$ AMOUNT Requested Of Budget Commission
General Fund	General						3.85	\$2,002,787.00
Police Pension Fund	Police Pension						0.30	\$156,061.00
Fire Pension Fund	Fire Pension						0.30	\$156,061.00
Debt Service Fund	Debt Service						0.00	\$0.00
SWGH Fund	Southwest Hospital	11/7/2018	Renewal	Five	2019/2023	2020/2024	0.30	\$128,764.00
Totals								\$2,443,673.00

STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

SCHEDULE 2

I Fund BY Type	II Beginning Estimated Unencumbered Fund Balance	III Property Taxes and Local Government Revenue	IV Other Sources Receipts	V Total Resources Available for Expenditures	VI Total Estimated Expenditures & Encumbrances	VII Ending Estimated Unencumbered Balance
General Fund	5,040,000.00	2,327,619.00	18,700,000.00	26,067,619.00	21,771,500.00	4,296,119.00
City Income Tax Fund	225,100.00		18,750,000.00	18,975,100.00	18,975,000.00	100.00
Admissions Tax Fund	855,000.00		2,500.00	857,500.00	190,000.00	667,500.00
Hotel, Motel Tax Fund	990,000.00		100,000.00	1,090,000.00	150,000.00	940,000.00
Street Construction, Maint. & Repair Fund	700,000.00		1,110,000.00	1,810,000.00	1,250,000.00	560,000.00
State Highway Improvement Fund	962,500.00		91,000.00	1,053,500.00	75,000.00	978,500.00
Permissive Tax Fund	205,000.00		47,000.00	252,000.00	75,000.00	177,000.00
Economic Development Fund	4,600,000.00		340,000.00	4,940,000.00	375,000.00	4,565,000.00
Brookpark Road Corridor Fund	57,835.00			57,835.00	10,000.00	47,835.00
CDBG Fund	36,290.00			36,290.00		36,290.00
Special Recreation Fund	225,000.00		100,000.00	325,000.00	100,000.00	225,000.00
Concession Stand Funds	5,400.00		85,000.00	90,400.00	86,480.00	3,920.00
Furtherance of Justice Fund	0.00			0.00		0.00
Law Enforcement Fund	48,000.00		1,500.00	49,500.00	10,000.00	39,500.00
DWI Enforcement & Education Fund	29,500.00		1,000.00	30,500.00	2,500.00	28,000.00
Federal Forfeiture Fund	243,000.00		10,000.00	253,000.00	25,000.00	228,000.00
Community Diversion Program Fund	0.00			0.00		0.00
Continuing Training Program Fund	23,233.02			23,233.02	1,000.00	22,233.02

STATEMENT OF FUND ACTIVITY

(List All Funds Individually)

SCHEDULE 2

I	II	III	IV	V	VI	VII
Fund BY Type	Beginning Estimated Unencumbered Fund Balance	Property Taxes and Local Government Revenue	Other Sources Receipts	Total Resources Available for Expenditures	Total Estimated Expenditures & Encumbrances	Ending Estimated Unencumbered Balance
FEMA Fund	54,663.00			54,663.00		54,663.00
American Rescue Plan Fund	1,802,044.50		1,802,044.50	3,604,089.00		3,604,089.00
Insurance Fund	1,140,000.00		15,000.00	1,155,000.00	40,000.00	1,115,000.00
General Bond Retirement Fund	1,301,185.75		1,094,282.67	2,395,468.42	1,098,282.67	1,297,185.75
Capital Improvement Fund	1,000,000.00		2,641,900.00	3,641,900.00	3,391,900.00	250,000.00
Construction Funds	1,000,000.00		1,500,000.00	2,500,000.00	1,750,000.00	750,000.00
Medical Benefits Fund	3,000,000.00		2,000,000.00	5,000,000.00	2,400,000.00	2,600,000.00
Retiree Accrued Benefits Fund	450,000.00		100,000.00	550,000.00	150,000.00	400,000.00
Police Pension Fund	27,500.00	156,061.00	550,000.00	733,561.00	715,000.00	18,561.00
Fire Pension Fund	45,000.00	156,061.00	590,000.00	791,061.00	770,000.00	21,061.00
Southwest General Hospital Fund	0.00	128,764.00		128,764.00	128,764.00	0.00
Cash Bonds Held Fund	50,000.00		2,500.00	52,500.00	27,500.00	25,000.00
Building Standards Fund	7,500.00		3,000.00	10,500.00	10,000.00	500.00
Unclaimed Monies Fund	0.00			0.00		0.00
Payroll Account Funds	5,000.00		88,000.00	93,000.00	90,000.00	3,000.00
Special Assessment Bond Retirement Fund	33,500.00		58,399.70	91,899.70	58,360.00	33,539.70

(Include General Obligation Debt To Be Paid From Inside/Charter Millage Only)
(Do Not Include General Obligation Debt Being Paid By Other Sources)
(Do Not Include Special Obligation Bonds & Revenue Bonds)

VI

Totals

(Bonds Or Notes Must Actually Be Issued In Order To Commence Collection Of Property Taxes For Debt Service)

[illegible]

**CITY OF BROOK PARK
2022 TRANSFERS**

FROM	AMOUNT	TO
100 General Fund	300,000.00	243 Economic Development Fund
	40,000.00	264 Water Park Fund
	232,214.78	310 General Bond Retirement Fund
	100,000.00	691 Retirees' Accrued Benefit Fund
	550,000.00	711 Police Pension Fund
	590,000.00	712 Fire Pension Fund
SubTotal	1,812,214.78	
210 City Income Tax Fund	15,674,600.00	100 General Fund
	2,541,900.00	401 Capital Improvement Fund
SubTotal	18,216,500.00	
215 Admissions Tax Fund	150,000.00	100 General Fund
220 Hotel, Motel Tax Fund	150,000.00	100 General Fund
401 Capital Improvement Fund	798,714.59	310 General Bond Retirement Fund
	1,500,000.00	547 2022 Street Improvements Fund
SubTotal	2,298,714.59	
Total All Transfers		22,627,429.37

P/C 6-12-21 SERVICE
CA 6-8-21
1st R 6-15-21
2nd R _____
3rd R _____
D/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11203-2021

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE MAYOR TO TRADE-IN THE CITY'S SUPER STAR GROOMER
WITH ATTACHMENTS, AND DECLARING AN EMERGENCY

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 trade-in a Super Star groomer with attachments.

SECTION 2: The trade-in value of a Super Star groomer with attachments is \$1,550.00 and the quote for the trade in allowance is attached hereto and incorporated herein as Exhibit "A".

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 trade in a Super Star groomer with attachments, 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

DATE

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



DIRECTOR OF LAW

QUOTATION

BAKER VEHICLE SYSTEMS INC

9035 Freeway Drive • Macedonia, OH 44056
Phone: 330-467-2250 • Fax: 330-467-8308
Serving Golf, Turf & Industry since 1940



TO: City of Brook Park
6161 Engle Road
Brook Park, OH 44142

DATE: 5/18/2021

ATTN: John Pensis

Prices quoted are those in effect at the time of quotation. This quotation is subject to acceptance within 15 days.

SALESPERSON	F.O.B	DELIVERY	PAYMENT TERMS
Kevin	Delivered	June	Net 30

QTY.	ITEM	DESCRIPTION	MUNI BID PRICE	EXTENDED
1	10-99143	ABI Force z23s w/tweels	\$21,999.00	\$21,999.00
		Mid-Mount Attachments:		
1	10-99029	Mini-box blade-solid edge	\$399.00	\$399.00
1	10-90165	Vibraflex	\$599.00	\$599.00
1	10-90253	Profile blades	\$349.00	\$349.00
		Rear-Mount Attachments:		
1	10-99140	7' Pro Finisher	\$699.00	\$699.00
1	10-99142	Vibraflex 3500R	\$449.00	\$449.00
	TRADE	Super Star groomer with attachments Asset # 9892 Model 42-001-L Serial 12614	-\$1,550.00	

Notes:

SUBTOTAL	\$24,494.00
TAX RATE	
SALES TAX	\$0.00
TRADE-IN ALLOWANCE	(\$1,550.00)
TOTAL	\$22,944.00

BY: _____

To accept this quotation, sign here and return: _____ Date: _____

P/C _____
CA 6-8-21
1st R 6-15-21
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

Resolution No. 9-2021

Introduced By: COUNCIL AS A WHOLE

A RESOLUTION
GRANTING A CONDITIONAL USE PERMIT AT 15344 SNOW ROAD
LOCATED IN THE U3-B ZONE TO OPERATE A BIGGBY COFFEE,
AND DECLARING AN EMERGENCY

WHEREAS, REBEL Development Company 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 Biggby Coffee at 15344 Snow Road, located in the U3-B zone; and

WHEREAS, the request for a conditional use permit was presented at a public hearing on June 7, 2021 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 Biggby Coffee following contingencies:

- Main order and voice box relocated to the Northeast corner of the building
- Business hours 6:00 a.m. until 9:00 p.m.

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 Biggby Coffee; 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

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


DIRECTOR OF LAW

ORDINANCE NO: 11201-2021

INTRODUCED BY: COUNCILMAN MENCINI

AN ORDINANCE
AMENDING SECTION 1366.03(b)2 OF THE
BROOK PARK CODIFIED ORDINANCES,
ENTITLED 'VACANT PROPERTY/BUILDING REGISTRATION, 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 1366.03(b)2 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 9920-2014, passed June 17, 2014, is hereby amended to read as follows:

1366.03(b)2) If the owner/corporation does not reside in or have a principle place of business in Ohio, the name, address, phone number, emergency contact information, and email of a **manager/successor agent** in charge of the building who does reside in or have a principle place of business in Ohio, **and resides within a 15-mile radius of the city limits of Brook Park. No occupancy permit shall be issued by the Building Department without such a designation of a manager/successor agent.** By designating an authorized **manager/successor agent** under the provisions of this section, the owner is consenting that the **manager/successor agent** is authorized to receive any and all notices relating to the property and conformance of any and all ordinances;

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 amend Section 1366.03(b)2 of the Brook Park Codified

Ordinances; 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

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


DIRECTOR OF LAW