

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, SEPTEMBER 6, 2016
7:00 P.M.**

A. ROLL CALL OF MEMBERS

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR COUNCIL MEETING HELD ON APRIL 5, 2016.

D. REPORTS OF STANDING COMMITTEES:

| | |
|---|---------------------------------------|
| AVIATION & ENVIRONMENTAL (Powers) _____ | PLANNING COMMITTEE (Troyer) _____ |
| FINANCE COMMITTEE (McCormick) _____ | SAFETY COMMITTEE (Salvatore) _____ |
| LEGISLATIVE COMMITTEE (Troyer) _____ | SERVICE COMMITTEE (Burgio) _____ |
| PARKS & RECREATION (Mencini) _____ | BOARD OF ZONING APPEALS (Scott) _____ |

E. REPORTS OF SPECIAL COMMITTEES:

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|--|
| SOUTHWEST GENERAL HEALTH CENTER - TRUSTEE (Salvatore) _____ |
| BEREA BOARD OF EDUCATION COMMITTEE (Burgio, McCormick) _____ |

F. REPORTS OF BOARDS AND COMMISSIONS:

G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

1. A PROCLAMATION HONORING JOHN KLUTARICH
2. A PROCLAMATION HONORING RANIA PITER

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):**

1. CORRESPONDENCE RECEIVED FROM A RESIDENT

K. MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

**L. REMARKS FROM THE AUDIENCE ON THE ORDINANCES AND/OR RESOLUTIONS
THAT PERTAIN TO ITEMS ON THE AGENDA:**

M. INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):

1. RESOLUTION NO. 24-2016, HONORING OUR LOCAL MILITARY VETERANS AND SUPPORTING NATIONAL VETERANS AWARENESS WEEK. Introduced by Council Members McCormick, Powers, Council President Astorino Troyer, Mencini, Scott, Burgio and Salvatore

N. SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. ORINANCE NO. 10035-2016, AN EMERGENCY ORDINANCE AMENDING SECTION 143.026 OF THE CODIFIED ORDINANCES OF THE CITY OF BROOK PARK REGARDING THE STAFFING OF THE FIRE SAFETY PERSONNEL WITHIN THE CITY AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer, Powers and McCormick

O. THIRD READING OF ORDINANCES AND RESOLUTIONS:

1. RESOLUTION NO. 13-2016, SUPPORTING OHIO HOUSE BILL 523 TO LEGALIZE MEDICAL MARIJUANA IN THE STATE OF OHIO AND DECLARING AN EMERGENCY. Introduced by Councilwoman McCormick. **Motion carried at the 8/2/16 Council meeting to table legislation to the 9/6/16 Council meeting.**

P. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

Q. ADJOURNMENT:

P/C 8/2/16 Legislative
CA 8/9/16
1st R 9/6/16
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 24-2016

INTRODUCED BY: Council Members McCormick, Powers, Council President Astorino and Council Members Troyer, Mencini, Scott, Burgio, Salvatore

A RESOLUTION
HONORING OUR LOCAL MILITARY VETERANS AND SUPPORTING NATIONAL
VETERANS AWARENESS WEEK

WHEREAS, the City of Brook Park in the State of Ohio has always supported its military and veteran military populations; and

WHEREAS, Veterans Day is celebrated nationally on November 11th of each year; and

WHEREAS, National Veterans Awareness Week is celebrated this year during the week of November 6-12, 2016; and

WHEREAS, the City of Brook Park appreciates the sacrifices our veterans have made in defending our freedoms and feel that it is important that we acknowledge them for their courage and show them the honor and support they have earned ; and

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 hereby expresses its gratitude for the sacrifices that our U.S. military veterans have made in defending our freedoms.

SECTION 2: That City Council will develop a series of events to be held during National Veterans Awareness Week that will both honor and bring awareness to Veterans. The participation and cooperation of the City of Brook Park's various departments, as well as businesses and organizations is strongly encouraged.

SECTION 3: The Clerk of Council is hereby authorized and instructed to forward a certified copy of this Resolution to be posted on the City's website.

SECTION 4: 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.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

DATE

| | Yea | Nay |
|-----------|-------|-------|
| Troyer | _____ | _____ |
| Mencini | _____ | _____ |
| Powers | _____ | _____ |
| Scott | _____ | _____ |
| Burgio | _____ | _____ |
| McCormick | _____ | _____ |
| Salvatore | _____ | _____ |

P/C 8/2/16 Safety
CA _____
1st R 8/2/16 CR 13
2nd R 9/6/16
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO : 10035-2016

INTRODUCED BY : COUNCILMAN TROYER AND COUNCIL MEMBERS POWERS AND MCCORMICK

**AN EMERGENCY ORDINANCE
AMENDING SECTION 143.026 OF THE CODIFIED ORDINANCES OF THE CITY OF
BROOK PARK REGARDING THE STAFFING OF THE FIRE SAFETY PERSONNEL
WITHIN THE CITY AND DECLARING AN EMERGENCY**

WHEREAS, the Brook Park Fire Department is a professional fire department with state certified firefighters and emergency medical personnel and staffed with employees as defined in Section 11.02(d)(2)(i.) of the City Charter; and

WHEREAS, on April 12, 2016 the Cuyahoga County Common Pleas Court ordered the City of Brook Park to keep Fire Station Nos. 1 and 2 open at all times; and

WHEREAS, the Mayor shall provide the Director of Public Safety and the Fire Chief of the City of Brook Park with sufficient and effective authority to objectively manage and utilize the resources of the Fire Department using the guidelines established in Chapter 4 of the NFPA 1710 Standard, sections 4.1.2 through 4.1.2.6.1;

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

Section 1:

Codified 143.026 MINIMUM MEMBERS ON DUTY

The Director of Public Safety and the Chief of the Fire Department shall see that there is, in addition to the Fire Chief, Assistant Fire Chief and the Fire Prevention Personnel, a minimum of five firefighters on duty at 17401 Holland Road (Station No. 1) and two firefighters at the 22530 Ruple Road (Station No. 2) fire station at all times;

is hereby amended to read:

Codified 143.026 MINIMUM MEMBERS ON DUTY

(a) The Director of Public Safety and the Chief of the Fire Department shall see that there is, in addition to the Fire Chief, Assistant Fire Chief and Fire Prevention Personnel, sufficient firefighters at 17401 Holland Road (Station No. 1) and 22530 Ruple Rd. (Station No. 2) as necessary to protect lives and property of all persons and businesses present within every geographic location of the City at all times.

(b) The City shall work toward implementation and compliance with the NFPA 1710 Standard to provide proper turnout time, travel time and staffing sufficient to maintain the operations of the fire department at an effective level.

(i.) In order for the City to make a determination in this safety matter, the fire department shall evaluate its level of service and deployment delivery and alarm handling time, turn out time, and travel time objectives on an annual basis. The evaluations shall be based on emergency incident data relating to level of service, deployment, and the employment of each time objective in each geographic area within the jurisdiction of the fire department.

(ii.) The fire department shall provide this evaluation in an annual written report, or more often if requested by the Mayor or City Council. The annual report shall define the geographic areas and/or circumstances in which the requirements are not being met. The annual report shall explain the predictable consequences of any deficiencies and address the steps that are necessary to achieve compliance.

(iii.) Where applicable, the annual report will also include a review of relevant Local and State policies, regulations and statutes that address fire suppression operations, emergency medical services and special operations delivery.

SECTION 2: Ordinance 143.026 as passed February 3, 2015 and effective March 1, 2015, is hereby expressly repealed.

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 it is necessary to amend ordinance No. 143.026; 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: _____

APPROVED: _____

| | Clerk of Council | |
|-----------|------------------|-------|
| | Yea | Nay |
| Troyer | _____ | _____ |
| Mencini | _____ | _____ |
| Powers | _____ | _____ |
| Scott | _____ | _____ |
| Burgio | _____ | _____ |
| McCormick | _____ | _____ |
| Salvatore | _____ | _____ |

MAYOR

DATE

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 13-2016

INTRODUCED BY: COUNCILWOMAN MCCORMICK

P/C 5/17/16 Legislativ

CA 5/24/16

1st R 6/7/16

2nd R 6/21/16

3rd R 8/2/16

B/C _____

Tabled to 9/6/16 Council

A RESOLUTION
SUPPORTING OHIO HOUSE BILL 523 TO LEGALIZE
MEDICAL MARIJUANA IN THE STATE OF OHIO,
AND DECLARING AN EMERGENCY

WHEREAS, Ohio House Bill 523 would legalize marijuana use for individuals with qualifying medical conditions with a doctor's recommendation; and

WHEREAS, the Ohio House passed HB 523 in a bipartisan 71-26 vote on Tuesday, May 10, 2016; and

WHEREAS, Ohio HB 523 has been sent to the Ohio Senate for consideration; and

WHEREAS, the City Council has a vested interest in ensuring that Brook Park residents have access to all viable medical options that could address symptoms associated with chronic, painful, or terminal diseases; and

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 hereby supports the passage of Ohio HB 523.

SECTION 2: The Council of the City of Brook Park hereby urges the Ohio Senate to pass HB 523.

SECTION 3: The Council of the City of Brook Park encourages the Executive Branch of the State of Ohio to sign into law HB 523, once it passes through the Senate.

SENATE 4: The Council of the City of Brook Park supports the rights of residents to access medical care to alleviate the pain and suffering from qualified medical conditions as determined by the State of Ohio;

SECTION 5: The Clerk of Council is hereby authorized and instructed to forward a certified copy of this Resolution to Representative Stephen Huffman, and to have it posted to the City's website.

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 of the Ohio Revised Code.

SECTION 5: 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 further reason to support House Bill 523 to legalize medical marijuana in the State of Ohio; 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

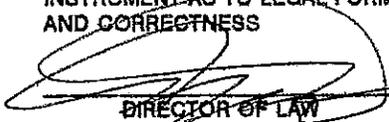
PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

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



DIRECTOR OF LAW

Troyer
Mencini
Powers
Scott
Burgio
McCormick
Salvatore

| | Yea | Nay | DATE |
|-----------|-------|-------|------|
| Troyer | _____ | _____ | |
| Mencini | _____ | _____ | |
| Powers | _____ | _____ | |
| Scott | _____ | _____ | |
| Burgio | _____ | _____ | |
| McCormick | _____ | _____ | |
| Salvatore | _____ | _____ | |