

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, APRIL 4, 2017  
7:00 P.M.**

**A. ROLL CALL OF MEMBERS**

**B. PLEDGE OF ALLEGIANCE**

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

1. SPECIAL COUNCIL MEETING HELD ON AUGUST 8, 2016.
2. REGULAR COUNCIL MEETING HELD ON OCTOBER 4, 2016
3. REGULAR COUNCIL MEETING HELD ON OCTOBER 18, 2016.
4. REGULAR COUNCIL MEETING HELD ON NOVEMBER 1, 2016.
5. SPECIAL CAUCUS MEETING HELD ON NOVEMBER 12, 2016
6. REGULAR COUNCIL MEETING HELD ON NOVEMBER 15, 2016
7. REGULAR COUNCIL MEETING HELD ON DECEMBER 20, 2016
8. SPECIAL COUNCIL MEETING HELD ON DECEMBER 20, 2016
9. REGULAR COUNCIL MEETING HELD ON JANUARY 17, 2017

**Note: the above nine sets of meeting minutes were moved by motion from the March 21, 2017 Council meeting:**

10. REGULAR COUNCIL MEETING HELD ON DECEMBER 6, 2016.
11. SPECIAL COUNCIL MEETING HELD ON AUGUST 16, 2016
12. SPECIAL COUNCIL MEETING HELD ON AUGUST 17, 2016
13. REGULAR COUNCIL MEETING HELD ON FEBRUARY 21, 2017

**D. REPORTS OF STANDING COMMITTEES:**

- AVIATION & ENVIRONMENTAL (Powers) \_\_\_\_\_
- FINANCE COMMITTEE (Co-Chairman, Troyer) \_\_\_\_\_
- LEGISLATIVE COMMITTEE - (Troyer) \_\_\_\_\_
- PARKS & RECREATION COMMITTEE (Mencini) \_\_\_\_\_
- PLANNING COMMITTEE - (Troyer) \_\_\_\_\_
- SAFETY COMMITTEE - (Salvatore) \_\_\_\_\_
- SERVICE COMMITTEE - (Burgio) \_\_\_\_\_
- BOARD OF ZONING APPEALS - (Scott) \_\_\_\_\_

**E. REPORTS OF SPECIAL COMMITTEES:**

- SOUTHWEST GENERAL HEALTH CENTER - TRUSTEE (Salvatore) \_\_\_\_\_
- BEREA BOARD OF EDUCATION COMMITTEE (Burgio) \_\_\_\_\_

**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):**

**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. 9-2017, HONORING MIA ASHRIEM FOR WINNING THE PLAIN DEALER/CLEVELAND SPELLING BEE AND DECLARING AN EMERGENCY. Introduced by Councilmembers Salvatore, Burgio, Scott, Mencini, Troyer, Powers and Council President Astorino
  
2. RESOLUTION NO. 10-2017, TO EXTEND THE BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, IN ORDER TO ALLOW THE CITY ADMINISTRATION, COUNCIL AND THE BROOK PARK PLANNING COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE BROOK PARK ZONING CODE RELATIVE TO SUCH USE AND DECLARING AN EMERGENCY. Introduced by Councilmembers Salvatore, Burgio, Scott and Mencini, Troyer, Powers and Council President Astorino

**N. SECOND READING OF ORDINANCES AND RESOLUTIONS:**

**O. THIRD READING OF ORDINANCES AND RESOLUTIONS:**

1. ORDINANCE NO. 10048-2016, AUTHORIZING THE MAYOR TO ENTER INTO AMENDMENTS TO VARIOUS LABOR CONTRACTS TO PROVIDE FOR AN ADJUSTMENT TO THE VACATION SCHEDULE AND DECLARING AN EMERGENCY. Introduced by Council President Astorino

**P. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**

**Q. ADJOURNMENT:**

**SYNOPSIS OF ORDINANCES AND RESOLUTIONS  
FOR THE COUNCIL MEETING OF APRIL 4, 2017**

**SECOND READING:**

Res. No.9-2017

A RESOLUTION HONORING MIA ASHRIEM FOR WINNING THE PLAIN DEALER/CLEVELAND SPELLING BEE, AND DECLARING AN EMERGENCY.

SYNOPSIS: A resolution commending Mia Ashriem for her hard work, preparation and achievement in winning the Plain Dealer/Cleveland Spelling Bee.

Res. No. 10-2017

A RESOLUTION TO EXTEND THE MORATORIUM ON THE GRANTING OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, IN ORDER TO ALLOW THE CITY ADMINISTRATION, COUNCIL, AND THE BROOK PARK PLANNING COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE BROOK PARK ZONING CODE RELATIVE TO SUCH USE AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance extending the six month moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed six months from the effective date of this Resolution.

**THIRD READING:**

Ord. No. 10048-2016

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AMENDMENTS TO VARIOUS LABOR CONTRACTS TO PROVIDE FOR AN ADJUSTMENT TO THE VACATION SCHEDULE, AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing the Mayor to enter into amended contract agreements on behalf of the City with our bargaining units.

**PREPARED BY THE BROOK PARK LEGAL DEPARTMENT  
March 30, 2017**

P/C 3/21/17 Legislative  
CA 3/28/17  
1st R 4-4-17  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 9-2017

INTRODUCED BY: COUNCILMEN SALVATORE, BURGIO, SCOTT & MENCINI,  
TROYER, POWERS + COUNCIL PRESIDENT ASTORINO  
A RESOLUTION

HONORING MIA ASHRIEM  
FOR WINNING THE PLAIN DEALER/CLEVELAND SPELLING BEE,  
AND DECLARING AN EMERGENCY

WHEREAS, Mia Ashriem, is a resident of Brook Park, Ohio, and a student of Middleburg Heights Junior High School; and

WHEREAS, Mia Ashriem participated and won the regional spelling bee competition on Saturday, March 11<sup>th</sup> at the Plain Dealer/Cleveland.com Spelling Bee held at the Cuyahoga County Community College Metro campus; and

WHEREAS, approximately 40 seventh and eighth graders in Cuyahoga County competed at the regional spelling bee competition that lasted nearly four hours; and

WHEREAS, Mia Ashriem received a trophy, transportation and lodging for the nationals, plus \$1,000.00 for travel arrangements and meals; and

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

**SECTION 1:** The City Council of City of Brook Park, the administration, and all residents wish to commend Mia Ashreiem for her hard work, preparation and achievement, and wish her continued success as she faces her next challenge in the national spelling bee in Washington, D.C.

**SECTION 2:** The Clerk of Council is hereby directed to forward a certified copy of this Resolution to Mia Ashriem.

**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 for the further reason to honor Mia Ashriem in winning the regional spelling bee; therefore, this Resolution shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: \_\_\_\_\_

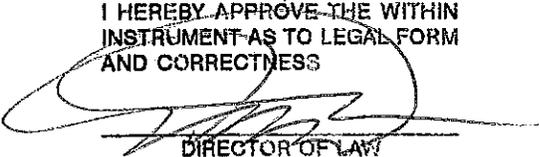
\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
Clerk of Council

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

\_\_\_\_\_  
DATE

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

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

P/C 3/21/17 LEGISLATION  
CA 3/28/17  
1st R 4-4-17  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 10-2017

INTRODUCED BY: COUNCILMAN SALVATORE, BURGIO, SCOTT & MENCINI +  
TROYER, POWERS + COUNCIL PRESIDENT ASTORINO

A RESOLUTION TO EXTEND THE  
MORATORIUM ON THE GRANTING OF  
BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY  
BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE  
CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR  
A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS  
RESOLUTION, IN ORDER TO ALLOW THE CITY ADMINISTRATION, COUNCIL  
AND THE BROOK PARK PLANNING COMMISSION TO REVIEW APPLICABLE OHIO  
STATUTES, CRIMINAL CODES AND THE BROOK PARK ZONING CODE RELATIVE  
TO SUCH USE AND DECLARING AN EMERGENCY

WHEREAS, the Ohio General Assembly adopted on June 8, 2016 and the Governor has signed into law 131 Sub. H.B. 523, which becomes effective September 8, 2016; and

WHEREAS, 131 Sub. H.B. 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a city to adopt regulations to prohibit or limit the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground or public park; and

WHEREAS, as such, the City's Administration, Council and the Planning and Zoning Commission require additional time to undertake a review of all applicable codes statewide and within the city in order to formulate a local response to 131 Sub. H.B. 523; and

WHEREAS, pursuant to the Constitution of the State of Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for health, safety, welfare, comfort and peace of the citizens of the municipality including redistricting areas used for businesses and trades;

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

**SECTION 1:** That the Council of the City of Brook Park, hereby extends the moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed six months from the effective date of this Resolution, in order to allow the City Administration, Council and the Brook Park Planning and Zoning Commissions to review applicable Ohio statutes, criminal codes and the Brook Park Zoning Code relative to such use.

**SECTION 2:** The purpose of this Resolution, "medical marijuana" shall have the same meaning as that term is defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective March 16, 2017.

**SECTION 3:** No building permits, certificates of occupancy or any other permits shall be granted to a business owner who intends to open, use any land or devote any floor area of the business for the purposes of the cultivation, processing, or retail sale of medical marijuana for the period of this moratorium. No valid existing business in the City may expand in any way that would establish cultivation, processing, or retail sale of medical marijuana for the duration of the moratorium.

**SECTION 4:** The moratorium shall be in effect for a period of six months from the effective date of this Resolution or until changes are enacted to amend the Codified Ordinances of the City of Brook Park to address these issues or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

**SECTION 5:** 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 6:** 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 reason that the City of Brook Park would like to impose a six month moratorium on building and/or occupancy permits regarding medical marijuana; 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: \_\_\_\_\_

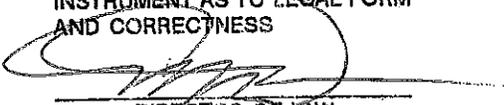
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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

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

\_\_\_\_\_  
DATE

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

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

**RECEIVED**  
MAR 24 2017  
12:21 pm  
BROOK PARK CITY COUNCIL

P/C Finance 10/28/16  
CA \_\_\_\_\_  
1st R 10/18/16 CR 12F  
2nd R 11/1/16 - removed  
3rd R \_\_\_\_\_  
E/C \_\_\_\_\_  
10/18/16 - amended

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 10048-2016

INTRODUCED BY: COUNCIL PRESIDENT ASTORINO

AN ORDINANCE AUTHORIZING THE MAYOR  
TO ENTER INTO AMENDMENTS TO VARIOUS LABOR CONTRACTS  
TO PROVIDE FOR AN ADJUSTMENT TO THE VACATION SCHEDULE,  
AND DECLARING AN EMERGENCY

WHEREAS, Contract amendments between the City and the following bargaining units: Brook Park Fraternal Order of Police, Lodge No. 15 (Patrol Officers); Brook Park Police Sergeants and Lieutenants, Ohio Patrolmen's Benevolent Association; Brook Park Safety Dispatchers/Clerks, Fraternal Order of Police Association; Brook Park Teamsters Union Local 436; Brook Park Municipal Foremen's and Laborers' Union, Local 1099; and Brook Park Firefighters Association, Local 1141 have been negotiated by the Mayor and presented to Council pursuant to the provisions of Chapter 4117 of the Ohio Revised Code; and

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 enter into the amended contract agreements on behalf of the City with the aforementioned bargaining units; the copies of the said amendments are attached as Exhibit "A" and made a part hereof as if fully rewritten herein.

SECTION 2: The money needed for the aforesaid transaction shall be paid from the General Fund.

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 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 the current collective bargaining agreements; 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

NOV 2 1968  
CITY OF  
CLERK OF COUNCIL