

**ITEMS TO BE CONSIDERED  
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING  
TO BE HELD ON TUESDAY, JUNE 5, 2018**

**I. ROLL CALL OF MEMBERS:**

**II. PLEDGE OF ALLEGIANCE:**

**III. DISCUSSION:**

1. A RESOLUTION TO EXTEND THE 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. Introduced by Councilman Scott - PER COUNCIL PRESIDENT VECCHIO
  
2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH NORTH SHORE PUMP & EQUIPMENT COMPANY, WITHOUT PUBLIC BIDDING, TO PURCHASE THREE DRY PIT SUBMERSIBLE PUMPS, INSTALLATION AND REMOVAL OF EXISTING PUMPS AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella - PER COUNCIL PRESIDENT VECCHIO

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

1. AN ORDINANCE PLACING A MORATORIUM ON THE OPERATION OF ANY SHORT TERM RESIDENTIAL REAL ESTATE RENTALS IN THE CITY OF BROOK PARK AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella

**V. SAFETY COMMITTEE - CHAIRMAN, STEMM:**

1. A RESOLUTION REQUESTING THE BEREA SCHOOL DISTRICT INSTALL ADDITIONAL SECURITY DEVICES AND ENFORCE ADDITIONAL SECURITY MEASURES IN ALL DISTRICT SCHOOL BUILDINGS TO PROTECT THE LIVES AND HEALTH OF EVERY STUDENT AND EDUCATOR AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio
  
2. AN ORDINANCE AMENDING SECTION 141.02 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'COMPOSITION: EXECUTIVE HEAD AND DECLARING AN EMERGENCY. Introduced by Council President Astorino.

**VI. ADJOURNMENT:**

**Posted: 6/1/18**

**Note:** Due to the inability to accurately forecast the conclusion time of Caucus work session meetings, the regularly scheduled Brook Park City Council meeting will begin following the conclusion of the regularly scheduled Caucus Prior to meeting.

P/C \_\_\_\_\_  
CA PRIOR 6-5-18 \_\_\_\_\_  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

RESOLUTION NO. \_\_\_\_\_

INTRODUCED BY: COUNCILMAN SCOTT

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**, on December 5, 2017, this Council passed Resolution No. 27-2017, extending a moratorium granted by prior Resolution to further review all Planning and Zoning Commission requirements and allow for a more thorough review of all codes statewide within the City; and

**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

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

\_\_\_\_\_  
DATE

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

CITY OF BROOK PARK, OHIO

P/C \_\_\_\_\_  
CA PRIOR 6-5-18  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

ORDINANCE NO: \_\_\_\_\_

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE  
AUTHORIZING THE MAYOR TO ENTER INTO A  
CONTRACT WITH NORTH SHORE PUMP & EQUIPMENT COMPANY  
WITHOUT PUBLIC BIDDING, TO PURCHASE  
THREE DRY PIT SUBMERSIBLE PUMPS, INSTALLATION  
AND REMOVAL OF EXISTING PUMPS,  
AND DECLARING AN EMERGENCY

WHEREAS, Council deems it necessary for the City to enter into a contract with an exclusive dealer for the purchase and installation of three (3) Grundfos SL Submersible pumps to deliver 1200gpm@48' TDH, HP rating 20HP dry pit submersible pumps with installation, and removable of existing three (3) pumps; and

WHEREAS, said equipment is of such a highly specialized nature, requiring the exercise of peculiar skill and aptitude, and that said contract is properly deemed excepted from the bidding requirements ordinarily associated with the letting of public contracts.

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

SECTION 1: That the Mayor is hereby authorized and directed to enter into a contract with North Shore Pump & Equipment Co., for the purchase and installation of three dry pit submersible pumps and removal of existing pumps, as set forth in Exhibit "A."

SECTION 2: The money needed for the aforesaid transaction shall be paid from funds theretofore appropriated for said purposes; provided that, in no event shall the total amount to be paid under said contract shall be \$99,342.00.

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 Council deems it necessary for the Mayor to enter into said agreement with undue delay; therefore provided (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

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AND CORRECTNESS

\_\_\_\_\_  
DATE

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

# **North Shore Pump & Equipment Co.**

**2535 Center Street Cleveland, Ohio 44113**

**Telephone: 216-622-1890 Fax: 216-622-1894**

**Email: [nspumpco@sbcglobal.net](mailto:nspumpco@sbcglobal.net)**

March 7, 2018

City of Brookpark

Attn: Randy Garner

Reference: Fry Road Pump Station

Randy,

Per our recent visit with Ron and Bob at the Fry Road Pump Station we offer the following:

- Remove and take away (3) existing Worthington Pumps
- Modify concrete pads to accept new pumps
- Modify piping to accept new pumps
- Supply (3) Grundfos SL Submersible dry pit pumps, pumps to deliver 1200gpm @ 48' TDH, HP rating 20HP.
- Supply and install (3) new suction plug valves
- Supply and install (3) new discharge check valves.
- Supply and install new starters in panel.
- Assit with start up.

**Package Net.....\$99,342.00**

Notes: We will be utilizing existing control system with bubbler and phone modem / auto dialer. We would recommend replacing these components in the future. An Electrical Engineer should be hired by the city to make these changes /suggestions.

- Pumps would be installed one at a time as to not upset the stations pumping capacity and to prove the performance of the new Grundfos Pumps.

Thank you for the opportunity to offer our equipment. Please call with any questions.

Scott Bloomhuff

P/C 2/6/18 - Legislative  
Cau 2/13/18  
1st R  
2nd R  
3rd R  
B/C 2/13/18  
Cau 3/27/18  
B/C 3/27/18  
Cau Prior 6/5/18

CITY OF BROOK PARK, OHIO

ORDINANCE NO: \_\_\_\_\_

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE  
PLACING A MORATORIUM ON THE OPERATION OF  
ANY SHORT TERM RESIDENTIAL REAL ESTATE RENTALS  
IN THE CITY OF BROOK PARK,  
AND DECLARING AN EMERGENCY

**WHEREAS**, in accordance with the Constitution of the State of Ohio and the pertinent provisions of the Ohio Revised Code, the City of Brook Park has the power to enact planning and zoning laws that are intended to protect the health, welfare and safety of the citizens of the City; and

**WHEREAS**, the City of Brook Park has enacted such a comprehensive Zoning Ordinance; and

**WHEREAS**, that ordinance is silent regarding the operation of short term (less than 30 days) residential real estate rentals, although Chapter 1414 deals with Rental Properties, and the rental of portions thereof; and

**WHEREAS**, there has been an increase in the operation of short term residential real estate rentals in the Cleveland Metropolitan Area generated through various internet sites; and

**WHEREAS**, such establishments are semi-commercial uses which may be specifically permitted to operate in residential areas; and

**WHEREAS**, Council desires to review legislation and to enact reasonable regulations as to the size, number and location of such short term residential real estate rentals in the City; and

**WHEREAS**, until such regulations are established, Council desires to enact a moratorium on the operation of any short term residential real estate rentals in the City;

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

**SECTION 1:** Council hereby establishes a moratorium until February 1, 2019, prohibiting the operation of any short term (less than 30 days) residential real estate rentals in the City of Brook Park, Ohio.

**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 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 impose this moratorium immediately so as not to mislead any individuals seeking to establish or continue such establishments; 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.

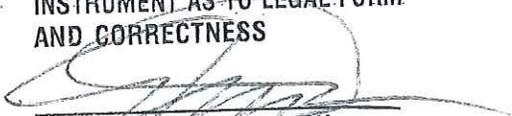
PASSED: \_\_\_\_\_

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

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

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

I HEREBY APPROVE THE WITHIN  
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AND CORRECTNESS

  
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DIRECTOR OF LAW

\_\_\_\_\_  
DATE

PIC 2-27-18 SAFETY  
CA 2-27-18  
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2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_  
CALL PRIOR 6-5-18

CITY OF BROOK PARK, OHIO

RESOLUTION NO. \_\_\_\_\_

INTRODUCED BY: COUNCIL PRESIDENT VECCHIO

A RESOLUTION  
REQUESTING THE BEREAS SCHOOL DISTRICT INSTALL ADDITIONAL  
SECURITY DEVICES AND ENFORCE ADDITIONAL SECURITY MEASURES  
IN ALL DISTRICT SCHOOL BUILDINGS TO PROTECT THE LIVES  
AND HEALTH OF EVERY STUDENT AND EDUCATOR,  
AND DECLARING AN EMERGENCY

WHEREAS, our students, children, educators and staff must be protected from harm while absent from the safety of their homes while at school; and

WHEREAS, the educators of our schools are tasked with protecting our children while in their care; and

WHEREAS, the City along with parents and students of Berea School District is urging the district to include additional measures of protection and safety to ensure the wellbeing of students, educators, and staff; and

WHEREAS, safe schools provide an environment where teaching and learning is a priority; drugs, violence, bullying and fear are not present; standards of behavior is known and maintained; and consequences for infractions are consistently and fairly applied; and

WHEREAS, the Berea School District will continue to work with a broad spectrum of local community stakeholders, local law enforcement, mental health professionals, parents, students, educators, and staff to develop, implement and monitor policies and programs that support a positive school environment, free from harassment and violence;

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

SECTION 1: This Council and the Mayor recognize that safety of our children, educators and staff while at school is of the utmost importance.

**SECTION 2:** That added security devices, enforcement of additional security measures and communication with students will help to protect our most vital assets.

**SECTION 3:** That the Clerk of Council is hereby directed to transmit copies of this Resolution to Mike Sheppard, Superintendent, and all members of the Board of Education at: 390 Fair Street, Berea, OH 44017.

**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.

**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 to urge the Berea School District to install additional security and safety devices; 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

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AND CORRECTNESS

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

\_\_\_\_\_  
DATE

CITY OF BROOK PARK, OH

P/C 2/6/18 - Legislative  
Cau 2/14/17 - moved to Safety  
B/C 2/14/17  
Cau 5/9/17  
B/C 5/9/17  
Cau 6/13/17  
B/C 6/13/17  
Cau 6/27/17 - removed from agenda  
Cau 7/25/17 moved by motion to the  
first Caucus meeting for 2018  
Cau 1/9/18  
B/C 1/9/18  
Cau Prior 6/5/18

ORDINANCE NO: \_\_\_\_\_

INTRODUCED BY: COUNCIL PRESIDENT ASTORINO

AN ORDINANCE  
AMENDING SECTION 141.02  
OF THE BROOK PARK CODIFIED ORDINANCES  
ENTITLED 'COMPOSITION: EXECUTIVE HEAD,'  
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 141.02 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 2650-1966, passed November 1, 1966, and Ordinance No. 9621-2009, passed October 20, 2009 and reading as follows:

**141.02 COMPOSITION; EXECUTIVE HEAD.**

a) The Police Department shall consist of a Police Chief and not more than forty-three regular police officers.

(b) There is hereby established within the Police Department one Police Chief, one Police Captain, four Police Sergeants, four Police Lieutenants and a Detective Bureau. Such officers shall be appointed by the Director of Public Safety from the regular full-time membership of the Police Department.

(c) Under the direction of the Mayor, the Director of Public Safety shall be the executive head of the Police Department. He shall have all powers and duties connected with and incident to the appointment, regulation and government of such Department, except as otherwise provided by law

is hereby amended to read:

**141.02 COMPOSITION; EXECUTIVE HEAD.**

(a) The Police Department shall consist of a Police Chief and not less than thirty-eight regular police officers.

(b) There is hereby established within the Police Department one Police Chief, one Captain, not less than six Police Sergeants and not less than one Police Lieutenant, and a Detective Bureau. Such officers shall be appointed by the Director of Public Safety from the regular full-time membership of the Police Department.

(c) Under the direction of the Mayor, the Director of Public Safety shall be the executive head of the Police Department. He shall have all powers and duties connected with and incident to the appointment, regulation and government of such Department, except as otherwise provided by law.

**SECTION 2:** Former Section 141.02(a) of the Brook Park Codified Ordinances as enacted by Ordinance No. 2650-1966, passed November 1, 1966 and Ordinance No. 8664-2000, passed October 20, 2009, 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 of amending Section 141.02 of the Brook Park Codified Ordinances; 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

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

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

\_\_\_\_\_  
DATE