

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, JUNE 19, 2018
7:30 P.M.**

A. ROLL CALL OF MEMBERS

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. SPECIAL COUNCIL MEETING HELD ON MAY 22, 2018
2. SPECIAL CAUCUS AND EXECUTIVE SESSION HELD ON MAY 29, 2018
3. CAUCUS PRIOR TO MEETING HELD ON JUNE 5, 2018.
4. REGULAR COUNCIL MEETING HELD ON JUNE 5, 2018.

D. REPORTS OF STANDING COMMITTEES:

AVIATION & ENVIRONMENTAL (Poindexter)	_____
FINANCE COMMITTEE (Scott)	_____
LEGISLATIVE COMMITTEE (Mencini)	_____
PARKS & RECREATION COMMITTEE (Salvatore)	_____
PLANNING COMMITTEE (Burgio)	_____
SAFETY COMMITTEE (Stemm)	_____
SERVICE COMMITTEE (Orcutt)	_____
BOARD OF ZONING APPEALS (Scott)	_____

E. REPORTS OF SPECIAL COMMITTEES:

SOUTHWEST GENERAL HEALTH CENTER - TRUSTEE (Salvatore)	_____
BEREA BOARD OF EDUCATION COMMITTEE (McDonnell, Poindexter)	_____

F. REPORTS OF BOARDS AND COMMISSIONS:

G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

1. A PROCLAMATION HONORING GUS AND VICKY KANIS (Mayor Gammella)

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. PROPOSED CHANGE TO COUNCIL RULE 19.
2. PROPOSED CHANGES TO THE 2018 CAUCUS/COUNCIL MEETINGS & SUMMER SESSION SCHEDULE. **Note:** Moved by motion from the June 5, 2018 Council agenda
3. 2019 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. RESOLUTION NO. 20-2018, URGING ALL RESIDENTS TO SHOP IN THE CITY OF BROOK PARK DURING 'SHOP IN BROOK PARK MONTH' DURING THE MONTH OF JULY AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini, Council as a Whole and Mayor Gammella

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

2. ORDINANCE NO. 11027-2018, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE SALE OF (+-) 3.303 ACRES OF LAND LOCATED AT 16400 AND 16500 BROOKPARK ROAD, PERMANENT PARCEL NOS. 344-30-008 AND 344-30-009 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella and Councilman Mencini.

N. SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 11025-2018, ENACTING CHAPTER 1122 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SHORT TERM LEASES' Introduced by Councilman Mencini

O. THIRD READING OF ORDINANCES AND RESOLUTIONS:

P. ADJOURNMENT:

SYNOPSIS OF ORDINANCES AND RESOLUTIONS
FOR THE COUNCIL MEETING OF JUNE 19, 2018

FIRST READING:

Res. No. 20-2018

A RESOLUTION URGING ALL RESIDENTS TO SHOP IN THE CITY OF BROOK PARK DURING 'SHOP IN BROOK PARK MONTH,' DURING THE MONTH OF JULY, AND DECLARING AN EMERGENCY.

SYNOPSIS: A resolution encouraging residents to support our local businesses by shopping in Brook Park during the month of July.

Ord. No. 11027-2018 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE SALE OF (+-) 3.303 ACRES OF LAND LOCATED AT 16400 AND 16500 BROOKPARK ROAD, PERMANENT PARCEL NOS. 344-30-008 AND 344-30-009, AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing the Mayor to negotiate and enter into a contract for the sale of property to further the economic best interests of the City.

PREPARED BY THE BROOK PARK LEGAL DEPARTMENT

June 14, 2018

PROPOSED COUNCIL RULE CHANGE

RULE 19: PERMISSION REQUIRED TO ADDRESS COUNCIL

Persons other than Members of the Council and City Officers shall not be permitted to address Council except upon introduction by the presiding officer. Each citizen must identify himself, and his residential address, for purpose of the Public Record. Each citizen shall at all times during any Regular or Special Council meeting conduct themselves in a professional manner. They shall not use offensive or **threatening** language to elected or appointed officials or to the attending public. They shall comply with the Rules of Council 2018-2019. **(Verbal Approval 10/18/16)**

Shall be amended to read:

Persons other than Members of the Council and City Officers shall not be permitted to address Council except upon introduction by the presiding officer. Each citizen must identify himself, and his residential address, for purpose of the Public Record. **Each citizen will be allowed to have six-minutes to speak at the podium.** Each citizen shall at all times during any Regular or Special Council meeting conduct themselves in a professional manner. They shall not use offensive or **threatening** language to elected or appointed officials or to the attending public. They shall comply with the Rules of Council 2018-2019.

REVISED 2018 Caucus and Council Meeting Schedule

JANUARY

2 Caucus Prior
2 - Council
9 - Caucus
16- Caucus Prior
16 - Council
23 - Caucus

Holidays Observed

New Year's Day 1/1/18
Martin Luther King Jr. 1/15/18

JULY

10 - Caucus Prior
10 - Council
17 - Caucus Prior
17 - Council

Holidays Observed

Independence Day 7/4/18
Summer Session

FEBRUARY

6 - Caucus Prior
6 - Council
13 - Caucus
20 Caucus Prior to
20 - Council
27 - Caucus

President's Day 2/19/18

AUGUST

21 - Caucus Prior
21 - Council
28 - Caucus Prior to
28 - Council

Summer Session

MARCH

6 - Caucus Prior
6 - Council
13 - Caucus
20 - Caucus Prior
20 - Council
27 - Caucus

SEPTEMBER

4 - Caucus Prior
4 - Council
11 - Caucus
18 - Caucus Prior
18 - Council

Labor Day 9/3/18

APRIL

3 - Caucus Prior
3 - Council
10 - Caucus
17 - Caucus Prior
17 - Council
24 - Caucus

OCTOBER

2 - Caucus Prior
2 - Council
9 - Caucus
16 - Caucus Prior
16 - Council

MAY

1 - Caucus Prior
1 - Council
8 - Caucus
15 - Caucus Prior
15 - Council
22 - Caucus

Memorial Day 5/28/18

NOVEMBER

7 - Caucus Prior
7 - Council
13 - Caucus
20 - Caucus Prior
20 - Council

General Election 11/6/18

Veteran's Day 11/11/18

Thanksgiving Day 11/22/18

Day after Thanksgiving 11/23/18

JUNE

5 - Caucus Prior
5 - Council
12 - Caucus
19 - Caucus Prior
19 - Council

DECEMBER

4 - Caucus Prior
4 - Council
11 - Caucus
18 - Caucus Prior
18 - Council

Christmas Day 12/25/18 (Tuesday)
Wednesday due to Christmas Day

Two-month schedule verbally approved at the 1/2/18 Organizational meeting
02/13/18 Caucus - verbally approved to include Summer Session

ALTERNATIVE TAX BUDGET INFORMATION

Political Subdivision/Taxing Unit City of Brook Park

For the Fiscal Year Commencing January 1, 2019

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.

62-51-01W 8 NMF 61.

P/C _____
CA 6-12-18
1st R _____
2nd R _____
3rd R _____
B/C _____

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	4,351,635.00	2,160,217.00	19,300,000.00	25,811,852.00	21,674,338.00	4,137,514.00
City Income Tax Fund	950,100.00		18,760,000.00	19,710,100.00	19,710,000.00	100.00
Admissions Tax Fund	610,000.00		160,000.00	670,000.00	131,000.00	539,000.00
Hotel, Motel Tax Fund	505,709.00		153,000.00	658,709.00	100,000.00	558,709.00
Street Construction, Maint. & Repair Fund	255,000.00		800,000.00	1,055,000.00	710,000.00	345,000.00
State Highway Improvement Fund	680,000.00		72,000.00	752,000.00	75,000.00	677,000.00
Permissive Tax Fund	80,000.00		49,000.00	129,000.00	50,000.00	79,000.00
Economic Development Fund	5,000.00		340,000.00	345,000.00	340,000.00	5,000.00
Brookpark Road Corridor Fund	57,835.00			57,835.00	25,000.00	32,835.00
CDBG Fund	36,581.23			36,581.23		36,581.23
Special Recreation Fund	500,000.00		103,000.00	603,000.00	150,000.00	453,000.00
Concession Stand Funds	11,000.00		66,500.00	77,500.00	68,000.00	9,500.00
Furthurance of Justice Fund	0.00			0.00		0.00
Law Enforcement Fund	64,000.00		1,500.00	65,500.00	35,000.00	30,500.00
DWI Enforcement & Education Fund	23,430.00		1,750.00	25,180.00	5,000.00	20,180.00
Federal Forfeiture Fund	200,000.00		10,000.00	210,000.00	80,000.00	130,000.00
Community Diversion Program Fund	17,000.00		3,000.00	20,000.00	1,500.00	18,500.00
Continuing Training Program Fund	8,433.00		4,600.00	13,033.00	5,000.00	8,033.00

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
FEIMA Fund	54,663.00			54,663.00	10,000.00	44,663.00
Insurance Fund	1,125,000.00		15,000.00	1,140,000.00	60,000.00	1,080,000.00
General Bond Retirement Fund	1,317,435.75		1,064,087.62	2,381,523.37	1,064,087.62	1,317,435.75
Capital Improvement Fund	200,000.00		2,545,000.00	2,745,000.00	2,705,000.00	40,000.00
Construction Funds	1,160,000.00		3,771,200.00	4,931,200.00	4,530,055.00	401,145.00
Medical Benefits Fund	3,070,000.00		1,870,000.00	4,940,000.00	1,870,000.00	3,070,000.00
Retiree Accrued Benefits Fund	5,000.00		150,000.00	155,000.00	149,700.00	5,300.00
Police Pension Fund	35,000.00		490,000.00	525,000.00	645,000.00	22,899.00
Fire Pension Fund	35,000.00		565,000.00	600,000.00	720,000.00	22,899.00
Southwest General Hospital Fund	0.00			127,388.00	127,388.00	0.00
Cash Bonds Held Fund	35,000.00		2,500.00	37,500.00	32,500.00	5,000.00
Building Standards Fund	1,500.00		2,900.00	4,400.00	3,700.00	700.00
Unclaimed Monies Fund	0.00		0.00	0.00	0.00	0.00
Payroll Account Funds	30,000.00		75,000.00	105,000.00	85,000.00	20,000.00
Special Assessment Bond Retirement Fund	27,500.00		58,400.00	85,900.00	59,935.00	25,965.00

**CITY OF BROOK PARK
2019 TRANSFERS**

FROM	AMOUNT	TO
100 General Fund	300,000.00	243 Economic Development Fund
	30,000.00	264 Water Park Fund
	220,688.81	310 General Bond Retirement Fund
	200,000.00	545 2018/2019 Street Improvement Fund
	150,000.00	691 Retirees' Accrued Benefit Fund
	490,000.00	711 Police Pension Fund
	565,000.00	712 Fire Pension Fund
SubTotal	1,955,688.81	
210 City Income Tax Fund	15,817,412.00	100 General Fund
	2,517,588.00	401 Capital Improvement Fund
SubTotal	18,335,000.00	
215 Admissions Tax Fund	100,000.00	100 General Fund
220 Hotel, Motel Tax Fund	100,000.00	100 General Fund
401 Capital Improvement Fund	780,045.51	310 General Bond Retirement Fund
	1,250,000.00	545 2018/2019 Street Improvement Fund
SubTotal	2,030,045.51	
Total All Transfers	22,520,734.32	

P/C _____
CA 6-12-18
1st R 6-19-18
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 20-2018

INTRODUCED BY: COUNCILMAN MENCINI, *Council as a whole + Mayor Gammella*

A RESOLUTION

URGING ALL RESIDENTS TO SHOP IN THE CITY OF BROOK PARK
DURING 'SHOP IN BROOK PARK MONTH,' DURING THE
MONTH OF JULY, AND DECLARING AN EMERGENCY

WHEREAS, the Brook Park Chamber of Commerce was started in the year 2003 and since that time it has contributed to the community by hosting the Mayor's State of the City Luncheon; Best of Brook Park Recognition Dinner; Brook Park Chamber Night at Progressive Field; annual golf outing; State of the Schools; and annual business fairs; and

WHEREAS, Brookgate Shopping Center is one of our community's primary shopping district and provides all residents with goods, services and job opportunities; and

WHEREAS, purchasing goods and services in the City of Brook Park enhances economic stability and growth;

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

SECTION 1: That the Council of the City of Brook Park along with the administration urges our residents to support our local businesses by shopping in Brook Park during the month of July, 2018, and designates this month as "Shop in Brook Park Month."

SECTION 2: The Clerk of Council is hereby authorized and instructed to forward a certified copy of this Resolution to Sharon Zimmer, Brook Park Chamber of Commerce, 5855 Smith Road, #5, Brook Park, OH 44142.

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 to support our local merchants during "Shop in Brook Park Month;" therefore provided 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

DATE

5-15-18 Finance
CAPRUE 5-15-18
1st R 5-19-18
2nd R _____
3rd R _____
K _____
June 6-12-18

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11027-2018

INTRODUCED BY: MAYOR GAMMELLA AND COUNCILMAN MENCINI

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT FOR THE SALE OF (+-) 3.303 ACRES OF LAND
LOCATED AT 16400 AND 16500 BROOKPARK ROAD,
PERMANENT PARCEL NOS. 344-30-008 AND 344-30-009,
AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park has owned Permanent Parcel Nos. 344-30-008 since January 2000 and 344-30-009 since April, 2001; and

WHEREAS, the "Property" has been non-productive and vacant since the City acquired ownership; and

WHEREAS, the City of Brook Park is desirous of selling parcels of property located on/at 16400 and 16500 Brookpark Road, comprising the totality of Permanent Parcel Nos. 344-30-008 and 344-30-009 (herein the "Property") to foster development and employment on these parcels to further and advance the economic interests of the City; and

WHEREAS, Ethan Robertson of Robertson Commercial Properties, has executed a Letter of Intent to Purchase the Property from the City of Brook Park to construct and establish a new sales and truck service center;

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 negotiate and enter into contract for the sale of the Property to further the economic best interests of the City.

SECTION 2: The City of Brook Park shall sell said property for the sum of \$405,000 with the sale proceeds to be determined at time of closing.

SECTION 3: The proceeds from the sale of the Property shall be used and earmarked to further economic development of jobs and business within the City and shall be placed into the Capital Improvement Fund No. 401 of the City for said purposes;

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: 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 authorize the Mayor to negotiate and enter into a contract for the sale of Permanent Parcel Nos 344-30-008 and 344-30-009; 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

CITY OF BROOK PARK, OHIO

P/C
CA REC. 5-15-18
1st R 6-5-18
2nd R 6-19-18
3rd R _____
P/C _____

ORDINANCE NO: 11025-2018

INTRODUCED BY: COUNCILMAN MENCINI

AN ORDINANCE
ENACTING CHAPTER 1122 OF THE
BROOK PARK CODIFIED ORDINANCES,
ENTITLED 'SHORT TERM LEASES'

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

SECTION 1: The Brook Park Codified Ordinances shall be supplemented by enacting a new Chapter entitled "Short Term Leases" and is hereby enacted to read as follows:

1122.01 PURPOSE; INTENT.

Short Term Leases are unique, semi-commercial operations that adapt a residential environment into a lodging concept, limited in scope and operation. The use is clearly of a commercial nature, but may at times be more in keeping with a residential environment.

The purpose of this Chapter is to provide a systematic set of requirements to ensure that such operations, if appropriate for a residential or commercial area, shall not adversely impact adjacent uses as a result of the commercial aspects of the structure and property. Short Term Leases shall be the subordinate to the principal use of a structure as a single-family dwelling. The intent of this Chapter is not to provide an opportunity for the establishment of an intensive commercial lodging business, which would be considered appropriate within an intensive commercial or planned commercial zoning district, but rather in certain locations to provide a limited commercial use in a residential or commercial district.

1122.02 SHORT TERM LEASE DEFINED.

For purposes of this Chapter 1122 means an owner-occupied, residential, single-family structure wherein lodging is provided to transient guests for compensation in accordance with the development standards of this Chapter. The provision of lodging shall be subordinate to the principal use of the structure, and the residential character of the neighborhood must be maintained. At all times the short term leases must comply with all requirements of the Residential Code of Ohio.

1133.03 SHORT TERM LEASES AS CONDITIONAL USES; PERMIT REQUIRED.

Short Term Leases are hereby classified as a conditional use

which may be permitted in Single Family Zoned Districts and all Community Business Districts in accordance with the corresponding standards and requirements of the Planning and Zoning Code. A conditional use permit issued pursuant to Chapter 1121 of these Codified Ordinances shall be required in order to allow said permit shall be effective for two (2) years at a biennial cost to be determined by City Council, and said permit shall be automatically voided by operation of law without further notice or hearing upon the sale or transfer of the real property upon which the short term leases is located. In submitting an application for a conditional use permit, and with every re-application, the applicant shall provide to the Planning Commission a floor plan illustrating the proposed operation, a site plan indicating all on-site improvements, if any, and any additional information as required by the Planning Commission. Notification of the request for the conditional use permit shall be given by the Secretary of the Planning Commission to all record title holders of real property lying within 500 feet of the property line of the area requesting the conditional use approval. Said notice shall be first class mail, postage prepaid.

1122.04 GENERAL DEVELOPMENT STANDARDS.

The following development standards apply to Short Term Leases.

- (a) Uses Permitted in Single-Family Detached Dwellings. Short Term Leases shall be allowed in any detached structure, or in a garage. Only minimal interior modifications of said single-family dwelling shall be permitted in the original architectural style of the house for safety purposes only. Interior modifications of the size of bedrooms and baths shall be permitted. Each Short Term Lease shall be required to have a dining room no smaller than 100 square feet. No more than fifty percent of the house floor area shall be used for such Short Term Lease which percent of use shall include bedrooms, guest baths and dining room.
- (b) Occupation of Premises by Owner. The owner of a Short Term Lease shall live full-time on the premises. Such owner shall be the record owner of no less than fifty percent interest of the property in question.
- (c) Compliance With Fire Protection Standards; Certificates Required. Certificates of compliance from the Brook Park Fire Department shall be required for approval of a request for a conditional use permit for Short Term Leases. The following fire protection standards shall be continually met during the term of the conditional use permit, and shall be certified to exist by the City Fire Prevention Officer at the inception of the conditional use permit and annually therefor:

- (1) There be a battery-type smoke detector in each guest room;

- (2) There shall be a 110-volt electrical smoke detector per floor protecting the sleeping areas;
 - (3) There shall be one carbon dioxide detector per floor protecting the sleeping areas;
 - (4) There shall be ten pound ABC extinguishers per floor;
 - (5) Electrical work shall conform to current residential standards;
 - (6) There shall be a fire inspection; and
 - (7) No portable heating devices shall be allowed in sleeping rooms.
- (d) Consecutive Nights. Each paying guest may stay at a property designated as a Short Term Lease Property for not more than seven (7) consecutive nights at any single visit.
- (e) Kitchen Facilities. Only one kitchen facility shall be permitted per structure for which a conditional use permit is granted to operate a Short Term Lease. No cooking facilities of any type shall be permitted in individual guest quarters, and no food shall be served in guest quarters.
- (f) Bathrooms. A minimum of one full bathroom, including tub or shower, toilet and sink, shall be required for every two guest rooms, to be available for the exclusive use of Bed and Breakfast paying guests. No bathroom shall be located in the basement.
- (g) Owner Requirements. The owner must maintain current guest registration records which contain the following information about each guest: the guest's name, address, signature, room assignment and dates of accommodation. The registration records shall be kept on file for three years and upon request by any authorized City official, shall be made available for inspection by such City official during regular business hours or in case of an emergency.
- (h) Nuisance Conditions; Revocation or Suspension of Permits. Short Term Leases shall not be permitted to create or continue a nuisance under either state or local law, and a conditional use permit shall be revoked or suspended by the City whenever the operation endangers, offends or interferes with the safety or rights of others so as to constitute a nuisance.
- (i) Guest Rooms. There shall be no more than three guest rooms within a single-family dwelling that are utilized by Short Term Lease customers. A guest room shall contain no less than 100 square feet of living space, not including closets. Guest rooms must be limited to only the first and second floors; no guest room may be located on the third floor, or in the basement.

- (j) Parking. One off-street parking space shall be provided for each guest room. Such off-street parking spaces shall be provided in an existing driveway behind the existing building line or in a garage.
- (k) Signage. One on-premises, flat sign against the dwelling shall be permitted for each Short Term Lease, not to exceed three square feet in area. The sign shall not be internally illuminated. No window display or signboard shall be allowed.
- (l) Part-Time Employees. One individual who is a nonresident of the dwelling may be employed in the operation of an owner of the Short Term Lease on a part-time basis.
- (m) Security. Outdoor security cameras must be provided. No security lighting shall be permitted which reflects or is directed out of the yard of the owner of the Short Term Lease.
- (n) Exists. In addition to the requirements of the Residential Code of Ohio, a minimum of two exists from the bed and breakfast area at the level of exist discharge shall be provided.
- (o) Bed Tax. The bed tax applying to the Short Term Leases shall be the same as that for hotels and motels.
- (p) Allowable Number of Occupants. A maximum of six (6) guests, including minor children, shall be permitted at any one time.
- (q) Location. No Short Term Lease shall be permitted within 500 feet of a school or recreational facility.

1122.05 REQUIRED INFORMATION.

A resident approved to offer Short Term Leases shall be subject to annual inspection, and inspection at other times upon reasonable notice to the owner. In addition to the requirement set forth in Section 1121.03, above, an application for and, if requested, renewal of, a conditional use permit to engage in the business of Short Term Lease establishment shall be accompanied by the following information:

SHORT TERM LEASE

- (1) Proof of commercial general liability insurance, with limits of not less than \$300,000.00 per occurrence, for bodily injury and property damage arising in any way from the issuance of the permit. Each policy of insurance shall (i) be used by an insurer authorized to do business in the State of Ohio; and (ii) include a provision requiring 30 days advance notice to the City prior to cancellation or lapse of the policy. The owner shall maintain the insurance required under this Section in full force and effect for the duration of the permit period. A single violation of this subsection shall result in revocation of the permit;
- (2) A statement as to whether the owner or any controlling person has ever been convicted in any

- jurisdiction of any felony;
- (3) Proof that the owner has legal title to the property on which the establishment is located;
 - (4) A written statement that the establishment shall be the owner's legal primary residence throughout the duration of the license period;
 - (5) A copy of an evacuation diagram; and
 - (6) A valid certificate of registration in food handling and sanitation by the department of health.

1122.06 PROHIBITED ACTS.

It shall be unlawful for any person engaged in the business of Short Term Leases to:

- (1) Exceed the scope of the permit, as set forth in this Chapter;
- (2) Allow occupancy of the establishment or any part thereof to exceed one person per 125 feet of floor area, excluding elevators, stairways or other shaft enclosures;
- (3) Rent any sleeping room in the establishment for 7 or more consecutive days to any person other than members of the owner's family as defined in Brook Park Zoning Ordinance;
- (4) Use or permit the use of a hot plate, coffee maker or other cooking device in any sleeping room or bathroom;
- (5) Permit any criminal activity or public nuisance to take place on the premises. If an owner knows or suspects that any criminal activity or public nuisance is taking place on or immediately adjacent to the premises, the owner shall immediately notify the Brook Park Police Department of such fact, and shall cooperate with the Brook Park Police Department in any investigation that may ensue; or
- (6) Knowingly make any false or misleading statement about such person's criminal background in connection with any application submitted pursuant to this Chapter. A single violation of this subsection shall result in permit revocation.

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 shall take effect at the earliest time 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