

**ITEMS TO BE CONSIDERED  
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING  
TO BE HELD ON TUESDAY, NOVEMBER 20, 2018  
7:00 P.M.**

**I. ROLL CALL OF MEMBERS:**

**II. PLEDGE OF ALLEGIANCE:**

**III. DISCUSSION:**

1. POWER POINT PRESENTATION FROM BOSS PRO-KARTING REQUESTING A CONDITIONAL USE PERMIT FOR PHASE ONE AT 18301 BROOKPARK ROAD LOCATED IN A U7-A DISTRICT, TO OPERAN AN AIRPORT PARKING FACILITY IN CONJUNCTION WITH CURRENT TENANT USE - PER COUNCIL PRESIDENT VECCHIO. **Note:** Moved by motion from the Caucus meeting held on November 13, 2018.
2. INFORMATION TECHNOLOGY (IT) CONSULTATION TO ANSWER QUESTIONS REGARDING CITY COUNCIL EMAILS - PER COUNCIL PRESIDENT VECCHIO. **In attendance: Mr. Zach Ellis from TCC Technology Solutions.**
3. RESOLUTION NO. 19-2018, 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. **Note: Six month moratorium adopted by City Council on June 5, 2018 will expire on December 5, 2018.**

### **III. DISCUSSION: CONT.**

4. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE SALE OF PROPERTY LOCATED AT 6363 LOCKHAVEN DRIVE, PERMANENT PARCEL NO. 343-27-018 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella - PER COUNCIL PRESIDENT VECCHIO.

### **VI. ADJOURNMENT:**

**Posted: 11/16/18**

**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 PR102-6-5-18  
1st R 6-5-18  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 19-2018

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:

June 5, 2018

M. J. Salvatore  
PRESIDENT OF COUNCIL

ATTEST:

Michelle Blazak  
CLERK OF COUNCIL

APPROVED:

J. O. Sanner  
MAYOR

6/5/18  
DATE

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

[Signature]  
DIRECTOR OF LAW

CERTIFICATE

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution

No. 19-2018  
passed on the 5th day of June  
2018 by said council

Michelle Blazak  
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing June 5, 2018  
Michelle Blazak  
MICHELLE BLAZAK  
Clerk of Council

	Yea	Nay
Stemm	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Orcutt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Burglo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE  
AUTHORIZING THE MAYOR TO ENTER INTO A  
CONTRACT FOR THE SALE OF PROPERTY  
LOCATED AT 6363 LOCKHAVEN DRIVE  
PERMANENT PARCEL NO. 343-27-018,  
AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park had acquired Permanent Parcel No. 343-27-018 on August 22, 2016, from the Cuyahoga County Sheriff's Office for the Brook Park Land Reutilization Program; and

WHEREAS, the City of Brook Park is desirous of selling this parcel of property located at 6363 Lockhaven Drive, Permanent Parcel No. 343-27-018 (herein the "Property") to Angelo Castelli who currently lives at 14027 Holland Road, Brook Park, Ohio; and

WHEREAS, the "Property" has been vacant for several years and the home was razed on April 7, 2016; and

WHEREAS, our Economic Commissioner has received an offer to purchase this property from Angelo Castelli for \$15,000 plus buyer closing costs and plans to build a ranch style home for himself; 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 negotiate and enter into contract for the sale of the Property located at 6363 Lockhaven Drive, Brook Park, Ohio to further the economic best interests of the City.

SECTION 2: The City of Brook Park shall sell said property for the sum of \$15,000 plus buyer closing costs, 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 Economic Development Fund No. 243 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 No. 343-27-018; 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.

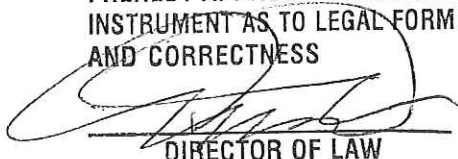
PASSED: \_\_\_\_\_

\_\_\_\_\_  
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