

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON WEDNESDAY, NOVEMBER 6, 2019
7:00 P.M.**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III. DISCUSSION:

1. MEDICAL MARIJUANA MORATORIUM EXTENSION EXPIRES NOVEMBER 20, 2019 - PER COUNCIL PRESIDENT VECCHIO. **Note:** (Resolution No. 40-2018 attached as reference material).

IV. LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. AN ORDINANCE AMENDING SECTION 140.02 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'BUILDING COMMISSIONER' AND DECLARING AN EMERGENCY. Introduced by Councilman Scott.

V. RECREATION COMMISSION - CHAIRMAN, SALVATORE:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH BARTLETT TREE EXPERTS TO PROVIDE A TREE INVENTORY/SURVEY AND ARBORIST PLANNING SERVICES AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
In attendance: Economic Development Commissioner Adams and Bartlett Tree Representative Chad Clink. **Note:** This legislation is in conjunction with Resolution No. 23-2019 adopted at the August 20, 2019 Council meeting & attached for reference purposes.

VI. ADJOURNMENT:

Posted 11/1/19

Reference Material

P/C
Caucus Prior 11/20/18
1st R 11/20/18
2nd R
3rd R
B/C

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 40-2018

INTRODUCED BY: COUNCILMAN SCOTT, DW + MAYOR GAMBELLA

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 TWELVE 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 12 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 12 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 12 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: November 20, 2018

M. J. ...
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
CLERK OF COUNCIL

APPROVED: J. A. ...
MAYOR

11/20/18
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. 40-2018 passed on the 20th day of November 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 November 27, 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"/>
Burgio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B/C 10-1-19 legislative
CA PRICE 11-10-19
1st R _____
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: COUNCILMAN SCOTT

AN ORDINANCE
AMENDING SECTION 140.02
OF THE BROOK PARK CODIFIED ORDINANCES
ENTITLED 'BUILDING COMMISSIONER'
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 140.02 of the Codified Ordinances of the City of Brook Park is hereby amended to read as follows:

140.02 BUILDING COMMISSIONER.

There is hereby created the office of Building Commissioner for the City.

- (a) Appointment and Term. Appointment to such position shall be made by the Director of Public Safety, and the Building Commissioner shall serve at the pleasure of the Director of Public Safety.
- (b) Compensation. Compensation of the Building Commissioner shall be fixed by Council.
- (c) Duties. It shall be the duty of the Building Commissioner to:
 - (1) Administer and enforce all State laws and City ordinances relating to building and zoning.
 - (2) Approve or disapprove all blue prints submitted for new construction and to issue all licenses, permits and approvals of all contractors as well as subtrades operating in the City.
 - (3) Supervise the Building Inspector, Electrical Inspector and Plumbing Inspector.
 - (4) Issue all Certificates of Occupancy and Reoccupancy.
 - (5) Make rules and regulations for the administration of the affairs under his supervision.
 - (6) Administrate and direct the issuance of all building, plumbing, heating and electrical permits as required by the building and zoning regulation of the City.

- (7) Keep a record of all his proceedings, a copy of which, certified by him, shall be competent evidence in all courts. The records of the Building Department shall be open to public inspection during regular business hours.
- (8) Perform all other duties as shall be assigned and prescribed for the office by the Director of public safety and the Mayor.

(d) Minimum Qualifications.

- (1) Five years of experience in non-residential building design and construction for buildings or structures within the scope of groups regulated by the rules or the Board while registered in Ohio as an architect or professional engineer; or
- (2) Ten years of experience as a general contractor or superintendent of building construction for buildings or structures dealing with all phases and trades of construction including the responsibility for obtaining approvals and inspections within the scope of groups regulated by the rules of the Board; or
- (3) Five years of experience employed full time as a residential building official in a certified residential building department.
- (4) Said individual applying/appointed for the Building Commissioner position shall receive all certifications necessary to fulfill the position of Building Commissioner within eighteen months from appointment.

SECTION 2: Former Section 140.02 of the Brook Park Codified Ordinances as enacted by Ordinance 4345-1973, passed January 16, 1973 and amended by Ordinance 6576-1984, passed September 18, 1984, 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 140.02 of the Brook Park Codified Ordinances; therefore, provided that this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately from and after its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

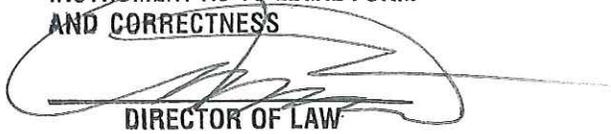
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

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

DATE



DIRECTOR OF LAW

P/C 70-15-19 RECEIVED
CA PRICER 11-10-19
1st R _____
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH
BARTLETT TREE EXPERTS TO PROVIDE A
TREE INVENTORY/SURVEY AND ARBORIST PLANNING SERVICES,
AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park applied for a Grant with the County of Cuyahoga for a Healthy Tree Canopy Program and was awarded a grant in the amount of \$27,000; and

WHEREAS, said grant has been approved for the Brook Park Urban Forestry Management and City Center Tree Plan; 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 by the City of Brook Park to enter into a contract with Bartlett Tree Experts for tree inventory/survey and arborist planning services.

SECTION 2: The money needed for the aforesaid transaction shall be paid equally from Fund No. 243, Economic Development Fund; in the total amount of \$30,000 appropriated or to be appropriated for said purpose.

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 to authorize the Mayor to enter into a contract with Bartlett Tree Experts; 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

DATE



DIRECTOR OF LAW

Reference Material

P/C 8-20-19 Recreation
CA _____
1st R 8-20-19
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 23-2019

INTRODUCED BY: MAYOR GAMMELLA *MC/W*

A RESOLUTION
AUTHORIZING ALL ACTIONS NECESSARY TO
APPLY FOR A HEALTHY URBAN TREE CANOPY GRANT PROGRAM
FROM CUYAHOGA COUNTY,
AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park would like to apply for a Planning Grant of \$30,000 from Cuyahoga County in support of the development of a tree inventory and urban forestry management plan for the City of Brook Park; and

WHEREAS, the City of Brook Park's main municipal campus ("City Center") is vital to and enjoyed by the Brook Park community, which houses Brook Park City Hall, the Brook Park Branch of Cuyahoga County Public Library, a main park and playground, and the Brook Park Recreation Center; and

WHEREAS, the City of Brook Park itself has the second smallest tree canopy in Cuyahoga County, and would like to replenish this canopy, beginning with the reforestation of the City's parks; and

WHEREAS, the City of Brook Park wishes to apply for this county grant funding towards contracting a certified arborist to establish a tree inventory and an urban forestry management plan, as well as a tree plan for the future planting at the Brook Park City Center; and

WHEREAS, this matching grant and the City of Brook Park will be matching the grant at 10% which is \$3,000.00 once the grant is received; and

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

SECTION 1: Authorization is hereby given to Mayor Michael D. Gammella for the City of Brook Park to submit this application to Cuyahoga County for the Health Urban Tree Canopy Grant and to execute a contract with the County if selected for funding through the Economic Development Fund No. 243; and

SECTION 2: 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

Reference Material

Reference Material

Reference Material

Reference Material

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 3: 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 apply for a grant to improve our tree canopy within our City Center; therefore, provided this Resolution receives the affirmative vote of at least (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: August 20, 2019

[Signature]
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
CLERK OF COUNCIL

APPROVED: [Signature]
MAYOR

8/20/19
DATE

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

[Signature]
DIRECTOR OF LAW

Reference Material

Reference Material

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. 23-2019

passed on the 20th day of August 2019 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 August 21, 2019
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"/>
Burgio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Polindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reference Material