

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON TUESDAY, NOVEMBER 19, 2019  
7:30 P.M.**

**A. ROLL CALL OF MEMBERS:**

**B. PLEDGE OF ALLEGIANCE:**

**Note:** EXECUTIVE SESSION - PER MAYOR GAMMELLA.

1. NEGOTIATIONS OF BARGAINING SESSIONS WITH PUBLIC EMPLOYEES CONCERNING COMPENSATION.

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

1. CAUCUS PRIOR TO MEETING HELD ON NOVEMBER 6, 2019.
2. REGULAR COUNCIL MEETING HELD ON NOVEMBER 6, 2019.

**D. REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee - Chairman, Poindexter  
Finance Committee - Chairman, Scott  
Legislative Committee - Chairman, Mencini  
Parks & Recreation Committee - Chairman, Salvatore  
Planning Committee - Chairman, Burgio  
Safety Committee - Chairman Stemm  
Service Committee - Chairman, Orcutt  
Board of Zoning Appeals - Chairman, Scott

**E. REPORTS OF SPECIAL COMMITTEES:**

Southwest General Health Center - Trustee, Salvatore  
Berea Board of Education Representative, Poindexter

**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):**

**Verbal Approval:**

1. PAYMENT FOR REVISED CHARTER BOOKLETS - \$1010.00.
  
2. PUBLIC RECORDS TRAINING PER HB 9 - APPOINTED DESIGNEES TO ATTEND FOR THE COUNCIL OFFICE WOULD BE THE COUNCIL PRESIDENT AND CLERK OF COUNCIL.

**K. MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**

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

**M. INTRODUCTION OF ORDINANCES AND RESOLUTIONS: FIRST READING:**

1. ORDINANCE NO. 11133-2019, AMENDING SECTION 1121.29 (c) (1) (A) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'RETAIL SALES IN BUILDING' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
  
2. RESOLUTION NO. 35-2019, 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. Introduced by Council as a Whole and Mayor Gammella.

**M. INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING) CONT.**

2. RESOLUTION NO. 36-2019, AUTHORIZING ALL ACTIONS NECESSARY TO APPLY FOR A 2019 CUYAHOGA COUNTY MUNICIPAL GRANT FOR ONE FIRE SAFETY PARAMEDIC VEHICLE AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella and Council as a Whole.

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

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

1. ORDINANCE 11129-2019, ENACTING CHAPTER 163 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'TECHNOLOGY AND INNOVATION COMMITTEE' AND DECLARING AN EMERGENCY. Introduced by Councilman Poindexter.

**P. ADJOURNMENT:**

**SYNOPSIS OF ORDINANCES AND RESOLUTIONS  
FOR THE COUNCIL MEETING OF NOVEMBER 19, 2019**

**FIRST READING:**

Ord. No. 11133-019 AN ORDINANCE AMENDING SECTION 1121.29(c)(1) (A) OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'RETAIL SALES IN BUILDING' AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance amending the gasoline and oil filling stations, retail sales in building section to permit sales of food and beverages other than those in vending machines, with the necessary permits and licensing from the Board of Health.

Res. No. 35-2019 A RESOLUTION TO EXTEND THE MORATORIUM ON THE GRANTING OF 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.

SYNOPSIS: A resolution extending a moratorium on medical marijuana businesses to provide for further review by the City's administration, Council and Planning Commission.

Res. 36-2019 A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO APPLY FOR A 2019 CUYAHOGA COUNTY MUNICIPAL GRANT FOR ONE FIRE SAFETY PARAMEDIC VEHICLE, AND DECLARING AN EMERGENCY.

SYNOPSIS: A resolution for the submission of a grant application by the City's Economic Development Commissioner to the Cuyahoga County Department of Development to help purchase a fire safety paramedic vehicle.

**THIRD READING:**

Ord No.11129-2019 AN ORDINANCE ENACTING CHAPTER 163 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'TECHNOLOGY AND INNOVATION COMMITTEE' AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance enacting a new chapter of our codified ordinance to review our current technology programs and recommend and introduce new programs and innovations which would benefit the City.

CITY OF BROOK PARK, OHIO

P/C 10-15-19 LEGISLATIVE  
CA 11-12-19  
1st R 11-19-19  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

ORDINANCE NO: 11133-2019

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE  
AMENDING SECTION 1121.29(c) (1) (A)  
OF THE BROOK PARK CODIFIED ORDINANCES  
ENTITLED 'RETAIL SALES IN BUILDING'  
AND DECLARING AN EMERGENCY

WHEREAS, there is a need to update Section 1121.29(c) (1) (A) of the Brook Park Codified Ordinances, which prohibits the sale of food and beverages except from vending machine at gasoline and oil filling stations; and

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

SECTION 1: Section 1121.29(c) (1) (A) of the Codified Ordinances of the City of Brook Park is hereby amended to read as follows:

A. Gasoline and oil filling stations

1. Retail sales in building.

- a. Retail sales in building shall include the sale and serving of ~~all~~ food and beverages ~~from vending machines only.~~ with the necessary permits and licensing from the Cuyahoga County Board of Health.

SECTION 2: Former Section 1121.29(c) (1) (A) of the Codified Ordinances of the City of Brook Park, as enacted by Ordinance 6518-1984, passed April 17, 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 1121.29(c)(1)(A) 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.

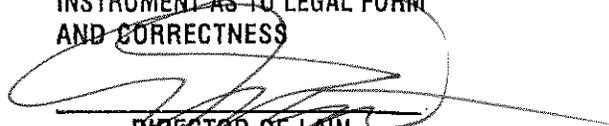
PASSED: \_\_\_\_\_

\_\_\_\_\_  
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

P/C  
Cau  
1<sup>st</sup> R 11/19/19  
2<sup>nd</sup> R  
3<sup>rd</sup> R  
B/C  
Cau Prior 11/6/19 Discussion

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 35-2019

INTRODUCED BY: COUNCIL AS A WHOLE AND MAYOR GAMMELLA

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 November 20, 2018, this Council passed Resolution No. 40-2018, 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 became 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: \_\_\_\_\_

\_\_\_\_\_  
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 11-6-19 Safety  
CA 11-12-19  
1st R 11-19-19  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 36-2019

INTRODUCED BY: MAYOR GAMMELLA and *Clid*

A RESOLUTION  
AUTHORIZING ALL ACTIONS NECESSARY TO  
APPLY FOR A 2019 CUYAHOGA COUNTY MUNICIPAL GRANT  
FOR ONE FIRE SAFETY PARAMEDIC VEHICLE,  
AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park is submitting an application to the Cuyahoga County Department of Development (CDBG) towards the purchase of one new fire safety paramedic vehicle; and

WHEREAS, the maximum award available through the Cuyahoga County Department of Development is \$150,000.00; and

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

**SECTION 1:** Authorization is given to Mayor Michael D. Gammella for the City of Brook Park to submit an application to the Cuyahoga County Department of Development (CDBG) for a 2019 grant up to \$150,000.00 towards the purchase of one fire safety paramedic vehicle.

**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 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 for one paramedic vehicle; 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: \_\_\_\_\_

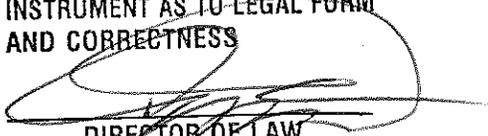
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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

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

\_\_\_\_\_  
DATE

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



DIRECTOR OF LAW



P/C 7/2/19 Legislative  
Cau Prior 8/20/19  
1<sup>st</sup> R 10/15/19  
2<sup>nd</sup> R 11/6/19  
3<sup>rd</sup> R 11/19/19  
B/C 8/20/19  
Cau 10/8/19  
Cau Prior 10/15/19 - amended

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11129-2019

INTRODUCED BY: COUNCILMAN POINDEXTER

AN ORDINANCE  
ENACTING CHAPTER 163 OF THE  
BROOK PARK CODIFIED ORDINANCES,  
ENTITLED 'TECHNOLOGY AND INNOVATION COMMITTEE,'  
AND DECLARING AN EMERGENCY

WHEREAS, Section 5.01 of the Brook Park City Charter states that the Council by ordinance may create, change, or abolish offices, departments, divisions, boards, commissions or agencies established by the Charter; and

WHEREAS, new and innovative technology is constantly changing the operations and assets of municipal government, as well as impacting on the City's laws, infrastructures and equipment; and

WHEREAS, understanding the implementation of new technology requires research and review by those who are most knowledgeable on the subjects; and

WHEREAS, City Council finds merit in forming a Technology and Innovation Committee to review and assess any technological issues the City may face, including but not limited to telecommunications, computers and computer software and equipment, the internet, two way radios, and any other technology related field or matter, and wishes to establish such a Commission.

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 163, entitled "Technology and Innovation Committee," is hereby enacted to read as follows:

CHAPTER 163 TECHNOLOGY COMMISSION  
163.01 COMPOSITION, TERM; VACANCY.

There is hereby established the Brook Park Technology and Innovation Committee, which shall consist of five members as follows:

- a) The Mayor or his Designee.
- b) One member of Council who shall be appointed by Council.
- c) Three residents with technology experience who shall be chosen by the Mayor with the concurrence of a majority of City Council.
- d) Other than the Mayor's designee and representative of Council, all members of this Committee shall be appointed by the Mayor and confirmed by Council for the following terms: Shall serve five (5) years each.
- e) Committee Vacancies. Any vacancies on the Committee shall be filled for the balance of term by appointment by the Mayor and confirmed by Council.

**163.02 PURPOSE.**

The functions of the Technology and Innovation Committee shall be to review the City's current and various technology programs and determine those which no longer have administrative, or fiscal values to the City or its citizens, and further recommend other programs and/or innovations which would be of benefit to the City. These functions can include:

- a) Recommend minimum standards for data, audio and video technology applications to promote systems compatibility city-wide.
- b) Research new technologies and recommend changes, additions, or deletions to standards as necessary.
- c) Research and recommend the implementation of new technologies to Council and the Administration.
- d) Ensure cost effective procurement of information technology systems.
- e) Perform other related duties as deemed necessary and appropriate by Council and/or the Mayor.

**163.03 MEETINGS/PROCEDURES.**

- a) The first regular meeting of the Technology and Innovation Committee shall elect from the members among themselves a Chairman who shall preside at all meetings. The Chairman shall retain all the rights of a voting member. The Technology and Innovation Committee shall select a vice-chair to act in the absence of the Chairperson. The Member of Council is prohibited from serving as Chairman.
- b) A quorum of three (3) members of the Technology and Innovation Committee is necessary for a meeting to occur.
- c) Minutes of the meeting shall be kept by the Secretary of the Technology and Innovation Committee. The Secretary

shall be appointed at the first regular meeting of the Technology and Innovation Committee. All public documents shall be open to inspection to the public at the Council Office. The Secretary shall prepare the agenda for the Technology and Innovation Committee and also provide a written notice of the meetings at the Direction of the Chairman of the Technology and Innovation Committee. The Secretary shall prepare in writing the opinion of the Technology and Innovation Committee.

d) The Technology and Innovation Committee shall meet quarterly, and upon the call of the Mayor.

**163.04      COMPENSATION.**

- a) The Mayor or his designee will receive no compensation for serving on this committee.
- b) The Council representative will receive no compensation for serving on this committee.
- c) Each resident committee member will receive \$50.00 per meeting for serving on this committee, not to exceed \$100 per month per member.

**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 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 enact Chapter 163 of the Brook Park Codified Ordinances; therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

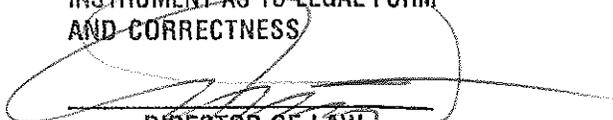
PASSED: \_\_\_\_\_

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

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

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

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

  
DIRECTOR OF LAW

\_\_\_\_\_  
DATE