

**REGULAR CAUCUS MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
HELD ON TUESDAY, FEBRUARY 9, 2021  
7:00 P.M.**

**I. ROLL CALL OF MEMEBERS:**

**II. PLEDGE OF ALLEGIANCE**

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

1. REGULAR CAUCUS MINUTES HELD ON NOVEMBER 10, 2020.
2. REGULAR CAUCUS MEETING HELD ON JANUARY 12, 2021

**II. DISCUSSION:**

1. COUNCIL OFFICE PROCEDURES (Councilman Troyer) - PER COUNCIL PRESIDENT VECCHIO. Moved by **motion** from the January 12, 2021 Caucus meeting.
2. SHOP IN BROOK PARK (Councilman Mencini) PER COUNCIL PRESIDENT VECCHIO.

**III. FINANCE COMMITTEE - CHAIRMAN, SCOTT:**

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT EXTENSION WITH THE FRATERNAL ORDER OF POLICE LODGE NO. 15 (PATROL OFFICERS) AND MEMORANDUM OF AGREEMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT EXTENSION WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (CITY OF BROOK PARK POLICE SERGANTS AND LIEUTENANTS) MEMORANDUM OF AGREEMENT AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

**III. FINANCE COMMITTEE - CHAIRMAN, SCOTT: CONT.**

3. A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE HOUSING COUNCIL ON THE CITY OF BROOK PARK'S COMMUNITY REINVESTMENT AREA (CRA) AGREEMENTS AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

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

1. AN ORDINANCE ENACTING CHAPTER 551 OF THE GENERAL OFFENSES CODE OF THE CITY OF BROOK PARK ENTITLED 'CHRONIC NUISANCE PROPERTY' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
2. AN ORDINANCE AMENDING SECTION 351.13 OF THE BROOK PARK CODIFIED ORDINANCES AND DECLARING AN EMERGENCY. (**Parking of Commercial Vehicles**). Introduced by Councilman Mencini.
3. AN ORDINANCE AMENDING SECTION 1366.03(b)2 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'VACANT PROPERTY/BUILDING REGISTRATION' AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini.
4. A RESOLUTION TO ISSUE A MORATORIUM ON THE GRANTING OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE ANY BUSINESS THAT ENGAGES IN HOOKAH USE (ALSO KNOWN AS CALLED SHISHA AND NARGILE, A WATERPIPE) ESTABLISHMENTS KNOWN AS 'BARS OR LOUNGES' 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 Mayor Gammella.

REGULAR CAUCUS MEETING

FEBRUARY 9, 2021

**V. RECREATION COMMITTEE - CHAIRMAN, POINDEXTER:**

1. A RESOLUTION HONORING JOE BACHIE JR. ON HIS MANY ACCOMPLISHMENTS AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini.

**VI. ADJOURNMENT:**

**Posted 2/5/2021**

CITY OF BROOK PARK, OHIO

P/C 5-29-21 Finne  
CA 2-9-21  
SP COU 1st R 5-28-20  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C 5-28-20  
CAucus 2-9-21

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

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE  
AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT  
EXTENSION WITH THE FRATERNAL ORDER OF POLICE LODGE NO. 15  
(PATROL OFFICERS) AND MEMORANDUM OF AGREEMENT,  
AND DECLARING AN EMERGENCY

WHEREAS, a Contract Extension and Memorandum of Agreement between the City and the Brook Park Fraternal Order of Police Lodge No. 15, Patrol Officers, has been negotiated by the Mayor and presented to Council.

WHEREAS, said Contract Extension shall be effective January 1, 2020 through December 31, 2020.

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 enter into a Contract Extension and a Memorandum of Agreement on behalf of the City with the Fraternal Order of Police Lodge No. 15, Brook Park Patrol Officers, effective January 1, 2020 through December 31, 2020, a copy of said Contract Extension and Memorandum of Understanding is attached hereto as Exhibit "A" and made a part hereof as if fully rewritten herein.

SECTION 2: The money needed for the aforesaid transaction shall be paid from the general fund no. 100, theretofore 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 the municipality and inhabitants thereof, such emergency existing for the further reason that the previous contract with The Fraternal Order of Police Lodge

No. 15, Brook Park Patrol Officers, expired; 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

CONTRACT EXTENSION BETWEEN  
CITY OF BROOK PARK AND  
FRATERNAL ORDER OF POLICE, LODGE #15

The parties, City of Brook Park (Employer) and the Fraternal Order of Police, Lodge #15 (Union) are parties to a Collective Bargaining Agreement (CBA) from January 1, 2019 through December 31, 2019. The parties were in negotiations at the time the Coronavirus pandemic struck. The parties have further discussed the recent models regarding projected losses in revenue and other economic consequences of the pandemic crisis.

Consequently, the parties agree to extend the terms of the 2019 CBA through December 31, 2020 without change or modification. The employees will continue to pay the 2020 employee premiums towards health insurance for the remainder of 2020.

Additionally, the parties agree to open negotiations no later than November 1, 2020 for the subsequent collective bargaining negotiations.

This CBA Extension is entered into this 7<sup>TH</sup> day of MAY, 2020.

FOR THE FRATERNAL ORDER OF  
POLICE, LODGE #15:

FOR THE CITY OF BROOK PARK:

[Signature]  
[Signature]  
[Signature]  
[Signature]

[Signature]  
[Signature]

Approved AS to GOMM  
Law & Gov. Counsel  
FOP 15 5/13/20

EXHIBIT





## MEMORANDUM OF AGREEMENT

The parties, City of Brook Park (Employer) and the Fraternal Order of Police, Lodge #15 (Union), are signatories to a Contract Extension Agreement for calendar year 2020 which extended the terms of the 2019 Collective Bargaining Agreement and employee health care contributions/amounts through December 31, 2020.

In consideration of the Union executing the Contract Extension Agreement, the Employer agrees it shall not involuntarily layoff any bargaining unit employee during the calendar year 2020.

This Memorandum of Agreement is entered into this 7<sup>th</sup> day of May, 2020.

FOR THE FRATERNAL ORDER OF  
POLICE, LODGE #15

FOR THE CITY OF BROOK PARK


APPROVE AS TO GUN:  
COUNSEL  
FOR POLICE 5/13/20

CITY OF BROOK PARK, OHIO

P/C 5-29-20 France  
CA 2-9-21  
SA 5-29-20  
1st R  
2nd R  
3rd R  
B/C 5-29-20  
CAUCUS 2-9-21

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

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE  
AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT  
EXTENSION WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION  
(CITY OF BROOK PARK POLICE SERGEANTS AND LIEUTENANTS)  
AND MEMORANDUM OF AGREEMENT,  
AND DECLARING AN EMERGENCY

WHEREAS, a Contract Extension and Memorandum of Agreement between the City and The Ohio Patrolmen's Benevolent Association (City of Brook Park Police Sergeants and Lieutenants, has been presented to Council; and

WHEREAS, said Contract Extension and Memorandum of Agreement shall be effective January 1, 2020 through December 31, 2020.

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 enter into a Contract Extension and Memorandum of Agreement on behalf of the City with the Ohio Patrolmen's Benevolent Association, Brook Park Police Sergeants and Lieutenants, effective January 1, 2020 through December 31, 2020, a copy of said Contract Extension and Memorandum of Agreement is attached hereto as Exhibit "A" and made a part hereof as if fully rewritten herein.

**SECTION 2:** The money needed for the aforesaid transaction shall be paid from the general fund no. 100, theretofore 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 the municipality and inhabitants thereof, such emergency existing for the further

reason that the previous Contract with Ohio Patrolmen's Benevolent Association, Brook Park Police Sergeants and Lieutenants has expired; therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

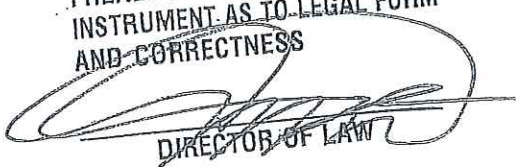
PASSED: \_\_\_\_\_

\_\_\_\_\_  
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

CONTRACT EXTENSION BETWEEN  
CITY OF BROOK PARK AND  
OHIO PATROLMEN'S BENEVOLENT ASSOCIATION

The parties, City of Brook Park (Employer) and the Ohio Patrolmen's Benevolent Association (Union) are parties to a Collective Bargaining Agreement (CBA) from January 1, 2019 through December 31, 2019. The parties were in negotiations at the time the Coronavirus pandemic struck. The parties have further discussed the recent models regarding projected losses in revenue and other economic consequences of the pandemic crisis.

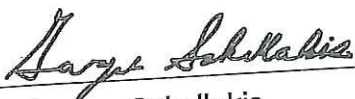
Consequently, the parties agree to extend the terms of the 2019 CBA through December 31, 2020 without change or modification. The employees will continue to pay the 2020 employee premiums towards health insurance for the remainder of 2020.

Additionally, the parties agree to open negotiations no later than November 1, 2020 for the subsequent collective bargaining negotiations.

This CBA Extension is entered into this 30th day of April, 2020.

FOR THE OHIO PATROLMEN'S  
BENEVOLENT ASSOCIATION:

FOR THE CITY OF BROOK PARK:



George Sakellakis

MEMORANDUM OF AGREEMENT

The parties, City of Brook Park (Employer) and the Ohio Patrolmen's Benevolent Association (Union), are signatories to a Contract Extension Agreement for calendar year 2020 which extended the terms of the 2019 Collective Bargaining Agreement and employee health care contributions/amounts through December 31, 2020.

In consideration of the Union executing the Contract Extension Agreement, the Employer agrees it shall not involuntarily layoff any bargaining unit employee during calendar year 2020.

This Memorandum of Agreement is entered into this 30th day of April, 2020.

FOR THE OHIO PATROLMEN'S  
BENEVOLENT ASSOCIATION:

FOR THE CITY OF BROOK PARK:



George Sakellakis

CONTRACT EXTENSION BETWEEN  
CITY OF BROOK PARK AND  
OHIO PATROLMEN'S BENEVOLENT ASSOCIATION

The parties, City of Brook Park (Employer) and the Ohio Patrolmen's Benevolent Association (Union) are parties to a Collective Bargaining Agreement (CBA) from January 1, 2019 through December 31, 2019. The parties were in negotiations at the time the Coronavirus pandemic struck. The parties have further discussed the recent models regarding projected losses in revenue and other economic consequences of the pandemic crisis.

Consequently, the parties agree to extend the terms of the 2019 CBA through December 31, 2020 without change or modification. The employees will continue to pay the 2020 employee premiums towards health insurance for the remainder of 2020.

Additionally, the parties agree to open negotiations no later than November 1, 2020 for the subsequent collective bargaining negotiations.

This CBA Extension is entered into this 30th day of April, 2020.

FOR THE OHIO PATROLMEN'S  
BENEVOLENT ASSOCIATION:

FOR THE CITY OF BROOK PARK:

  
George Sakellakis



## MEMORANDUM OF AGREEMENT

The parties, City of Brook Park (Employer) and the Ohio Patrolmen's Benevolent Association (Union), are signatories to a Contract Extension Agreement for calendar year 2020 which extended the terms of the 2019 Collective Bargaining Agreement and employee health care contributions/amounts through December 31, 2020.

In consideration of the Union executing the Contract Extension Agreement, the Employer agrees it shall not involuntarily layoff any bargaining unit employee during calendar year 2020.

This Memorandum of Agreement is entered into this 30th day of April, 2020.

FOR THE OHIO PATROLMEN'S  
BENEVOLENT ASSOCIATION:

George Sakellakis  
George Sakellakis

FOR THE CITY OF BROOK PARK:

James Budzile

RECEIVED  
APR 30 2020  
CITY OF BROOK PARK

PIC 2-2-21 Finance  
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CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: MAYOR GAMMELLA

A RESOLUTION  
ACCEPTING THE RECOMMENDATIONS  
OF THE HOUSING COUNCIL ON THE CITY OF BROOK PARK'S  
COMMUNITY REINVESTMENT AREA (CRA) AGREEMENTS,  
AND DECLARING AN EMERGENCY

WHEREAS, Council has received and reviewed the recommendations of the City's CRA abatements from the Housing Council; and

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

SECTION 1: The Council of the City of Brook Park hereby approves the following recommendations for the City's CRA Agreements made by the Housing Council:

All of the following CRA properties were determined to be in compliance:

- 5171 West 148<sup>th</sup> Street
- 5187 West 148<sup>th</sup> Street
- 16330 Snow Road
- 5250 West 137<sup>th</sup> Street
- 4985 West 150<sup>th</sup> Street
- 18301 Brookpark Road
- 6445 Terre Drive
- 5340 West 161<sup>st</sup> Street
- 5475 Engle Road
- 16025 Brookpark Road
- 6373 Leslie Drive
- 15615 Southway Drive
- 6509 Michael Drive
- 6089-6091 Smith Road
- 6355 Sylvia Drive
- 14755 Snow Road

**SECTION 2:** The Clerk of Council is directed to transmit a certified copy of this Resolution to: Ohio Development Services Agency, 77 South High Street, P.O. Box 1001, Columbus, OH 43216-1001, (Attn: John Wickham).

**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 accept the recommendations and approval of the City's Housing Council; 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



P/C 10-20-20 LEGISLATIVE  
CA 2-9-21  
1st R \_\_\_\_\_  
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3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: MAYOR GAMMELLA

AN ORDINANCE  
ENACTING CHAPTER 551 OF THE GENERAL OFFENSES CODE OF THE CITY OF  
BROOK PARK ENTITLED "CHRONIC NUISANCE PROPERTY.", AND DECLARING  
AN EMERGENCY.

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

SECTION 1: Chapter 551 of the Brook Park Codified Ordinances,  
entitled 'Chronic Nuisance Property' is hereby enacted to read as  
follows:

Chapter 551 CHRONIC NUISANCE PROPERTY.

551.01 Public Nuisances Defined.

(a) The following activities occurring on residential  
property, and engaged in by an owner, occupant or invitee of the  
owner or occupant of residential property, are hereby declared to  
be public nuisances:

- (1) Any animal violations under Chapter 505 or 506 of the  
Codified Ordinances;
- (2) Any disorderly conduct, disturbance of the peace or other  
violation of Chapter 509 of the Codified Ordinances;
- (3) Any drug abuse violation under Chapter 513 of the  
Codified Ordinances;
- (4) Any gambling violation under Chapter 517 of the Codified  
Ordinances;
- (5) Any health, safety or sanitation violation under Chapter  
521 of the Codified Ordinances;
- (6) Any obstruction of official business violation under  
Section 525.07 or obstruction of justice under Section 525.08 of  
the Codified Ordinances;
- (7) Any alcohol violations under Chapter 529 of the Codified  
Ordinances;
- (8) Any sex offenses under Chapter 533 of the Codified  
Ordinances;
- (9) Any offense against another person under Section 537.03

(Assault), 537.04 (Negligent Assault), 537.05 (Aggravated Menacing), 537.06 (Menacing), 537.07 (Endangering Children), 537.08 (Contributing to the Unruliness or Delinquency of a Child) 537.16 (Sales of Cigarettes, Cigars, Tobacco to Minors) or 537.17 (Criminal Child Enticement) of the Codified Ordinances.

(10) Any offense against property under Sections 541.06 (Injuring Vines, Bushes, or Trees or Crops), 541.03 (Criminal Damaging or Endangering) or 541.04 (Criminal Mischief) of the Codified Ordinances.

(11) Any littering or deposition of waste under Section 521.08 of the Codified Ordinances.

(12) Any theft or Fraud violation under Chapter 545 of the Codified Ordinances.

(13) Any arson violation under Section 541.02 of the Codified Ordinances.

(14) Any trespass violation under Section 541.05 (Criminal Trespass) or 541.051 (Aggravated Trespass), of the Codified Ordinances.

(15) Any weapons, explosives, firearms or handgun violation under ORC 1547.69.

(16) Any noise violation under Chapter 510 of the Codified Ordinances.

(17) Any violation of ORC 4931.49 (Fireworks).

(18) Any felony offense as defined by the Ohio Revised Code.

551.02 Procedure for Declaration of Nuisance Property; Chronic Nuisance.

(a) The Chief of Police or his designee, upon finding that two or more public nuisance activities declared in this section have occurred within any twelve-month period, may cause a written notice and order to be served on the owner of the property declaring that such property is a nuisance property. The notice and the order shall set forth the nature of the nuisance, the estimated costs to abate any future nuisance, and state that the owner may avoid being charged nuisance activity as set forth in this section. The notice shall further state that if a third or subsequent nuisance activity as declared in this section occurs within twelve months of the dates of the first two activities using administrative and law enforcement actions, and the costs of such abatement shall be assessed on the nuisance property. Notice shall be served as set forth in Section 551.03 below.

(b) If within twelve months after the first of the two nuisances referred to in section 551.01(b) has occurred, a third nuisance activity as declared in this section occurs, the City may abate the nuisance by responding to the activity using administrative and law

enforcement actions, and the costs of such abatement shall be assessed on the nuisance property in the same manner as in Section 551.03(a) Of this Chapter, The City shall provide notice to the owner of the nuisance property of the City's intent to assess the costs of abatement against the owner's property at least thirty days before such costs are certified to the County for assessment against the property, and such notice shall contain a description of the nuisance activity that is the basis for the notice of intent to assess the property, and the cost to abate. Notice shall be served as set forth in Section 551.03 (c) of this Chapter.

551.03 Costs Assessment; City's Prosecution Authority; Notice; Collection of Costs.

(a) Costs of abatement shall be assessed based upon the hourly wage of the police officer, officers, or City employees involved in the abatement of the nuisance activity, plus 75% multiplied by the number of hours required to abate the nuisance.

(b) The declaration of a nuisance property, an order to abate a nuisance, or an assessment of costs by the City on a property, do not affect or limit the City's right or authority to bring criminal prosecution or other legal action against any person for violation of the City's ordinances.

(c) The notice may be served by delivering it personally to the owner or leaving it at the owner's usual place of business or residence, or posting it in a conspicuous place on the real estate involved or by mailing it to the owner, or by publishing it once in the newspaper of general circulation within the City if it cannot be served in any of the other ways above mentioned.

(d) If the nuisance is not abated within the required time, the Safety Director may cause its abatement and report the costs to the City Finance Director who shall certify the costs together with a 10% penalty to the County Fiscal Officer for placement on the tax duplicate to be collected as other taxes for return to the City. If the property owner is ordered to abate the nuisance or to pay to the City the estimated cost of the abatement and fails to comply with such order, such failure shall be considered a first degree misdemeanor and upon a plea of guilty or conviction thereof, shall be punished in accordance with Section 501.99 of the Codified Ordinances. Each day of violation shall be considered a separate offense.

(e) All proceeds from the assessment of a ten percent penalty and the City of Brook Park's cost of abating the public nuisance as set

forth in Section 551.03 of this Chapter shall be used to defray the expenses and costs incurred by the City associated with the abatement of the "chronic nuisance problems" with any remaining proceeds to be used for public safety purposes.

#### 551.04 Appeals Process.

(a) The owner of a nuisance property who receives a notice from the Chief of Police or his designee pursuant to this section may appeal such notice by submitting a written request for reconsideration to the Chief of Police within thirty days of the date of the notice. If the Chief of Police finds that the facts presented do not support the declaration of a nuisance, the Chief shall rescind the notice. Otherwise the Chief shall deny the request and refer the appeal for hearing by the Board of Zoning Appeals. Any such appeal shall not stay any actions by the City to appeal, the City must show by a preponderance of the evidence that each violation stated in the notice being appealed has occurred and that the declaration of the property as a nuisance property or of the intent of the City to assess the property for abatement costs, whichever is applicable, is justified. The City shall be deemed to have failed to have met this standard if the owner demonstrates by a preponderance of the evidence that:

- (1) He or she was not the owner at the time of any of the nuisance activity that is the basis of the notice; or
- (2) He or she had knowledge of the nuisance activity, but has promptly and vigorously taken all actions necessary to abate each nuisance including, without limitation, compliance with the requirement of the Ohio Revised Code 5321.17 (c) (Termination of Tenancy and 5321.04(a)(9) Eviction); or
- (3) He or she has no knowledge of the nuisance activity and could not, with reasonable care and diligence, have known of the nuisance activity; and upon receipt of the notice of the declaration of the property as a nuisance property, he or she promptly took all actions necessary to abate the nuisance including, without limitation, compliance with the requirement of Ohio Revised Code 5321.17(c) and 5321.04(a)(9).

**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 for further reason that Council desire to enact **Chapter 551**, therefore, provided this ordinance 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

PIC 2-2-21 Legislative  
CA 2-9-21  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
3/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: COUNCILMAN MENCINI

AN ORDINANCE  
AMENDING SECTION 351.13  
OF THE BROOK PARK CODIFIED ORDINANCES,  
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 351.13 of the Brook Park Codified Ordinances, as enacted by Ordinance No. 7047-1987, passed August 4, 1987, and amended by Ordinance No. 9470-2008, passed May 6, 2008, and reading as follows:

**351.13 PARKING OF COMMERCIAL VEHICLES PROHIBITED.**

a) No person, business or corporation shall park or leave standing any commercial truck, trailer or semitrailer exceeding seven feet in width; six feet six inches in height; and/or six thousand (6,000) pounds gross vehicle weight on any residential property within the City for any purpose or length of time other than for the expeditious unloading; delivery; pickup; and/or loading of materials.

b) No person, business or corporation shall park or leave standing any commercial truck, trailer or semitrailer on any street, roadway, alley or other public place within the City for any purpose or length of time other than for the expeditious unloading; delivery; pickup; and/or loading of materials.

is hereby amended to read as follows:

**351.13 PARKING OF COMMERCIAL VEHICLES PROHIBITED.**

(a) No owner, lessee, or other person, business, corporation or other entity with possession of the following shall park or otherwise leave standing any of the following:

1. Vehicle registered and/or primarily purposed for use as a commercial vehicle;
2. Trailer registered and/or primarily purposed for use along with or attached to a commercial vehicle;
3. Semitrailer exceeding seven feet in width, six feet six inches in height, and/or six thousand (6,000) pounds gross vehicle weight;

On any portion of residential property with the City of Brook

Park, for any purpose or length of time other than for the expeditious unloading, delivery, pickup and/or loading of materials.

(b) No owner, lessee, or other person, business, corporation or other entity with possession of the following shall park or otherwise leave standing any of the following:

1. Vehicle registered and/or primarily purposed for use as a commercial vehicle;
2. Trailer registered and/or primarily/purposed for use along with or attached to a commercial vehicle;
3. Semitrailer exceeding seven feet in width, six feet six inches in height, and/or six thousand (6,000) pounds gross vehicle weight;

On any street, roadway, alley or other public place within the City of Brook Park, for any purpose or length of time other than for the expeditious unloading, delivery, pickup and/or loading of materials.

**SECTION 2:** Former Section 351.13 of the Brook Park Codified Ordinances as enacted by Ordinance No.7047-1987 passed August 4, 1987, and amended by ordinance 9470-2008, passed May 6, 2008 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 to amend Section 351.13; 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

\_\_\_\_\_  
DATE

I HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS.  
\_\_\_\_\_  
DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

PIC 2-2-21 Legislative  
CA 2-9-21  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
PIC \_\_\_\_\_

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

INTRODUCED BY: COUNCILMAN MENCINI

AN ORDINANCE  
AMENDING SECTION 1366.03(b)2 OF THE  
BROOK PARK CODIFIED ORDINANCES,  
ENTITLED 'VACANT PROPERTY/BUILDING REGISTRATION, 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 1366.03(b)2 of the Brook Park Codified  
Ordinances, as enacted by Ordinance No. 9920-2014, passed June 17,  
2014, is hereby amended to read as follows:

**1366.03(b)2)** If the owner/corporation does not reside in or have  
a principle place of business in Ohio, the name, address, phone  
number, emergency contact information, and email of a manager/agent  
in charge of the building who does reside in or have a principle  
place of business in Ohio, and resides within a six mile radius of  
the City limits of Brook Park. No occupancy permit shall be issued  
by the Building Department without such a designation of a  
manager/agent. By designating an authorized manager/agent under the  
provisions of this section, the owner is consenting that the  
manager/agent is authorized to receive any and all notices relating  
to the property and conformance of any and all ordinances;

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 for the further  
reason to amend Section 1366.03(b)2 of the Brook Park Codified  
Ordinances; 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

\_\_\_\_\_  
DATE

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

P/C 13-8-20 Legislative  
CA 2-9-21  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: MAYOR GAMMELLA

A RESOLUTION TO ISSUE A  
MORATORIUM ON THE GRANTING OF  
BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY  
BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE ANY  
BUSINESS THAT ENGAGES IN HOOKAH USE (ALSO KNOWN CALLED SHISHA AND  
NARGILE, A WATERPIPE) ESTABLISHMENTS KNOWN AS "BARS OR LOUNGES"  
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, the health risks associated with hookah smoking are  
generally thought to be greater than those of cigarette or cigar  
smoking; and

WHEREAS, Hookah smoke contains significant amounts of  
nicotine, tar, heavy metals, and carcinogens. Waterpipe smoke may  
also contain charcoal and wood cinder byproduct carcinogens and  
carbon monoxide. The water filtration system cools the smoke  
allowing the user to inhale greater amounts of smoke over a longer  
period of time. A typical hookah session may last for an hour or  
more and this period of sustained inhalation increases exposure to  
carcinogens and is similar in result, to smoking up to 100  
cigarettes; and

WHEREAS, according to numerous infectious disease experts, the  
greatest risk to contracting COVID-19 is in closed indoor  
facilities; and

WHEREAS, the United States has nearly 300,000 dead from COVID-  
19 with the numbers growing each day and our hospitals are  
overwhelmed with the sick; 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 how such a facility may open and operate safely

in a time of the COVID-19 pandemic for our residents well-being;  
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 places a moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the opening of a business operating a Hookah Bar or Lounge or any similar business that uses waterpipe communal smoking of sweetened tobacco product, 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: No building permits, certificates of occupancy or any other permits shall be granted to a business owner who intends to open, devote any floor area of the business for the purposes of the retail sale of hookah bars or lounges for the period of this moratorium. No valid existing business in the City may expand in any way that would establish a hookah lounge or bar for the duration of the moratorium.

SECTION 3: 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 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 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

hookah bars and lounges; 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

\_\_\_\_\_  
DATE

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

  
DIRECTOR OF LAW

P/C 2-2-21 Recreational  
CA 2-9-21  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
v/c \_\_\_\_\_

CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: COUNCILMAN MENCINI

A RESOLUTION  
HONORING JOE BACHIE JR. ON HIS  
MANY ACCOMPLISHMENTS,  
AND DECLARING AN EMERGENCY

WHEREAS, Joe Bachie Jr. is a lifelong citizen of Brook Park;  
and

WHEREAS, Joe's mom is Kristin, his dad is Joseph and brother's  
name is Beau; and

WHEREAS, Joe Bachie Jr. was involved with all Brook Park  
athletic programs where his family also participated; and

WHEREAS, Joe Bachie Jr. was an outstanding athlete of the  
Berea-Midpark Titans High School sports programs, and earned All  
Honors during his senior year with the Titans; Joe graduated from  
Berea-Midpark High School in 2016; and

WHEREAS, Joe Bachie Jr. went to Michigan State University and  
was a linebacker on their football team; and

WHEREAS, Joe Bachie Jr. graduated from college and was signed  
by the New Orleans Saints practice squad in May, 2020; and

WHEREAS, Joe Bachie Jr. was signed by the Philadelphia Eagles  
and played in four NFL games; and

WHEREAS, Brook Park is very proud of one of the newest NFL  
players, Joe Bachie Jr.

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

SECTION 1: The Mayor and Council wish to honor and commend  
Joe Bachie Jr. for his many accomplishments.

SECTION 2: The Clerk of Council is hereby directed to forward  
a certified copy of this Resolution to Joe Bachie Jr.

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 for the further reason to honor Joe Bachie Jr. for his many accomplishments and for becoming an NFL player; 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

\_\_\_\_\_  
DATE

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INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS