

**REGULAR CAUCUS MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
TO BE HELD ON FEBRUARY 8, 2022  
7:00 P.M.**

**I. ROLL CALL OF MEMBERS:**

**II. PLEDGE OF ALLEGIANCE:**

**III: DISCUSSION:**

1. SCHOOL TELECOMMUNICATION HARRASSMENT-PER COUNCIL PRESIDENT VECCHIO.
2. CITIZEN OF THE YEAR COMMITTEE. (Councilman Scott) -PER COUNCIL PRESIDENT VECCHIO.

**IV. LEGISLATIVE COMMITTEE – CHAIRWOMAN, COYNE:**

1. AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO ARTICLE IV, SECTION 4.01 AND SECTION 4.02; OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Councilmen Salvatore, Orcutt, Scott, and Stemm.
2. AN ORDINANCE AMENDING SECTION 351.13 OF THE BROOK PARK CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY. Introduced by Councilman Mencini.
3. AN ORDINANCE AMENDING SECTION 1361.13 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PARKING' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
4. AN ORDINANCE ENACTING CHAPTER 720 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'MEDICAL MARIJUANA OPERATIONS', AND DECLARING AN EMERGENCY. Introduced by Councilmen Troyer and Poindexter.

**LEGISLATIVE COMMITTEE – CHAIRWOMAN, COYNE:cont**

5. AN ORDINANCE ENACTING CHAPTER 1126 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'MEDICAL MARIJUANA DISPENSARIES', AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer.
6. A RESOLUTION APPROVING THE CITY OF BROOK PARK'S NOTICE TO THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL ("NOPEC") TO ELECT NOPEC'S GREEN COMMUNITY CHOICE PROGRAM FOR THE CITY'S ELECTRICITY AGGREGATION PROGRAM STARTING JANUARY 2023, AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.
7. AN ORDINANCE ENACTING CHAPTER 527 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED "FLYING MODEL AIRCRAFT/UNMANNED AERIAL VEHICLES (UAV'S)", AND DECLARING AN EMERGENCY. Introduced by Councilmen Troyer and Mencini.
8. AN ORDINANCE AMENDING SECTION 1361.13 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'PARKING' AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella and Councilman Mencini.
9. AN ORDINANCE AMENDING SECTION 537.05 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'AGGRAVATED MENACING' AND DECLARING AN EMERGENCY. Introduced by Councilman Poindexter.
10. A RESOLUTION URGING OUR RESIDENTS TO ENROLL THEIR STUDENTS IN BERA CITY SCHOOLS AND DECLARING AN EMERGENCY. Introduced by Councilman Poindexter.

**V. FINANCE COMMITTEE- COUNCILMAN SCOTT:**

1. AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ADMINISTRATIVE CODE TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR EMPLOYEES OF THE CITY, OTHER THAN ELECTED OFFICIALS OR THOSE COVERED UNDER NEGOTIATED LABOR CONTRACTS AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. Placed in committee 2-1-22
  
1. AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2022 ENERGIZED COMMUNITY GRANT(S) FUND, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. Placed in committee 2-1-22

**VI. SERVICE COMMITTEE- COUNCILMAN POINDEXTER:**

1. A RESOLUTION APPROVING THE STORM WATER MANAGEMENT AND ACCESS EASEMENT AGREEMENT, BETWEEN PAWUK REALTY LIMITED AND THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt. Placed in committee 2-1-22.

**VII. ADJOURNMENT:**

CITY OF BROOK PARK, OHIO

ORDINANCE NO:

11037-2018

P/C 8/21/18 Legislative  
Cau Prior 8/21/18  
1<sup>st</sup> R 8/28/18 substitution  
2<sup>nd</sup> R 8/30/18 Sp. Council  
B/C 8/30/18 Sp. Council  
Cau 6/11/19  
B/C 6/11/19  
3<sup>rd</sup> R 12/17/19  
B/C 12/17/19

Cau 11-10-20

INTRODUCED BY: COUNCILMEN SALVATORE, ORCUTT, SCOTT AND STEMM

AN ORDINANCE  
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE  
OF AMENDMENTS TO ARTICLE IV,  
SECTION 4.01 AND SECTION 4.02;  
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO,  
AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, with not less than five of its members concurring that:

**SECTION 1:** That pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article XVI, Section 16.01 of the Charter of the City of Brook Park, this Council hereby authorizes and directs the submission to the electors of the City of Brook Park, at a regular November election to be held at the usual places of voting in said City on Tuesday, November 6, 2018, the following proposal of the Brook Park City Charter to read as follows:

**"SECTION 4.01 Composition and Term."**

All legislative powers of the City, except as otherwise provided by this Charter and by the Constitution and general laws of the State of Ohio, shall be vested in a Council of ~~eight (8)~~ seven (7) members, four (4) of whom shall be elected from the several wards, ~~three (3)~~ two (2) of whom shall be elected at large, and one (1) of whom shall be elected at large as President of the Council.

All Councilmen shall be elected for a term of two (2) years at the regular municipal election in the year ~~2001~~ 2019 and every two (2) years thereafter. All members of Council, including the President of Council, shall take office on the first day of January next following their election, and shall continue to serve until their successors have been duly elected and qualified. (~~Amended November 7, 2000~~) (Amended November 6, 2018)

**SECTION 2:** The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article IV, Section 4.01, be amended to provide that there shall be seven (7) members of Council; one (1) for each ward, two (2) for at large and one (1) for Council President."

To the left of said words, in boxes, with the appropriate places for the marking, shall appear the words "Yes" and "No" and each voter shall indicate his or her vote by placing an "X" in the place so provided.

**SECTION 3:** That pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article XVI, Section 16.01 of the Charter of the City of Brook Park, this Council hereby authorizes and directs the submission to the electors of the City of Brook Park, at a regular November election to be held at the usual places of voting in said City on Tuesday, November 6, 2018, the following proposal to amend the Charter of the City of Brook Park:

**"SECTION 4.02 President of Council."**

It shall be the duty of the President of Council to preside at all meetings of the Council, appoint various Council Committees and perform such other duties as may be imposed by Council upon its presiding officer and such other duties as are imposed upon him by this Charter, coordinating the work of the various committees appointed by him. The President of Council shall have the right to vote on all ordinances, resolutions, motions coming before the Council ~~only in the event of a tie vote.~~

**SECTION 4:** The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article IV, Section 4.02, be amended to provide that the President of Council shall have the right to vote on all ordinances, resolutions or motions coming before Council?"

To the left of said words, in boxes, with the appropriate places for the marking, shall appear the words "Yes" and "No" and each voter shall indicate his or her vote by placing an "X" in the place so provided.

**SECTION 5:** Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

**SECTION 6:** The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last

regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

**SECTION 7:** To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

**SECTION 8:** 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 9:** 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 that there is an immediate need to submit this Ordinance to the Cuyahoga Board of Elections for it to be placed on the November 6, 2018, ballot; 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

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

\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
DIRECTOR OF LAW

PIC 2-2-21 Legislative  
CA 2-9-21 Moved 2/20/21  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
P/C 2/20/21  
Caucus 2-8-22

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

P/C 1-4-2022 leg  
CA \_\_\_\_\_  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

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

INTRODUCED BY: MAYOR GAMMELLA AND COUNCILMAN MENCINI

AN ORDINANCE  
AMENDING SECTION 1361.13  
OF THE BROOK PARK CODIFIED ORDINANCES  
ENTITLED 'PARKING'  
AND DECLARING AN EMERGENCY

WHEREAS, there is a need to update Section 1361.13 of the Brook Park Codified Ordinances, regulates parking on vehicles; and

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

SECTION 1: Section 1361.13 of the Codified Ordinances of the City of Brook Park is hereby amended to read as follows:

**1361.13 PARKING.**

All vehicles that do not fall under the provisions of Sections 1361.12 shall at all times be parked on a concrete or asphalt surface designed for such use. No person shall park or keep a trailer, travel trailer, trailer coach, house trailer, mobile home, camper, watercraft or watercraft trailer (all of which are hereinafter referred to as "equipment") not in transit, on a residential lot or in a residential district of the City except:

- (a) In a duly licensed mobile home park;
- (b) In a private enclosed garage;
- (c) The equipment is being loaded or unloaded, in which case it may be parked in the driveway for a period of not more than forty-eight hours.

SECTION 2: Former Section 1361.13 of the Codified Ordinances of the City of Brook Park, as enacted by Ordinance 11091-2019, passed May 21, 2019 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 1361.13 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

\_\_\_\_\_  
DATE

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

  
DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: COUNCILMAN TROYER, *Boindexter*

F/C *8-24-21 Legislative*  
CA *Price 9-7-21*  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C *9-7-21*  
*Caucus 2-8-22*

AN ORDINANCE

ENACTING CHAPTER 720 OF THE BROOK PARK CODIFIED ORDINANCES  
ENTITLED 'MEDICAL MARIJUANA OPERATIONS', 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 720 of the Brook Park Codified Ordinances, entitled  
"Medical Marijuana Operations" is hereby enacted to read as follows:

CHAPTER 720

Medical Marijuana Operations

**720.01 PURPOSE.** The purposes of this chapter are to establish  
limitations on medical marijuana operations within the City and to  
establish reasonable and uniform regulations to minimize and  
control the negative secondary effects of medical marijuana  
dispensaries within the City, all in order to promote the health,  
safety, and welfare of the citizens of the City.

**720.02 DEFINITIONS.**

For purposes of this chapter;

(a) "Medical marijuana" shall have the same meaning as in R.C.  
3796.01.

(b) "School," "church," "public library," "public playground,"  
and "public park" shall have the same meanings as in R.C.  
3796.30.

(c) "Disqualifying offense," "cultivator," "processor" and  
"dispensary" shall have the same meanings as in Ohio Admin. Code  
3796:1-1-01 or subsequent similar regulations.

(d) "Licensee" means, with respect to a medical marijuana  
dispensary license issued under this chapter, a person in whose  
name a license to operate a medical marijuana dispensary has been  
issued, as well as the individual(s) designated on the license  
application as principally responsible for the operation of the

medical marijuana dispensary.

(e) "Operate" means to control or hold primary responsibility for the operation of a medical marijuana dispensary, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "cause to be operated" shall mean to cause to function or to put or keep in operation. Operator means any persons on the premises of a medical marijuana dispensary who is authorized to exercise overall operational control or hold primary responsibility for the operation of a medical marijuana dispensary or who causes to function or who puts or keeps in operation the business. A person may be found to be operation or causing to be operated a medical marijuana dispensary whether or not that person is an owner, part owner, or licensee of the business.

(f) "Person" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(g) "Transfer of ownership or control" of a medical marijuana dispensary shall mean any of the following:

(1) The sale, lease, or sublease of the business;

(2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(h) "Director" shall mean the Director of Public Safety, "Commissioner" shall mean the Building Commissioner, and "Chief" shall mean the Chief of Police of the City.

### **720.03 APPLICABILITY.**

Businesses subject to this chapter are medical marijuana cultivators, processors and dispensaries.

### **720.04 PROHIBITION ON CERTAIN MEDICAL MARIJUANA OPERATIONS.**

No person shall operate a medical marijuana cultivator or processor in the City. Any person who violates this section shall be guilty of a misdemeanor of the first degree.

#### 720.05 MEDICAL MARIJUANA DISPENSARY LICENSE REQUIRED.

(a) No person shall operate a medical marijuana dispensary without a valid medical marijuana dispensary license issued by the City pursuant to this chapter.

(b) Any person who violates subsection (a) of this section shall be guilty of a misdemeanor of the first degree.

#### 720.06 MEDICAL MARIJUANA DISPENSARY LICENSE APPLICATION.

(a) An application for a medical marijuana dispensary license shall be submitted to the Director on a form provided by the Director. The application may request and the applicant shall provide such information as reasonably necessary to enable the City to determine whether the applicant meets the qualifications established in this chapter.

(b) An application for a medical marijuana dispensary license shall identify and be signed by the following persons:

(1) If the business entity is owned by an individual, that individual.

(2) If the business entity is owned by a corporation, each officer or director of the corporation, any individual owning or controlling more than 50 percent of the voting shares of the corporation, and any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed medical marijuana dispensary or greater ownership interest in the corporation.

(3) If the business entity is owned by a limited liability company, each member of the limited liability company, and any person who will be principally responsible for the operation of the proposed medical marijuana dispensary on behalf of the limited liability company.

(4) If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, each partner (other than limited partners); and any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed medical marijuana dispensary.

(c) An application for a medical marijuana dispensary license

must designate one or more individuals to be principally responsible for the operation of the proposed medical marijuana dispensary, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed medical marijuana dispensary on a regular basis. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under this chapter, and shall be considered a licensee if a license is granted.

(d) An application for a medical marijuana dispensary license shall be completed according to the instructions of the application form, which shall require the following:

(1) If the applicant is:

A. An individual, state the legal name and any aliases of such individual;

B. A partnership, state the complete name of the partnership and all of its partners and whether the partnership is general or limited, and provide a copy of the partnership agreement, if any; or

C. A joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or

D. A corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws of its state of incorporation, and state the names and capacity of all officers and directors, the name of the registered corporate agent, and the address of the registered office for service of process.

E. A limited liability company, state the complete name of the limited liability company and the date of its organization, provide evidence that the company is in good standing under the laws of its state of organization, and state the names of all members, the name of the registered statutory agent, and the address of the registered office for service of process.

(2) If the applicant intends to operate the medical marijuana dispensary under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.

(3) State whether any applicant, or any of the individuals identified in the application pursuant to subsection (b) hereof,

has been convicted of a disqualifying offense, and if so, the specified offense and the date, place, and jurisdiction of each such conviction.

(4) State whether any applicant, or any of the individuals identified in the application pursuant to subsection (b) hereof, has had a previous license under this chapter or other similar regulation of another jurisdiction denied, suspended or revoked, including the name and location of the medical marijuana dispensary for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation; and state whether the applicant has been a partner in a partnership or an officer, director or 10 percent or greater owner of a corporation licensed under this chapter whose license has previously been denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(5) State whether any applicant, or any of the individuals identified in the application pursuant to subsection (b) hereof, holds any other licenses under this chapter or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses.

(6) State the location of the proposed medical marijuana dispensary, including a legal description of the property, street address, and telephone number(s), if any.

(7) State the mailing address and residential address of each applicant and each person signing the application.

(8) Submit a current, valid retail dispensary license or provisional dispensary license issued to the applicant by the state board of pharmacy under the provisions of R.C. Chapter 3796 and the regulations promulgated thereunder, or evidence that the applicant has made application for such a license or provisional license to the state board of pharmacy.

(9) Submit a security plan for review and approval by the Chief. The security plan shall be on a form or in a manner prescribed by the Chief and shall include, at a minimum, a lighting plan that identifies how the interior, facade, adjoining sidewalks, parking areas and immediate surrounding areas of the dispensary will be illuminated and how the lighting will deflect light away from adjacent properties; and an identification of operable cameras, alarms, security guards and other security measures to be present on the premises whether during or outside business hours. The security plan should address the applicant's use of off-street parking and proposed use of armed security guards, video surveillance and door, building and parking lot

security as appropriate. The applicant shall supply all additional information requested by the Chief necessary for the Chief to evaluate the security plan.

(10) State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.

(11) Submit proof that each applicant who is a natural person is at least 18 years old.

(12) Submit a sketch or diagram showing the configuration of the premises of the medical marijuana dispensary. The diagram shall also designate the place at which the dispensary license will be conspicuously posted, if issued. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

#### 720.07 ISSUANCE OF MEDICAL MARIJUANA DISPENSARY LICENSE.

(a) Within five days of receipt of an application for a medical marijuana dispensary license, the Director shall notify the Commissioner and the Chief of such application. In making such notification, the Director shall request that the Chief promptly investigate the information provided in the application and shall request that the Chief and Commissioner promptly inspect the premises for which the medical marijuana dispensary license is sought in order to assess compliance with the regulations under their respective jurisdictions.

(b) The Chief and the Commissioner shall begin their respective investigations and inspections promptly upon receipt of notice of an application from the Director. The Chief and Commissioner shall provide the results of their investigations, including written certifications of whether the premises and applicants are in compliance with the laws and regulations under their respective jurisdictions, to the Director, in writing, within 60 days of receipt of notice of the application.

(c) The Commissioner's inspection of the premises for which a medical marijuana dispensary license is sought shall include an investigation as to whether the premises are in compliance with the Ohio Basic Building Code, the Brook Park Zoning Code, the Brook Park Property Maintenance Code, and the provisions of this chapter related to physical characteristics of the premises.

(d) Within 90 days after receipt of a completed medical



marijuana dispensary license application, the Director shall approve or deny the issuance of a license. The Director shall approve the issuance of a license to an applicant unless he or she determines that one or more of the following findings is true:

(1) An applicant who is a natural person is under 18 years of age.

(2) An applicant has failed to provide information reasonably necessary for issuance of the license as requested on the application form, or has falsely answered a question or request for information on the application form.

(3) No person identified in the application pursuant to Section 556.06(b) or Section 556.06(c) of this chapter has been denied a license to operate a medical marijuana dispensary or has had a license to operate a medical marijuana dispensary revoked within the preceding 12 months by any jurisdiction.

(4) No person identified in the application pursuant to Section 556.06(b) or Section 556.06(c) of this chapter has been convicted of a disqualifying offense.

(5) The proposed medical marijuana dispensary would violate or fail to be in compliance with any provisions of the Brook Park Zoning Code, Property Maintenance Code or General Offenses Code, or state statute or regulation.

(6) The application and investigation fee or a prior license fee required by this chapter has not been paid in full.

(7) An applicant is in violation of or in not in compliance with any provision of this chapter, except as provided in subsection (e)(1) of this section.

(e) If the Director determines that one or both of the following findings is true, the license issued pursuant to subsection (d) of this section shall contain a requirement that the licensee correct all deficiencies specified within 120 days of the date the license is issued:

(1) The results of inspections of the premises by the Chief or the Commissioner indicate that the premises are not in compliance with applicable laws and regulations under their respective jurisdictions, including the provisions of this chapter related to characteristics of the physical premises. This subsection shall not apply to premises that are in violation of any law or regulation that is identified or referenced in subsections (d)(1) through (d)(7) hereof.

(2) An applicant is overdue in payment to the City of taxes,

fees, fines, or penalties assessed against or imposed upon him or her in relation to any business, which are not the subject of a pending appeal or other legal challenge.

(f) If the Director determines that no other grounds for denial of a license exist under subsection (d) hereof, the Director shall not delay approval of the application past the end of the 90-day period provided in this section solely because the Chief has not provided the Director with the results of his inspection of the premises; the results of the Commissioner's inspection of the premises are not available; or the Chief has not completed his investigation of the criminal background of the applicant(s). If, after approving the issuance of a license, the Director receives information from his investigation which he determines constitutes grounds for denial of a license under subsection (d) hereof, then the medical marijuana dispensary license issued pursuant to this subsection (f) hereof shall be immediately revoked. If after approving the issuance of a license, the Director receives information concerning the results of inspections of the premises by the Chief, or the Commissioner's inspection, which the Director determines constitutes grounds for the issuance of a license subject to a requirement to correct deficiencies under subsection (e) hereof, then a requirement shall be added to the terms of the medical marijuana dispensary licenses issued pursuant to this subsection (f) hereof to correct all deficiencies noted within 120 days of the date such requirement is added.

(g) A medical marijuana dispensary license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the licensed medical marijuana dispensary. All medical marijuana dispensary licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(h) The Director shall advise the applicant in writing of the reasons for any license denial.

#### **720.08 FEES.**

(a) Every application for a new medical marijuana dispensary license shall be accompanied by a \$350.00 non-refundable application and investigation fee.

(b) Every application for renewal of a medical marijuana dispensary license shall be accompanied by a \$250.00 non-refundable application and investigation fee.

(c) In addition to the application and investigation fee required

in subsection (a) or (b) hereof, every applicant that is granted a medical marijuana dispensary license (new or renewal) shall pay to the City an annual, non-prorated license fee in the amount of \$25,000.00 upon license issuance or renewal, plus an amount equaling 1.5 percent of the licensee's gross annual sales above the amount of \$1,250,000.00, which the licensee shall calculate at the expiration of the license or renewal term using sales figures from the licensee's state-mandated reporting or recordkeeping forms, and which the licensee shall pay to the City within 60 days of the expiration of any term (new or renewal) of the license. The initial license fee may be refunded only if the applicant does not receive a license issued by the state board of pharmacy for a period covering any portion of the term of the license issued by the City. The licensee shall give the Director or his or her designee(s) an opportunity to review the data and basis upon which the licensee has calculated fees due under this section.

#### **720.09 INSPECTION.**

(a) The Division of Police and Commissioner shall, from time to time, inspect each medical marijuana dispensary licensed under the provisions of this chapter that is open to the public in order to assess compliance with the provisions of this chapter.

(b) An applicant or licensee shall permit the Commissioner or designees and the Chief or designees, as well as representatives of other city departments and divisions, to inspect a medical marijuana dispensary that is open to the public for the purpose of insuring compliance with the law, during times that it is occupied or open for business.

(c) An applicant or licensee shall subject the application to denial or the license to revocation if he or she refuses to permit such lawful inspection of the premises.

#### **720.10 EXPIRATION AND RENEWAL OF LICENSE.**

(a) Each license issued pursuant to this chapter shall expire one year from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than 90 days and no fewer than 30 days before the expiration date. If application is made fewer than 30 days before the expiration date, the license will not be extended pending a decision on the application, but will expire on its normal expiration date.

(b) An application for renewal of a medical marijuana dispensary license shall be submitted to the Director on a form provided by

the Director. The renewal application may request and the applicant shall provide such information as reasonably necessary to enable the City to determine whether the applicant meets the qualifications established in this chapter. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to Section 720.06 of this chapter. The completed renewal application shall be accompanied by copies of any document or material submitted in connection with the initial license application that has been revised or requires revision to reflect any change in circumstances or conditions.

Sketches or diagrams and security plans submitted with an initial medical marijuana dispensary license application may be resubmitted with subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram and security plan still depict the premises and plan accurately.

(c) The Director shall make determinations concerning the approval of license renewals based on the same criteria used to evaluate applications for new licenses under Section 720.07 of this chapter.

(d) The Director shall advise the applicant in writing of the reason(s) for any denial of a license renewal.

(e) When the City denies an application for renewal of a license, the applicant shall not be issued another license for one year from the date of denial. If the City finds, subsequent to denial, that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the denial was issued.

#### **720.11 LICENSE SUSPENSION.**

(a) The City shall suspend a medical marijuana dispensary license for a period not to exceed 30 days if it determines that a licensee:

(1) Has violated or is not in compliance with any section of this chapter; or

(2) Has authorized or approved an employee's violation of or failure to comply with any section of this chapter, or as a result of the licensee's negligent failure to supervise either the premises of the medical marijuana dispensary or a medical marijuana dispensary has allowed an employee to violate or fail to comply with any section of this chapter.

(b) The City shall suspend a medical marijuana dispensary license for a period not to exceed 30 days if it determines that a licensee or his employee or agent has refused to allow an inspection of the licensed medical marijuana dispensary premises as authorized by this chapter.

(c) The Director shall advise the licensee in writing of the reason(s) for any suspension.

#### 720.12 LICENSE REVOCATION.

(a) The City shall revoke a medical marijuana dispensary license if a cause of suspension under Section 720.11 of this chapter occurs and the license has been suspended two times within the preceding 12 months.

(b) The City shall revoke a medical marijuana dispensary license if it determines that:

(1) A licensee gave false or misleading information in the material submitted during the application process;

(2) The licensee(s) failed to comply with any requirement stated in the license, pursuant to Section 720.07(g) of this chapter, to correct specified deficiencies within 120 days;

(3) A licensee has knowingly allowed, or as a result of the licensee's negligent failure to supervise either the premises of the medical marijuana dispensary or a medical marijuana dispensary employee, a licensee has allowed, possession, use, or sale of controlled substances (except medical marijuana) on the premises;

(4) A licensee has knowingly allowed, or as a result of the licensee's negligent failure to supervise either the premises of the medical marijuana dispensary or a medical marijuana dispensary employee, a licensee has allowed the commission of a felony on the premises;

(5) A licensee operated the medical marijuana dispensary during a period of time when the licensee knew or reasonably should have known that the licensee's license was suspended, or when the licensee no longer maintained a dispensary license issued by the state board of pharmacy;

(6) A licensee has been convicted of a specified criminal activity, as defined in Section 720.02 of this chapter, during the term of the license; or

(7) A licensee is delinquent in payment to the City, County, or

State for any taxes or fees past due that were assessed or imposed in relation to any business.

(c) The Director shall advise the licensee in writing of the reason(s) for any revocation.

(d) When the City revokes a license, the licensee shall not be issued another license for one year from the date the revocation became effective. If the City finds, subsequent to revocation, that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective.

#### **720.13 APPEAL RIGHTS.**

(a) Any denial, suspension, or revocation of a new or renewal license under this chapter may be appealed to the City of Brook Park Board of Zoning Appeals by written notice within 10 days of such denial, suspension or revocation. Unless the applicant requests a longer period, the Board of Zoning Appeals must hold a hearing on the appeal within 30 days and must issue a decision affirming or reversing the denial, suspension, or revocation within five days after the hearing.

(b) Any decision by the Board of Zoning Appeals shall be a final appealable order and the applicant or licensee may seek judicial review of such administrative action in any court of competent jurisdiction pursuant to general law.

(c) Any licensee lawfully operating a medical marijuana dispensary prior to the denial of a license renewal application, or the suspension or revocation of a license, may continue to operate said business during the pendency of an appeal of a decision rendered under this chapter to the Board of Zoning Appeals or to a court.

(d) In the event that an applicant for a new medical marijuana dispensary license seeks judicial review of the denial of a new license, there shall be no automatic stay of the denial.

#### **720.14 TRANSFER OF LICENSE.**

A medical marijuana dispensary license is not transferable from one licensee to another or from one location to another without the express written permission of the Director. Any purported transfer of a medical marijuana dispensary license without the express written permission of the Director shall automatically and immediately revoke that license. Notwithstanding anything in

this chapter to the contrary, a license transferee shall assume all responsibilities of the license transferor under this chapter and all applicable code.

**720.15      REGULATIONS PERTAINING TO THE OPERATION OF  
MEDICAL MARIJUANA DISPENSARIES.**

(a) No person may operate or cause to be operated a medical marijuana dispensary without complying with the following requirements:

(1) The medical marijuana dispensary shall be operated in accordance with all applicable laws, rules and regulations promulgated by the state.

(2) The parcel upon which the dispensary is operated shall not at the time the original dispensary license is issued be located within 1,000 feet from any parcel on which sits a school, church, public library, public playground, recreation center, city owned building or property, or 500 feet from any residential property and not within one-half mile of any medical marijuana dispensary or public park.

(3) Consultations by medical professionals shall not be a permitted at a dispensary, unless the patron already has a recommendation for medical marijuana prior to entering the dispensary.

(4) Signs shall be posted on the outside of the dispensary and shall only contain the name of the business, limited to two colors.

(5) The dispensary shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.

(6) The use of any vending machine which allows access to medical marijuana is prohibited. For purposes of this subsection (a)(6), a vending machine is any device which allows access to medical marijuana without a human intermediary.

(7) The premises of every medical marijuana dispensary shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, including restrooms, at an illumination level of not less than five foot-candles as measured at floor level.

(8) No medical marijuana dispensary shall be operated in any manner that permits the observation from outside the premises of any image depicting or describing a marijuana leaf or the

combustion of plant material, whether by means of display, decoration, sign, window or any other means.

(9) Any material change to information provided in the licensee's application including, but not limited to, changes to the security plan must be promptly communicated, in writing, to the Director.

(10) If, at any time, the licensee is subject to any enforcement action by the state, the licensee shall immediately notify the Director and shall provide any relevant information or documentation requested by the Director.

(11) If, at any time, the licensee has a reasonable belief that an actual loss, theft or diversion of medical marijuana or currency worth or amounting to more than \$100.00 has occurred, the licensee shall immediately notify the Director, and in any event such notification shall be provided no later than 24 hours after discovery of the loss, theft or diversion.

(b) Except as otherwise provided in this paragraph, any person who violates subsection (a) hereof, or any person who operates a medical marijuana dispensary and permits a violation of subsection (a) hereof on the premises, shall be guilty of a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of subsection (a) hereof, a violation of subsection (a) of this section will be considered a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of subsection (a) of this section, a violation of subsection (a) hereof will be considered a misdemeanor of the first degree.

#### **720.16 LOITERING AND EXTERIOR LIGHTING AND MONITORING REQUIREMENTS.**

(a) It shall be the duty of the operator of a medical marijuana dispensary to:

(1) Initiate and enforce a no loitering policy within the external boundaries of the real property upon which the medical marijuana dispensary is located;

(2) Post conspicuous signs stating that no loitering is permitted on such property;

(3) Monitor the activities of persons on such property by visually inspecting such property or inspecting such property



by use of video cameras and monitors; and

(4) Provide adequate lighting of the exterior premises to provide for visual inspection or video monitoring and to prohibit loitering. The video cameras and monitors shall operate continuously at all times that the premises is open for business.

(b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

#### **720.17 INJUNCTION.**

Any person who operates or causes to be operated a medical marijuana dispensary in violation of this chapter is subject to a suit for injunction as well as prosecution for criminal violations under the Codified Ordinances of the City.

#### **720.18 EFFECT OF PARTIAL INVALIDITY.**

If any section, subsection or clause of this chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

#### **720.19 CHANGE IN INFORMATION.**

During the pendency of any application for, or during the term of, any medical marijuana dispensary license, the applicant or licensee shall promptly notify the Director in writing of any change in any material information given by the applicant or licensee in the application for such license, including specifically, but without limitation, any change in managers of the medical marijuana dispensary establishment or in the individuals identified in the application pursuant to this chapter; or if any of the events constituting grounds for suspension or revocation pursuant to this chapter occur.

#### **720.99 PENALTY.**

(a) Violations of this chapter for which no penalty is specified shall be unclassified misdemeanor offenses punishable by fine or imprisonment, as provided in Section 501.99 of the Codified Ordinances of the City of Brook Park.

(b) Each day that a medical marijuana dispensary operates in violation this chapter is a separate offense.

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 enact Chapter 720 of the 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 from and after its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

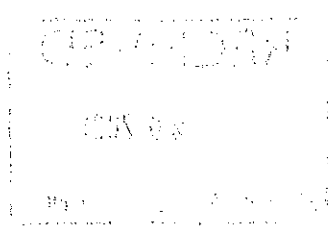
PASSED: \_\_\_\_\_

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

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

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

\_\_\_\_\_  
DATE



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

\_\_\_\_\_  
DIRECTOR OF LAW

170 8-24-21 Legislative  
OA Prior 9-7-21  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C 9-7-21  
Caucus 2-8-22

CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: COUNCILMAN TROYER

AN ORDINANCE  
ENACTING CHAPTER 1126 OF THE BROOK PARK CODIFIED ORDINANCES  
ENTITLED 'MEDICAL MARIJUANA DISPENSARIES', 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 1126 of the Brook Park Codified  
Ordinances, entitled "Medical Marijuana Dispensaries" is hereby  
enacted to read as follows:

CHAPTER 1126  
Medical Marijuana Dispensaries

1126.01 PURPOSE.

It is the purpose of this chapter to regulate medical  
marijuana dispensaries in order to promote the health,  
safety, morals, and general welfare of the citizens of  
the City and to establish reasonable and uniform  
regulations to prevent the deleterious location and  
concentration of medical marijuana dispensaries within  
the City.

1126.02 DEFINITIONS.

For purposes of this chapter,

- (a) "Medical marijuana" shall have the same meaning as in  
R.C. 3796.01.
- (b) "School," "church," "public library," "public  
playground," "public park" and "recreation center"

shall have the same meanings as is R.C. 3796.30.

(c) "Dispensary" shall have the same meaning as in Ohio Admin. Code 3796:1-1-01 or subsequent similar regulations.

(d) "Licensee" means a person in whose name a license to operate a medical marijuana dispensary has been issued under Chapter 720, as well as the individual(s) designated on the license application as principally responsible for the operation of the medical marijuana dispensary.

(e) "Operate" means to control or hold primary responsibility for the operation of a medical marijuana dispensary, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. "Operate" or "cause to be operated" shall mean to cause to function or to put or keep in operation. Operator means any persons on the premises of a medical marijuana dispensary who is authorized to exercise overall operational control or hold primary responsibility for the operation of a medical marijuana dispensary or who causes to function or who puts or keeps in operation the business. A person may be found to be operation or causing to be operated a medical marijuana dispensary whether or not that person is an owner, part owner, or licensee of the business.

(f) "Person" means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

#### 1126.03 LOCATION OF MEDICAL MARIJUANA DISPENSARIES.

(a) Medical marijuana dispensaries may be located only in U-7 Districts and conditionally permitted use pursuant to Section 1121.34 and in accordance with the restrictions contained in this chapter.

(b) No medical marijuana dispensaries may be established or operated within 1,000 feet of a school, church, public library, public playground, recreation center or public park in the City.

(c) No medical marijuana dispensary may be established, operated or enlarged within one half mile of another medical marijuana dispensary.

(d) Not more than one medical marijuana dispensary shall be established or operated in the same building, structure, or portion thereof.

(e) For the purpose of subsections (b) and (c) of this section, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a medical marijuana dispensary is conducted, to the nearest property line of the premises of a medical marijuana dispensary or a school, recreation center, church, public library, public playground, or public park.

(f) Rules, regulations and local permitting requirements imposed on a licensee by the City shall be interpreted in all instances to conform to the state licensing requirements for dispensaries, but in the event the City's rules, regulations and permitting requirements impose a greater obligation on a licensee than the state licensing requirements, the local provisions shall be enforced.

(g) Applicants must meet any additional criteria and fulfill any additional requirements associated with obtaining a conditional use permit in the City. The City shall review all qualifying applications at a reasonable pace and level of review equivalent to other land use projects requiring a conditional use permit.

#### **1126.04 OFF-STREET PARKING.**

Off-Street parking for a medical marijuana dispensary shall be provided, pursuant to the zone that they shall be located in and the Planning Commission, except that the

Commission may require an off-street parking plan.

**1126.05 SIGN REGULATIONS FOR MEDICAL MARIJUANA  
DISPENSARIES.**

(a) All signs for a medical marijuana dispensary shall be wall signs or window signs as defined in Chapter 1123 of the Brook Park Codified Ordinances and approved by the Planning Commission and shall be constructed and located in conformance with all applicable provisions of Chapter 1123 of the Brook Park Codified Ordinances.

(b) All signs for a medical marijuana dispensary shall be maintained in accordance with Section 1123 of the City Code and may be ordered to be removed in accordance with the provisions of that Chapter.

(c) No merchandise or pictures of the products on the premises of a medical marijuana dispensary shall be displayed on signs, in window areas or any area where they can be viewed from the sidewalk or street in front of the building. No sign shall bear any image depicting or describing a marijuana leaf or the combustion of plant material, whether by means of display, decoration, sign, window or any other means.

(d) Window areas of a medical marijuana dispensary shall not be covered or made opaque in any way. A one-square-foot sign shall be placed on the door to state hours of operation. Additional signage to conform to the requirements Section 720.16 may be permitted.

**1126.06 LICENSING.**

Medical marijuana dispensaries as described in Section 1126.02 herein shall be licensed and operated pursuant to Chapter 720.

#### 1126.07 HEARING; RENEWAL; REVOCATION.

(a) Notwithstanding anything in this chapter or section to the contrary, any conditional use permit application for a medical marijuana dispensary shall be heard by the Planning Commission and, if approved, shall expire 12 months from the date of issuance. Subsequent renewal of the conditional use permit may be made administratively by the Safety Director if no significant modifications to the conditions of the permit have been proposed and no violations have been determined. Violations may include, for example, legitimate loitering complaints, excessive police calls to the immediate vicinity, noise complaints, non-compliance with the terms of the conditional use permit, or non-compliance with other applicable state or local regulation. The licensee shall have a reasonable opportunity and time to cure the complaint or possible non-compliance as defined in this section before being subject to revocation or suspension.

(b) Determination of administrative renewal is at the discretion of the Safety Director. Renewal applications must be submitted in writing at least 30 days prior to expiration of permit.

(c) The conditional use permit for a medical marijuana dispensary is non-transferable.

(d) Notwithstanding anything in this chapter or section to the contrary, any conditional use permit granted for a medical marijuana dispensary may be revoked by the Planning Commission after referral to the Planning Commission by the Director and after a public hearing on whether violations have occurred or the spirit and intent of the conditional use permit has not been met. Notice of such hearing shall be sent to the licensee and to others pursuant to Section 1173.07(b)(2) of this Code as if a zoning change were requested.

#### 1126.08 SEVERABILITY.

If any section, subsection, or clause of this

chapter shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

**1126.99 PENALTY.**

- (a) Violations of this chapter for which no penalty is specified shall be unclassified misdemeanor offenses punishable by fine or imprisonment, as provided in Section 501.99 of the Codified Ordinances of the City of Brook Park.
- (b) Each day that a medical marijuana dispensary operates in violation of this chapter is a separate offense.

**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 enact Chapter 1126 of the 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 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

\_\_\_\_\_  
DATE

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



PIC 9-21-21 Legislative  
CAP 10-5-21  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C 10-5-2021  
Caucus 2-8-22

CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: MAYOR GAMMELLA

A RESOLUTION

APPROVING THE CITY OF BROOK PARK'S NOTICE TO THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL ("NOPEC") TO ELECT NOPEC'S GREEN COMMUNITY CHOICE PROGRAM FOR THE CITY'S ELECTRICITY AGGREGATION PROGRAM STARTING JANUARY 2023, AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park, County of Cuyahoga, Ohio is a member of the Northeast Ohio Public Energy Council ("NOPEC") and participates in NOPEC's electricity aggregation program ("Aggregation Program"); and

WHEREAS, the City has adopted or may be considering adopting a sustainability plan, a part of which includes or may include increasing the renewable content of the electricity consumed in the City; and

WHEREAS, NOPEC has developed a new green program offering for its member communities with a 100% renewable energy content standard default electricity aggregation product, that includes Renewable Energy Credits ("RECs") for 100% of the customer's energy usage, to any current or new NOPEC member community that selects this program for the upcoming three (3) year NOPEC electric aggregation term (from the January 2023 until January 2026 utility meter reads) ("Green Community Choice Program"); and

WHEREAS, the Green Community Choice Program will include the additional cost of 100% of RECs for 100% of the City's eligible customers' energy usage; and

WHEREAS, the additional cost for the REC content included in the Green Community Choice Program price will be no higher than .425 cents/kWh or about \$3.55/month for the average residential household over the term of program; and

WHEREAS, the City's eligible customers will have the option to opt-in to the standard NOPEC default product not containing additional RECs at the lower Standard Program price or choose another NOPEC product offering; and

**WHEREAS**, the NOPEC Green Community Choice Program offering requires that a member community notify NOPEC in writing on or before December 31, 2021, of its election to choose the Green Community Choice Program (100% REC standard default electricity aggregation product) for the upcoming three (3) year NOPEC Aggregation Program term with legislation adopted by the legislative authority of the community making the election.

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

**SECTION 1:** This Council hereby approves the City's election to participate in NOPEC's Green Community Choice Program for the upcoming three (3) year NOPEC Aggregation Program term (from the January 2023 through January 2026 utility meter reads). This Council hereby authorizes and ratifies all actions of the Mayor in connection with the execution of the City's election to notify NOPEC to participate in NOPEC's Green Community Choice Program.

**SECTION 2:** This Council hereby acknowledges that the City's election to participate in NOPEC's Green Community Choice Program for the coming three (3) year NOPEC Aggregation Program term (from the January 2023 until the January 2026 utility meter read(s) is binding and irrevocable for such three (3) year Aggregation Program term.

**SECTION 3:** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in open meetings 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 the City's Charter and Codified Ordinances and 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 approve this notice; 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

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

  
\_\_\_\_\_  
DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: COUNCILMAN TROYER, *Mencini*

P/C 10-5-21 Legislative  
CA 10-21-21  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C 12-14-21  
*Councils 11-9-21*  
*Councils 12-14-21*  
*Councils 2-8-22*

AN ORDINANCE ENACTING CHAPTER 527 OF THE BROOK PARK CODIFIED ORDINANCES  
ENTITLED "FLYING MODEL AIRCRAFT/UNMANNED AERIAL VEHICLES (UAVs)", AND  
DECLARING AN EMERGENCY

WHEREAS, the city desires to enact a codified chapter that defines the regulations as they apply to the operation of any model aircraft, unmanned aircraft, drone, or other unmanned aerial vehicle within the city of Brook Park;

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

SECTION 1: Chapter 527 of the Brook Park Codified Ordinances, entitled "Flying Model Aircraft/Unmanned Aerial Vehicles (UAVs)" is hereby enacted to read as follows:

CHAPTER 527

Flying Model Aircraft/Unmanned Aerial Vehicles (UAVs)

527.01 PURPOSE. The purposes of this chapter are to establish limitations on flying model aircraft/unmanned aerial vehicles (UAVs) within the City and to establish reasonable and uniform regulations to minimize and control the negative secondary effects of flying model aircraft/unmanned aerial vehicles (UAVs) within the City, all in order to promote the health, safety, and welfare of the citizens of the City.

527.02 Operation.

- (a) No person shall operate, within the city limits of Brook Park, any model aircraft, unmanned aircraft, drone, or other unmanned aerial vehicle (collectively, "UAVs") which is controlled by radio, electronic, or similar free flight operation, by a person,

computer, or machine on the ground or otherwise, in a manner such that the UAV flies within 1,000 feet of any of the following:

- (1) Public or private school property, without the express written consent of the individual authorized to grant said consent. This would include all the athletic facilities located on school property as well as all school buildings;
  - (2) All city owned buildings, without the express written consent of the Mayor or Police Chief;
  - (3) City owned water towers;
  - (4) Utility power sub stations;
  - (5) Active crime scenes;
  - (6) Active fire or accident scenes; and
  - (7) Cell towers.
- (b) In addition to the above, the following shall govern the use of said UAVs:
- (1) Sustained operation of above any roadway is prohibited where such operation could impair drivers' line of sight, distract drivers, or come into contact with motor vehicles operating within said roadways;
  - (2) Operation to capture images of people on private property that would otherwise not be visible without the use of the UAV is prohibited;
  - (3) Operation before dawn and after dusk is prohibited, unless prior authorization has been given by the Chief of Police, or his or her designee; and
  - (4) No person shall equip any drone with any weapon such as a firearm, explosive device, incendiary device, ballistic knife, knife, zip gun or any other dangerous ordnance as described in sections 2923.11 or 2923.24 of the Ohio Revised Code or any similar device.

**527.99      Penalty.**

- (a) Whoever violates this section is guilty of a misdemeanor of the first degree.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the 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 enact Chapter 527 of the 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 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

\_\_\_\_\_  
DATE

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

  
\_\_\_\_\_  
DIRECTOR OF LAW

---

**From:** Tom Troyer (Ward 1)  
**Sent:** Monday, November 15, 2021 1:25 PM  
**To:** Vicky Cardaman; Carol Horvath  
**Cc:** Michelle Blazak  
**Subject:** RE: Amending drone legislation

[This message is from a source outside of your organization]  
PS, sorry!  
This would mean removing the regulations in the current piece!?

Sent from Mail for Windows

---

**From:** Tom Troyer (Ward 1)  
**Sent:** Monday, November 15, 2021 1:18 PM  
**To:** Vicky Cardaman; Carol Horvath  
**Cc:** Michelle Blazak  
**Subject:** Amending drone legislation

Good morning,  
I have amendments or new legislation ideas for drones:

I would like to add the state law to our laws Section 4561.15 - Ohio Revised Code | Ohio Laws  
A : #1 would not apply?, #s 2&3 for sure, #4 ?  
B: ?  
C: ?

Also I have a suggestion to add something along the lines of:

Failure to follow FAA guidelines.

"I am not an attorney so I recommend having the law director write and/or review any proposed ordinance. Based on our conversation after the council meeting the other night I would recommend adding language about failure to follow FAA guidelines, Part 107, as a reason to classify a drone flight as an unsafe operation. Again, your law director will know best how to word such a section and if it is applicable."

Please look into this and see if we can make it work.

Thanks,  
Tom.

CITY OF BROOK PARK, OHIO

P/C 1-4-2022 Leg  
CA \_\_\_\_\_  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

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

INTRODUCED BY: MAYOR GAMMELLA AND COUNCILMAN MENCINI

AN ORDINANCE  
AMENDING SECTION 1361.13  
OF THE BROOK PARK CODIFIED ORDINANCES  
ENTITLED 'PARKING'  
AND DECLARING AN EMERGENCY

WHEREAS, there is a need to update Section 1361.13 of the Brook Park Codified Ordinances, regulates parking on vehicles; and

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

SECTION 1: Section 1361.13 of the Codified Ordinances of the City of Brook Park is hereby amended to read as follows:

**1361.13 PARKING.**

All vehicles that do not fall under the provisions of Sections 1361.12 shall at all times be parked on a concrete or asphalt surface designed for such use. No person shall park or keep a trailer, travel trailer, trailer coach, house trailer, mobile home, camper, watercraft or watercraft trailer (all of which are hereinafter referred to as "equipment") not in transit, on a residential lot or in a residential district of the City except:

- (a) In a duly licensed mobile home park;
- (b) In a private enclosed garage;
- (c) The equipment is being loaded or unloaded, in which case it may be parked in the driveway for a period of not more than forty-eight hours.

SECTION 2: Former Section 1361.13 of the Codified Ordinances of the City of Brook Park, as enacted by Ordinance 11091-2019, passed May 21, 2019 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 1361.13 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

\_\_\_\_\_  
DATE

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

  
DIRECTOR OF LAW

P/C 2-1-22 Legislation  
CA \_\_\_\_\_  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: COUNCILMAN POINDEXTER

AN ORDINANCE  
AMENDING SECTION 537.05  
OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED  
'AGGRAVATED MENACING'  
AND DECLARING AN EMERGENCY

WHEREAS, there have been an increase in incidents where utility workers were threatened while trying to perform their jobs; and

WHEREAS, utility workers provide a vital service to our community and need to be protected while they are performing essential functions; and

WHEREAS, increasing the degree and penalty for incidents of threats against utility workers will provide additional protections to utility workers.

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

SECTION 1: Section 537.05 "Aggravated Menacing" of Chapter 537, Offenses Relating to Persons of the General Offenses Code of the City of Brook Park is hereby amended to read as follows:

(d) IF the victim of the offense is a utility worker whom the offender knows or has reasonable cause to know is a utility worker, if the victim is engaged in the performance of the victim's duties, and if the offender threatens the victim with a deadly weapon with intent to obstruct the operation of a utility, aggravated menacing is a felony of the fourth degree. As used in this section, "organization" includes an entity whose primary responsibility is the operation or maintenance of a utility. "Utility" means an enterprise that provides gas, electric, steam, water, sewage, transportation, communication services, or cable and broadband services, whether publicly or privately owned.

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 of amending Section 537.05; 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

2-1-22 Legislation  
CA \_\_\_\_\_  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
P/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

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

INTRODUCED BY: COUNCILMAN POINDEXTER

A RESOLUTION URGING OUR RESIDENTS TO ENROLL THEIR STUDENTS IN  
BEREA CITY SCHOOLS, AND DECLARING AN EMERGENCY

WHEREAS, on January 19, 2022, the mayor made a proclamation recognizing January 23-29, 2022 as School Choice Week in Brook Park; and

WHEREAS, education is the most important asset in maximizing the opportunities of an individual and community; and

WHEREAS, State Funding of our schools is based largely on enrollment; and

WHEREAS, 90% of American children attend public schools; and

WHEREAS, Public Funding of Education should be used for Public Schools that are publically governed and accountable to parents, educators, and communities. In no way should local, state or federal funding be taken away from public schools and given to private schools that are unaccountable to the public; and

WHEREAS, we wholeheartedly support the 800 employees of the Berea City School District, 108 of which are Brook Park Residents; and

WHEREAS, good public schools are the cornerstone of any strong community. Helping to maintain higher standards, better opportunities, elevated home values, and genuine pride in our community.

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

SECTION 1: The Council urges our residents to continue to enroll their students in the Berea City School District.

**SECTION 2:** The Clerk of Council is hereby directed to forward a certified copy of this Resolution to Berea Superintendent Tracy Wheeler.

**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 urge our residents to enroll their students in the Berea City School District; 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: \_\_\_\_\_

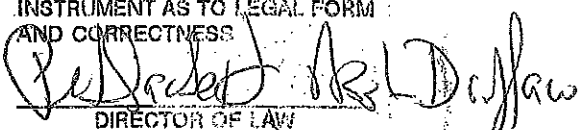
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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

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

\_\_\_\_\_  
DATE

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

  
DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

P/C 2-1-22 Finance  
CA \_\_\_\_\_  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

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

INTRODUCED BY: MAYOR ORCUTT

AN ORDINANCE  
AMENDING CERTAIN SECTIONS OF THE ADMINISTRATIVE  
CODE TO PROVIDE ADJUSTMENTS IN COMPENSATION FOR  
EMPLOYEES OF THE CITY, OTHER THAN ELECTED OFFICIALS OR  
THOSE COVERED UNDER NEGOTIATED LABOR CONTRACTS  
AND DECLARING AN EMERGENCY

WHEREAS, it is the desire of the Council of the City of Brook Park to provide adjustment in compensation for employees of the City, other than elected officials, who are not specifically covered in negotiated labor contracts, and also to provide adjustment in rates covering employees; and

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

SECTION 1: The "Salary Schedule" for the year 2022 is attached hereto and marked Exhibit "A," and made a part hereof as if fully rewritten herein and are hereby adopted. Those said Sections of the Codified Ordinances specifically enumerated in the attached "Salary Schedule" are hereby amended accordingly.

SECTION 2: The compensation provided in the "Salary Schedule" for the year 2022 shall remain in effect until duly changed.

SECTION 3: The "Salary Schedule 2017 through 2019" as enacted by Ordinance 11073-2019, passed March 19, 2019 is hereby specifically repealed.

SECTION 4: The money needed for the aforesaid transaction shall be paid from funds theretofore appropriated or to be appropriated for said purpose.

SECTION 5: 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 6:** 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 provide adjustments in compensation without undue delay; 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

# AMENDED TO READ 2022

EXHIBIT

SALARY SCHEDULE		2022 Minimum	2022 Maximum
Ordinance	Title		
121.02 (b)	Clerk Of Council	\$57,258.01	\$68,108.87
121.03 (b)	Assistant Clerk Of Council	\$43,170.50	\$54,021.36
121.08 (b)	Part Time Assistant Clerk of Council	\$10.85	\$17.97
131.03 (b)	Executive Assistant to the Mayor	\$63,912.69	\$74,550.78
131.06 (b)	Temporary Clerical	\$10.85	\$17.97
131.07 (a)	C.O.E. Assistant Office Clerk	\$10.43	\$24.91
131.08 (c)	Commissioner of Admin. Services (H.R.)	\$72,563.27	\$79,000.00
131.09 (c)	Clerk of Mayor's Court	\$52,000.00	\$65,761.89
131.11 (d)	Commissioner of Purchasing	\$0.00	\$0.00
131.13 ©	Commissioner of Economic Development	\$70,000.00	\$88,509.59
133.02 ©	Assistant Law Director	\$41,646.80	\$52,497.65
133.03 ©	Administrative Assistant to the Law Director	\$54,911.04	\$65,761.89
133.061 ©	Part Time Assistant Law Director-Class #2	\$13,021.02	\$33,073.66
133.07 (b)	Law Department Clerk	\$10.85	\$17.97
133.062	Assistant Law Director- Class #3	\$61,984.37	\$72,835.23
137.02 (b)	Assistant Finance Director	\$79,824.29	\$90,279.09
139.01 (b)	Director of Public Safety	\$77,000.00	\$92,000.00
139.07 ©	School Crossing Guards	\$8,165.01	\$10,206.79
139.11	Safety Forces High Risk Board	\$0.00	\$0.00
140.03 (b)	Electrical Inspector	\$21,261.10	\$21,261.10
140.04 (b)	Plumbing Inspector	\$21,261.10	\$21,261.10
141.03 (a)	Police Chief	\$97,297.15	\$114,891.37
141.03 (a)	Police Captain	\$90,221.69	\$107,444.71
142.07 ©	Auxiliary Police	\$13.56	\$20.36
143.03 (a)	Fire Chief	\$97,297.15	\$114,891.37
143.03 (a)	Assistant Fire Chief	\$90,221.69	\$107,444.71
145.01	Director of Public Service	\$83,000.00	\$99,500.00
145.15 (b)	Summer Grass Cutters	\$10.43	\$13.17





SALARY SCHEDULE	
Ordinance	Title
121.02 (b)	Clerk Of Council
121.03 (b)	Assistant Clerk Of Council
121.08 (b)	Part Time Assistant Clerk of Council
131.03 (b)	Executive Assistant to the Mayor
131.06 (b)	Temporary Clerical
131.07 (a)	C.O.E. Assistant Office Clerk
131.08 (c)	Commissioner of Admin. Services (H.R.)
131.09 (c)	Clerk of Mayor's Court
131.11 (d)	Commissioner of Purchasing
131.13 ©	Commissioner of Economic Development
133.02 ©	Assistant Law Director
133.03 ©	Administrative Assistant to the Law Director
133.061 ©	Part Time Assistant Law Director-Class #2
133.07 (b)	Law Department Clerk
133.062	Assistant Law Director- Class #3
137.02 (b)	Assistant Finance Director
139.01 (b)	Director of Public Safety
139.07 ©	School Crossing Guards
139.11	Safety Forces High Risk Board
140.03 (b)	Electrical Inspector
140.04 (b)	Plumbing Inspector
141.03 (a)	Police Chief
141.03 (a)	Police Captain
142.07 ©	Auxiliary Police
143.03 (a)	Fire Chief
143.03 (a)	Assistant Fire Chief
145.01	Director of Public Service
145.15 (b)	Summer Grass Cutters
146.08 ©	Part Time Asst. of Public Prop. (PT Janitors)
147.01 (g)	Commissioners of Parks and Playgrounds *
147.02 ©	Director of Recreation
147.08 (b)	Playground Supervisor

PRIOR		PRIOR	
2017	Minimum	2017	Maximum
	\$54,900.06		\$65,304.06
	\$41,392.69		\$51,796.69
	\$10.40		\$17.23
	\$62,506.30		\$72,910.30
	\$10.40		\$17.23
	\$10.00		\$12.14
	\$70,966.53		\$81,370.53
	\$52,649.73		\$63,053.73
	\$0.00		\$0.00
	\$76,157.95		\$86,561.95
	\$39,931.73		\$50,335.73
	\$52,649.73		\$63,053.73
	\$12,484.80		\$31,711.64
	\$10.40		\$17.23
	\$59,431.78		\$69,835.78
	\$76,537.03		\$86,561.28
	\$88,757.95		\$99,161.95
	\$7,828.76		\$9,786.46
	\$0.00		\$0.00
	\$20,385.54		\$20,385.54
	\$20,385.54		\$20,385.54
	\$93,290.33		\$110,160.00
	\$86,506.25		\$103,020.00
	\$13.00		\$19.52
	\$93,290.33		\$110,160.00
	\$86,506.25		\$103,020.00
	\$88,757.95		\$99,161.95
	\$10.00		\$12.63
	\$10.00		\$12.38
	\$1,200.00		\$1,200.00
	\$80,799.94		\$91,203.94
	\$10.00		\$15.30

2.00%		2.00%	
2018	Minimum	2018	Maximum
	\$55,998.06		\$66,610.14
	\$42,220.54		\$52,832.62
	\$10.61		\$17.57
	\$62,506.30		\$72,910.30
	\$10.61		\$17.57
	\$10.20		\$12.38
	\$70,966.53		\$81,370.53
	\$53,702.73		\$64,314.81
	\$0.00		\$0.00
	\$76,157.95		\$86,561.95
	\$40,730.37		\$51,342.45
	\$53,702.73		\$64,314.81
	\$12,734.50		\$32,345.88
	\$10.61		\$17.57
	\$60,620.41		\$71,232.49
	\$78,067.77		\$88,292.51
	\$88,757.95		\$99,161.95
	\$7,985.34		\$9,982.19
	\$0.00		\$0.00
	\$20,793.25		\$20,793.25
	\$20,793.25		\$20,793.25
	\$95,156.14		\$112,363.20
	\$88,236.37		\$105,080.40
	\$13.26		\$19.91
	\$95,156.14		\$112,363.20
	\$88,236.37		\$105,080.40
	\$88,757.95		\$99,161.95
	\$10.20		\$12.88
	\$10.20		\$12.63
	\$1,224.00		\$1,224.00
	\$80,799.94		\$91,203.94
	\$10.00		\$15.61

2.25%		2.25%	
2019	Minimum	2019	Maximum
	\$57,258.01		\$68,108.87
	\$43,170.50		\$54,021.36
	\$10.85		\$17.97
	\$63,912.69		\$74,550.78
	\$10.85		\$17.97
	\$10.43		\$12.66
	\$72,563.27		\$83,201.36
	\$54,911.04		\$65,761.89
	\$0.00		\$0.00
	\$77,871.50		\$88,509.59
	\$41,646.80		\$52,497.65
	\$54,911.04		\$65,761.89
	\$13,021.02		\$33,073.66
	\$10.85		\$17.97
	\$61,984.37		\$72,835.23
	\$79,824.29		\$90,279.09
	\$90,755.00		\$101,393.09
	\$8,165.01		\$10,206.79
	\$0.00		\$0.00
	\$21,261.10		\$21,261.10
	\$21,261.10		\$21,261.10
	\$97,297.15		\$114,891.37
	\$90,221.69		\$107,444.71
	\$13.56		\$20.36
	\$97,297.15		\$114,891.37
	\$90,221.69		\$107,444.71
	\$90,755.00		\$101,393.09
	\$10.43		\$13.17
	\$10.43		\$12.91
	\$1,251.54		\$1,251.54
	\$82,617.94		\$93,256.03
	\$10.23		\$15.96

SALARY SCHEDULE	
Ordinance	Title
147.12 (b)	Pool Lifeguard
147.12 (b)	Lifeguard w/ Safety Instructor Card W.S.I.
147.13 (b)	Front Counter Attendant
147.14 (b)	Roving Supervisor
147.15 (b)	Arts and Crafts Instructor
147.16 (b)	Asst. Arts and Crafts Instructor
147.17 (b)	Athletic Program Instructor
147.18 (b)	Part Time Parks and Playground Instructor
147.20 ©	Part Time Concession Stand Supervisor
147.21 ©	Asst. Part-time Concession Stand Manager
147.23 ©	Recreation Building Attendant
147.28 ©	Recreation Cleaning Supervisor
147.28 ©	Recreation Cleaning
147.33(d))	Commissioner of Leisure Time Activities
149.03	Civil Service Commission *
149.04 (c)	Permanent Part-time Civil Service Secretary
149.06 (b)	Civil Service Legal Advisor
1101.06	Planning Commission *
	Board of Zoning Appeals *
1725.01 (a)	Tax Review Board Member *
1729.02 (b)	Director of Taxation
1729.06 (b)	Assistant Part-time Tax Clerk
1929.05 (d)	Permanent Part-time Tax Clerk
171.03	Magistrate Class I
171.035	Magistrate Class II
171.04	Mediator
141.15	Full Time Jailer
141.16	Part Time Jailer
140.02	Building Commissioner
139.093	Part Time Clerks Safety Department

PRIOR		PRIOR	
2017 Minimum	2017 Maximum	2017 Minimum	2017 Maximum
\$10.00	\$15.30	\$10.00	\$15.30
\$10.00	\$15.30	\$10.00	\$15.30
\$10.00	\$15.30	\$10.00	\$15.30
\$10.00	\$15.30	\$10.00	\$15.30
\$10.00	\$16.89	\$10.00	\$16.89
\$10.00	\$15.30	\$10.00	\$15.30
\$10.00	\$15.30	\$10.00	\$15.30
\$10.00	\$15.30	\$10.00	\$15.30
\$10.00	\$15.30	\$10.00	\$15.30
\$10.00	\$15.30	\$10.00	\$15.30
\$10.00	\$15.30	\$10.00	\$15.30
\$10.00	\$15.30	\$10.00	\$15.30
\$0.00	\$0.00	\$0.00	\$0.00
\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
\$15.61	\$21.65	\$15.61	\$21.65
\$17,650.26	\$17,650.26	\$17,650.26	\$17,650.26
\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
\$77,662.38	\$87,662.38	\$77,662.38	\$87,662.38
\$10.00	\$15.30	\$10.00	\$15.30
\$10.00	\$15.30	\$10.00	\$15.30
\$28,387.27	\$28,387.27	\$28,387.27	\$28,387.27
\$10,404.00	\$14,565.60	\$10,404.00	\$14,565.60
\$10,404.00	\$14,565.60	\$10,404.00	\$14,565.60
\$32,893.29	\$43,297.29	\$32,893.29	\$43,297.29
\$15.00	\$21.65	\$15.00	\$21.65
\$80,799.95	\$91,203.95	\$80,799.95	\$91,203.95
18.26	\$21.15	18.26	\$21.15

2.00%		2.00%	
2018 Minimum	2018 Maximum	2018 Minimum	2018 Maximum
\$10.00	\$15.61	\$10.00	\$15.61
\$10.00	\$15.61	\$10.00	\$15.61
\$10.00	\$15.61	\$10.00	\$15.61
\$10.00	\$15.61	\$10.00	\$15.61
\$10.00	\$17.23	\$10.00	\$17.23
\$10.00	\$15.61	\$10.00	\$15.61
\$10.00	\$15.61	\$10.00	\$15.61
\$10.00	\$15.61	\$10.00	\$15.61
\$10.00	\$15.61	\$10.00	\$15.61
\$10.00	\$15.61	\$10.00	\$15.61
\$10.00	\$15.61	\$10.00	\$15.61
\$10.00	\$15.61	\$10.00	\$15.61
\$0.00	\$0.00	\$0.00	\$0.00
\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
\$15.92	\$22.08	\$15.92	\$22.08
\$18,003.27	\$18,003.27	\$18,003.27	\$18,003.27
\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
\$79,215.63	\$89,415.63	\$79,215.63	\$89,415.63
\$10.00	\$17.57	\$10.00	\$17.57
\$10.00	\$17.57	\$10.00	\$17.57
\$28,955.02	\$28,955.02	\$28,955.02	\$28,955.02
\$10,612.08	\$14,856.91	\$10,612.08	\$14,856.91
\$10,612.08	\$14,856.91	\$10,612.08	\$14,856.91
\$33,551.15	\$44,163.23	\$33,551.15	\$44,163.23
\$15.00	\$22.08	\$15.00	\$22.08
\$82,415.95	\$93,028.03	\$82,415.95	\$93,028.03
18.26	\$21.57	18.26	\$21.57

2.25%		2.25%	
2019 Minimum	2019 Maximum	2019 Minimum	2019 Maximum
\$10.00	\$15.96	\$10.00	\$15.96
\$10.00	\$15.96	\$10.00	\$15.96
\$10.00	\$15.96	\$10.00	\$15.96
\$10.00	\$15.96	\$10.00	\$15.96
\$10.00	\$17.62	\$10.00	\$17.62
\$10.00	\$15.96	\$10.00	\$15.96
\$10.00	\$15.96	\$10.00	\$15.96
\$10.00	\$15.96	\$10.00	\$15.96
\$10.00	\$15.96	\$10.00	\$15.96
\$10.00	\$15.96	\$10.00	\$15.96
\$10.00	\$15.96	\$10.00	\$15.96
\$0.00	\$0.00	\$0.00	\$0.00
\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
\$16.28	\$22.58	\$16.28	\$22.58
\$18,408.34	\$18,408.34	\$18,408.34	\$18,408.34
\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
\$80,997.98	\$91,427.48	\$80,997.98	\$91,427.48
\$10.00	\$17.97	\$10.00	\$17.97
\$10.00	\$17.97	\$10.00	\$17.97
\$29,606.50	\$29,606.50	\$29,606.50	\$29,606.50
\$10,850.85	\$15,191.19	\$10,850.85	\$15,191.19
\$10,850.85	\$15,191.19	\$10,850.85	\$15,191.19
\$34,306.05	\$45,156.90	\$34,306.05	\$45,156.90
\$15.00	\$22.58	\$15.00	\$22.58
\$84,270.31	\$95,121.16	\$84,270.31	\$95,121.16
18.26	\$22.06	18.26	\$22.06

\*Boards & Commissions effective date of annual \$1,200.00 per year (\$100.00 per month) shall be May 2, 2016

P/C 2-7-22 Finance  
CA \_\_\_\_\_  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
3/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

ORDINANCE NO. \_\_\_\_\_

INTRODUCED BY: MAYOR ORCUTT

AN ORDINANCE  
AUTHORIZING ALL ACTIONS NECESSARY TO  
ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC)  
2022 ENERGIZED COMMUNITY GRANT(S) FUND,  
AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park, County of Cuyahoga, Ohio (the "Grantee") is a member of the Northeast Ohio Public Energy Council ("NOPEC") and is eligible for one or more NOPEC Energized Community Grant(s) for 2022 "NEC Grant(s)") as provided for in the NEC Grant Program guidelines; and

WHEREAS, the Grantee has previously entered into a Grant Agreement with NOPEC, Inc., to receive one or more NEC Grant(s); and

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

SECTION 1: The Council of the Grantee (the "Council") finds and determines that it is in the best interest of the Grantee to enter into the Grant Agreement to accept the NEC Grant(s) for 2022 in the amount of \$41,897.00 and authorizes the Mayor to execute the Grant Agreement to accept the NEC Grant(s) funds.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to 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 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 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 accept NOPEC's grant(s) for 2022; 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: \_\_\_\_\_

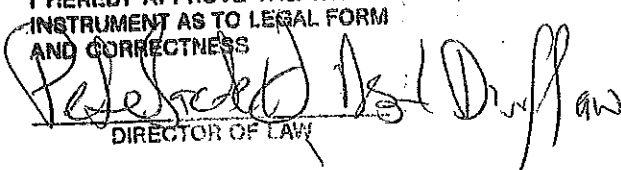
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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

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

\_\_\_\_\_  
DATE

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

  
\_\_\_\_\_  
DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

P/C 2-19-22 Spruce  
CA \_\_\_\_\_  
1st R \_\_\_\_\_  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
R/C \_\_\_\_\_

RESOLUTION NO: \_\_\_\_\_

INTRODUCED BY: MAYOR ORCUTT

**A RESOLUTION APPROVING THE STORM WATER MANAGEMENT AND ACCESS  
EASEMENT AGREEMENT, BETWEEN PAWUK REALTY LIMITED AND THE CITY OF  
BROOK PARK, OHIO, AND DECLARING AN EMERGENCY**

**WHEREAS**, as a part of the settlement agreement by and between the City of Brook Park and Pawuk Realty, the City is authorized to enter into a stormwater management and access easement at 15300 Brookpark Road, Brook Park, Ohio 44142.

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

**SECTION 1:** The storm water management and access easement agreement between Pawuk Realty Limited and the City of Brook Park is hereby authorized and approved by the Council of the City of Brook Park, attached hereto and incorporated herein as Exhibit "A".

**SECTION 2:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of 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 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 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 approve this storm water management and access easement agreement; 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

*Rebecca A. Best*  
\_\_\_\_\_  
DIRECTOR OF LAW



### STORMWATER MANAGEMENT AND ACCESS EASEMENT

**Know All Men By These Present:**

That **Pawuk Realty Limited** ("Grantor"), for and in consideration of the sum of ten dollars (\$10.00), and for other good and valuable considerations paid to the Grantor by **The City of Brook Park** ("Grantee"), does hereby declare and grant a perpetual storm water management and access easement for the purpose of granting access to the storm water management facilities and construction and repair of such facilities on Grantor's property described as Cuyahoga County P.P.N. 344-35-019 and more particularly described in Exhibit A attached hereto. Grantee's access over Grantor's real property is described as the Proposed Stormwater Easement which is depicted in Exhibit B (the "Storm Water Easement Area") attached hereto and incorporated herein by this reference.

Grantor, its successors and assigns are responsible for all inspections and maintenance of the storm water management facilities to maintain them in good condition and repair at its own cost. Grantee and its agents shall have the perpetual right to re-enter the Storm Water Easement Area to inspect all systems and perform any and all construction, repair, and maintenance to the Storm Water Easement Area at the Grantor's expense if the Grantor has not remedied the condition after being provided a thirty (30) day advanced written notice to cure.

This easement and the rights and obligations shall run with the land and shall be binding upon both parties and their respective heirs, personal representatives, successors in title and assigns.



IN WITNESS WHEREOF, the undersigned have hereunto set their hands this \_\_\_\_ day  
of \_\_\_\_\_, 2022.

**GRANTOR:**  
**Pawuk Realty Limited**

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

The foregoing instrument was acknowledged before me this \_\_\_\_\_ date  
of 2022 by \_\_\_\_\_ of Pawuk Realty Limited.

\_\_\_\_\_  
Notary Public

Approved by the Council of the City of Brook Park by Ordinance No.  
\_\_\_\_\_ adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

The legal form and correctness of the within instrument is hereby approved this \_\_\_\_\_  
day of \_\_\_\_\_, 2022.

  
\_\_\_\_\_  
City of Brook Park, Law Director

**This instrument was prepared by:**

Mark B. Marong, Esq.  
Matty Henrikson & Greve, LLC  
1001 Lakeside Ave., Ste 1410  
Cleveland, Ohio 44114



Project No. 21-223  
August 16, 2021

**LEGAL DESCRIPTION**  
**Stormwater Management Easement**  
**15300 Brookpark Road**  
**Brookpark, Ohio**

Situated in the City of Brookpark, County of Cuyahoga, State of Ohio, being part of Original Rockport Township Section No. 2, and part of Cuyahoga County Auditor's Parcel Number 344-35-016 now or formerly owned by Pawuk Realty Limited, as recorded in AFN 201408010332 of Cuyahoga County Deed Records, and being more completely described as follows:

**Commencing** at the southwest corner of said Pawuk Realty Limited land, being on the northerly right-of-way line of Brookpark Road S.W. (State Route 17) (60 feet wide); thence South 88° 19' 47" East along the northerly right-of-way of Brookpark Road, 22.09 feet to a point and being the **PLACE OF BEGINNING** for the parcel herein described;

**Course No. 1:** thence North 0° 18' 58" East, 48.43 feet to a point;

**Course No. 2:** thence North 41° 17' 31" East, 69.40 feet to a point;

**Course No. 3:** thence North 0° 20' 49" East, 128.31 feet to a point;

**Course No. 4:** thence South 89° 37' 57" East, 64.66 feet to a point;

**Course No. 5:** thence South 51° 11' 36" East, 11.62 feet to a point;

**Course No. 6:** thence South 70° 26' 58" East, 41.25 feet to a point;

**Course No. 7:** thence South 0° 20' 49" West, 10.59 feet to a point;

**Course No. 8:** thence South 71° 45' 48" East, 75.98 feet to a point;

**Course No. 9:** thence South 17° 56' 49" West, 20.00 feet to a point;



Project No. 21-223  
August 16, 2021

**LEGAL DESCRIPTION**  
**Stormwater Management Easement**  
**15300 Brookpark Road**  
**Brookpark, Ohio**

Course No. 10: thence North 71° 45' 48" West, 77.37 feet to a point;

Course No. 11: thence South 38° 54' 36" West, 35.28 feet to a point;

Course No. 12: thence South 45° 00' 06" West, 43.75 feet to a point;

Course No. 13: thence North 0° 20' 49" East, 88.73 feet to a point;

Course No. 14: thence North 89° 37' 57" West, 32.61 feet to a point;

Course No. 15: thence South 0° 20' 49" West, 115.76 feet to a point;

Course No. 16: thence South 41° 17' 31" West, 69.39 feet to a point;

Course No. 17: thence South 0° 18' 58" West, 41.43 feet to a point on the northerly right-of-way of Brookpark Road;

Course No. 18: thence North 88° 19' 47" West, along the northerly right-of-way of Brookpark Road, 20.01 feet to the **PLACE OF BEGINNING**, containing **0.255 acres**, more or less, but subject to all highways, covenants, and easements of legal record as prepared in August 2021 by **McSteen Land Surveyors** under Project No. 21-223.

# McSteen

LAND SURVEYORS

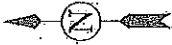
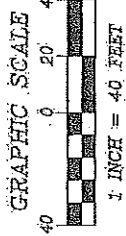
## STORM WATER MANAGEMENT EASEMENT

### FOR 15300 BROOKPARK ROAD

KNOWN AS BEING PART OF ORIGINAL ROCKPORT TOWNSHIP  
SECTION NO. 2, NOW SITUATED IN THE

CITY OF BROOKPARK

COUNTY OF CUYAHOGA - STATE OF OHIO



#### LEGEND

- FENCE LINE
- EDGE OF WATER
- CENTERLINE
- R/W, RIGHT-OF-WAY
- CALC. CALCULATED DISTANCE OR ANGLE
- REC. RECORD DISTANCE OR ANGLE
- FD. FOUND
- MON. MONUMENT
- C.C.D.R. CUYAHOGA COUNTY MAP RECORDS
- C.C.D.R. CUYAHOGA COUNTY DEED RECORDS

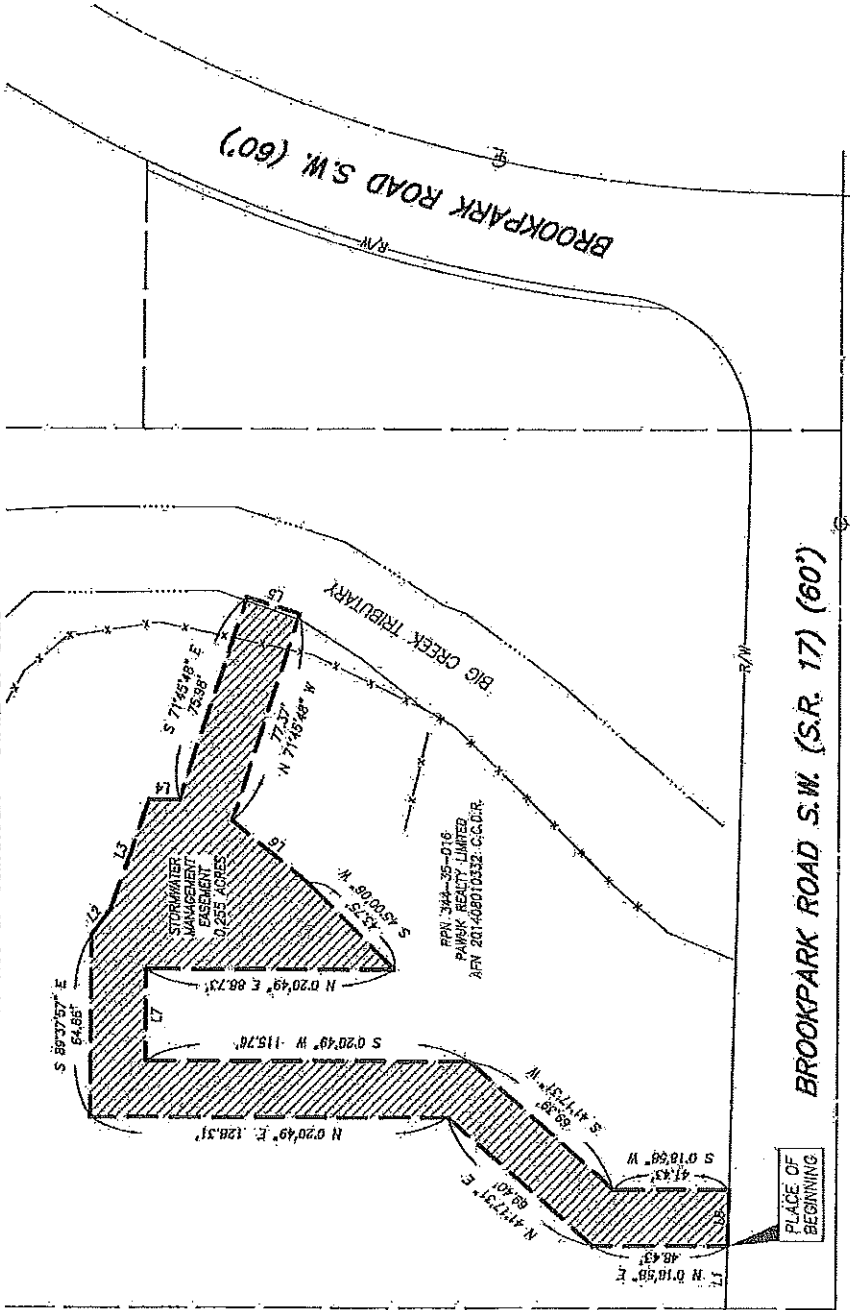
#### LINE DATA

LINE	BEARING	DISTANCE
L1	S 88°19'47" E	22.09'
L2	S 51°11'56" E	11.62'
L3	S 70°25'29" E	41.25'
L4	S 0°20'49" W	10.59'
L5	S 17°55'49" W	20.00'
L6	S 38°54'38" W	36.28'
L7	N 65°37'57" W	32.51'
L8	N 87°19'42" W	20.01'

POINT OF COMMENCEMENT

BROOKPARK ROAD S.W. (S.R. 17) (60')

PLACE OF BEGINNING



Job No.: 21-223  
Date: August 16, 2021  
Drawn By: TEE  
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