

**REGULAR CAUCUS MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
T BE HELD ON TUESDAY, SEPTEMBER 13, 2022
7:00 P.M.**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. REGULAR CAUCUS MINUTES FOR JUNE 14, 2022.

IV. DISCUSSION:

1. Speakers: Mr. John Pardee, President of Pardee Environmental and President Emeritus for The Ohio Rights Group for Medical Marijuana. - Per Council President Vecchio.
2. Don Attie, who is the Veterans representative for The Ohio Rights Group for Medical Marijuana. - Per Council President Vecchio.
3. BREWER-GARRETT YEAR END SAVINGS REPORT- In attendance Matthew Joseph. (Mayor Orcutt) – Per Council President Vecchio.
4. Library Parking Lot. (Mayor Orcutt)–Per Council President Vecchio.

V. FINANCE COMMITTEE - CHAIRMAN, SCOTT:

1. A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
2. AN ORDINANCE ESTABLISHING A NEW SPECIAL REVENUE FUND TO BE KNOWN AS THE ONEOHIO SETTLEMENT FUND, NO. 276, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.
3. AN ORDINANCE ESTABLISHING THE AMERICAN RESCUE PLAN FUND, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

VI. LEGISLATIVE COMMITTEE - CHAIRWOMAN, COYNE:

1. AN ORDINANCE ENACTING CHAPTER 527 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED "FLYING MODEL AIRCRAFT/ UNMANNED AERIAL VEHICLES (UAVs)", AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer and Mencini. **Moved by motion from 2/8/22 Caucus.**

VII. ADJOURNMENT

Posted: 9/9/22

CITY OF BROOK PARK, OHIO

P/C 9-6-22 Finance
CA 9-13-22
1st R _____
2nd R _____
3rd R _____
B/C _____

RESOLUTION NO. _____

INTRODUCED BY: MAYOR ORCUTT

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET COMMISSION AND
AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING
THEM TO THE COUNTY FISCAL OFFICER,
AND DECLARING AN EMERGENCY

The Council of the City of Brook Park, Cuyahoga County, Ohio met on the 21st of June, 2022, at the Brook Park Council Chambers.

WHEREAS, this Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2023; and

WHEREAS, the Budget Commission of Cuyahoga County, Ohio, has certified its action thereon to this council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation;

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

SECTION 1: That the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted.

SECTION 2: That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as set forth in Exhibits "A" and "B."

SECTION 3: That the Clerk of Council is hereby directed to certify a copy of this Resolution to the Fiscal Officer of Cuyahoga County.

SECTION 4: It is found and determined that all formal actions of this Council concerning and relating to this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for

further reason to accept the amounts and rates as determined by the Budget Commission, authorizing tax levies and certifying them to the Cuyahoga County Fiscal Officer; provided that this Resolution receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

EXHIBIT

A

FUND	Amount to Be Derived from Levies Outside 10 M. Limitation	Amount Approved by Budget Commission Inside 10 M. Limitation	County Fiscal Officer's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column II	Column IV	V	VI
General Fund			3.85	0.00
General Bond Retirement Fund			0.30	0.00
Police Pension				0.00
Park Fund				
Recreation Fund			0.30	
Fire Pension Fund				0.30
S.W. Hospital Fund				
TOTAL	\$0	\$0	4.45	0.30

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

EXHIBIT

D

FUND	Maximum Rate Authorized to Be Levied	Co. Fiscal Officer's Est. of Yield of Levy (Carry to Schedule A, Column II)
GENERAL FUND:		
Current Expense Levy authorized by voters on for not to exceed _____ years. _____,20		
Current Expense Levy authorized by voters on for not to exceed _____ years. _____,20		
Total General Fund outside 10m. Limitation.		
Park Fund: Levy authorized by voters on for not to exceed _____ years. _____,20		
Recreation Fund: Levy authorized by voters on for not to exceed _____ years. _____,20		
Fund: Levy authorized by voters on for not to exceed _____ years. _____,20		
Fund: Levy authorized by voters on for not to exceed _____ years. _____,20		
Fund: Levy authorized by voters on for not to exceed _____ years. _____,20		
Fund: Levy authorized by voters on for not to exceed _____ years. _____,20		

and be it further
RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this

Resolution to the Fiscal Officer of said County.

Mr./Mrs. _____ seconded the Resolution and the roll being called

upon its adoption the vote resulted as follows:

Mr./Mrs. _____

Mr./Mrs. _____

Mr./Mrs. _____

Adopted the _____ day of _____, 20____

Attest:

President of Council

Clerk of Council

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, _____ County, ss.

I, _____, Clerk of the Council of the City

of _____ within and for said County, and in whose custody the Files
and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby
certify that the foregoing is taken and copied from the original _____

now on file, that the foregoing has been compared by me with said original document,
and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 20 _____

Clerk of Council

No. _____

COUNCIL OF THE CITY OF

County, Ohio.

RESOLUTION
ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND CERTIFYING
THEM TO THE COUNTY FISCAL OFFICER

(City Council)

Adopted _____, 20 _____

Clerk of Council

Filed _____, 20 _____

County Fiscal Officer

By _____
Deputy

P/C 9-6-22 Finance
CA 9-13-22
1st R _____
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR ORCUTT

AN ORDINANCE ESTABLISHING A NEW SPECIAL REVENUE FUND TO BE KNOWN
AS THE ONEOHIO SETTLEMENT FUND, NO. 276, AND DECLARING AN
EMERGENCY.

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

SECTION 1. That, pursuant to the provisions of the Ohio Revised Code (ORC) Section 5705.09(F) and the City's Home Rule authority, there shall be and is hereby established a Special Revenue Fund known as the "OneOhio Settlement Fund No. 276" to be utilized by the Director of Finance to account for distributions to be received from the State of Ohio, as well as allowable expenditures, consistent with the City's participation in the OneOhio Memorandum of Understanding resulting from the National Opioid Settlement Agreement and litigation.

SECTION 2. That further pursuant to the provisions of Chapter 5705 of the ORC and the City's Home Rule authority, the City's Fund structure shall be restated and amended to reflect the addition of such new Fund No. 276 - the OneOhio Settlement Fund.

SECTION 3. That it is hereby 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.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the further reason to establish the OneOhio Settlement Fund, therefore

RECEIVED

SEP 01 2022

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 9-6-22 Finance
CA 9-13-22
1st R _____
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR ORCUTT

AN ORDINANCE ESTABLISHING THE AMERICAN RESCUE PLAN FUND, AND
DECLARING AN EMERGENCY.

WHEREAS, the City has received its portion of funds from the American Rescue Plan Act Fund; and

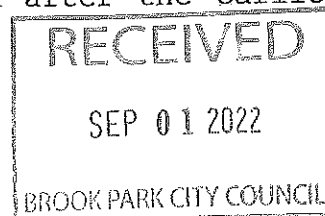
WHEREAS, the Director of Finance requests a fund be created for administration of the funds received from the American Rescue Plan Act Fund.

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

SECTION 1. The Finance Director is authorized and directed to create a special revenue fund, designated the American Rescue Plan Act Fund (Fund 282), for the purpose of receiving and expending monies from said fund, as a special revenue fund to separately account for revenues and expenditures associated with the fund.

SECTION 2. That it is hereby 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.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the further reason to establish the American Rescue Plan Fund, 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, *Mercini*

P/C 10-5-21 Legislative
CA 10-21-21
1st R _____
2nd R _____
3rd R _____
B/C 12-14-21
Caucus 11-9-21
Caucus 12-14-21
Caucus 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