

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, OCTOBER 17, 2023
7:30 P.M.**

A. ROLL CALL OF MEMBERS

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:

1. Caucus Prior To Meeting Minutes October 3, 2023.
2. Regular Council Meeting Minutes October 3, 2023.

D. REPORTS OF STANDING COMMITTEES:

Aviation & Environmental Committee – Chairman, Poindexter
Finance Committee - Chairman, Scott
Legislative Committee - Chairwoman, Coyne
Parks & Recreation Committee - Chairman, Mencini
Planning Committee - Chairman, Troyer
Safety Committee - Chairman, Roberts
Service Committee - Chairman, Poindexter
Board of Zoning Appeals - Chairman, Salvatore

E. REPORTS OF SPECIAL COMMITTEES:

Southwest General Health Center Trustee, Mencini
Berea Board of Education Representative, Coyne
Technology & Innovation Council Representative, Poindexter

F. REPORTS OF BOARDS AND COMMISSIONS:

G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION:

H. REPORTS AND COMMUNICATIONS FROM THE MAYOR:

**I. REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS, AND OTHER PUBLIC OFFICIALS:**

**J. OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL
APPROVAL: (INTRODUCTION OF NEW LEGISLATION):**

K. MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

L. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

M. ORDINANCES AND RESOLUTIONS FIRST READING:

1. Res. No.17-2023

A RESOLUTION SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR THE 2024 CUYAHOGA COUNTY MUNICIPAL GRANT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR IMPROVEMENTS TO BROOK PARK CENTRAL PARK AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt and Council As A Whole.

2. Res. No.18-2023

A RESOLUTION SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR THE 2024 CUYAHOGA COUNTY DEVELOPMENT SUPPLEMENTAL GRANT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR IMPROVEMENTS TO BROOK PARK CENTRAL PARK AND AUTORIZING THE MAYOR TO ACCEPT ANY AWARDED GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt and Council As A Whole.

3. Ord. No. 11361-2023

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1122 OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED 'SHORT TERM LEASES', AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

4. Ord. No.11362-2023

AN ORDINANCE AUTHORIZING THE MAYOR AS THE LOCAL PUBLIC AUTHORITY, TO GIVE CONSENT, ON BEHALF OF THE CITY OF BROOK PARK, TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR REPLACING THE SUPERSTRUCTURE OF THE BEREA FREEWAY (SR-237) BRIDGE (BRIDGE SFN 1810286) OVER SNOW ROAD IN THE CITY OF BROOK PARK (PID 114522), AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

5. Res. No. 19-2023

A RESOLUTION EXPRESSING THANKS TO THE DONORS FOR OUR NEW K9 UNIT FOR THE BROOK PARK POLICE DEPARTMENT, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt and Council As A Whole.

NOTE: In attendance:

Patrolman Edwin Biglang-Awa
K9 Odin

Danny Ripepi Memorial Foundation SRT K9 Unit Foundation
Members from the Ripepi Family

Excel K-9
Paul Shaughnessy

Brady's K-9
Leah Tornabene

Blue Line Unlimited
Representative

VCA Midpark Animal Hospital
Representative

6. Ord. No. 11363-2023

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO CONVERTY LIGHT FIXTURES TO LED, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt and Council As A Whole.

N. SECOND READING OF ORDINANCES AND RESOLUTIONS:

O. THIRD READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 11359-2023

AN ORDINANCE ENACTING A NEW SUB-SECTION OF THE GENERAL OFFENSES CODE OF THE CITY OF BROOK PARK ENTITLED "DISORDERLY CONDUCT AT SPORTING EVENTS", AND DECLARING AN EMERGENCY. Introduced by Councilman Scott.

P. ADJOURNMENT:

**SYNOPSIS OF ORDINANCES AND RESOLUTIONS
FOR THE COUNCIL MEETING OF OCTOBER 17, 2023**

FIRST READING:

Res. No.17-2023

A RESOLUTION SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR THE 2024 CUYAHOGA COUNTY MUNICIPAL GRANT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR IMPROVEMENTS TO BROOK PARK CENTRAL PARK AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED GRANT FUNDS AND FILE ANY DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS, AND DECLARING AN EMERGENCY.

SYNOPSIS: A resolution authorizing the Economic Development Commissioner to apply for grant funds for 2024 for the Brook Park Central Park improvements.

Res. No.18-2023

A RESOLUTION SUPPORTING AND SUBMISSION OF AN APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR THE 2024 CUYAHOGA COUNTY COMMUNITY DEVELOPMENT SUPPLEMENTAL GRANT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR IMPROVEMENTS TO BROOK PARK CENTAL PARK AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED FUNDS, AND DECLARING AN EMERGENCY.

SYNOPSIS: A resolution authorizing the Economic Development Commissioner to apply for supplemental grant funds for the 2024 for the Brook Park Central Park Master Plan.

Res. No. 19-2023

A RESOLUTION EXPRESSING THANKS TO THE DONORS FOR OUR NEW K9 UNIT FOR THE BROOK PARK POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

SYNOPSIS: A resolution thanking everyone who made the new K9 unit possible through their donations.

Ord. No. 11361-2023 AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1122 OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED 'SHORT TERM LEASES', AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance amending certain sections of Chapter 1122 to add a penalty section.

Ord. No. 11362-2023 AN ORDINANCE AUTHORIZING THE MAYOR AS THE LOCAL PUBLIC AUTHORITY, TO GIVE CONSENT, ON BEHALF OF THE CITY OF BROOK PARK, TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR REPLACING THE SUPERSTRUCTURE OF THE BEREA FREEWAY (SR-237) BRIDGE (BRIDGE SFN 1810286) OVER SNOW ROAD IN THE CITY OF BROOK PARK (PIED 114522), AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance for the replacement of the 237 bridge over Snow Road by ODOT.

Ord. No. 11363-2023 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO CONVERT LIGHT FIXTURES TO LED, AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance authorizing the mayor to enter into an agreement with First Energy to convert to remaining street lights in the city to LED.

THIRD READING:

Ord. No. 11359-2023 AN ORDINANCE ENACTING A NEW SUB-SECTION OF THE GENERAL OFFENSES CODE OF THE CITY OF BROOK PARK ENTITLED "DISORDERLY CONDUCT AT SPORTING EVENTS", AND DECLARING AN EMERGENCY.

SYNOPSIS: An ordinance to provide additional protection for Sports Officials from verbal abuse and other mistreatment at Sporting events.

**PREPARED BY THE BROOK PARK LEGAL DEPARTMENT
October 11, 2023**

P/C 10/3/23 Finance
CA 10/10/23
1st R 10/17/23
2nd R
3rd R
U/C

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 17-2023

INTRODUCED BY: MAYOR ORCUTT AND C/W

A RESOLUTION SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR THE 2024 CUYAHOGA COUNTY MUNICIPAL GRANT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR IMPROVEMENTS TO BROOK PARK CENTRAL PARK AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS, AND DECLARING AN EMERGENCY

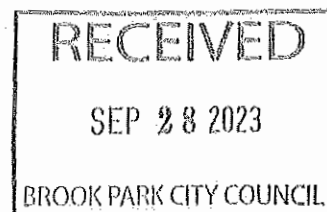
WHEREAS, the Cuyahoga County Department of Development solicited applications for the Municipal Grant Program ("CDBG Muni"), a program that provides grant funding on a competitive basis for a variety of projects to help strengthen cities, encourage regional collaboration, and improve the quality of life for county residents; and

WHEREAS, the City of Brook Park intends to submit an application to the Cuyahoga County Department of Development for 2024 CDBG Muni funding for installation and upgrades for ADA multiuse playground equipment within the Brook Park Central Park Master Plan; and

WHEREAS, such improvements allowing the ability to serve users of all ages and be all-inclusive while promoting a healthy lifestyle and healthy community; and

WHEREAS, the CDBG Muni program provides one hundred percent (100%) reimbursement for project costs in an amount not to exceed One Hundred, Fifty Thousand Dollars(\$150,000.00), requiring the applicant to first expend funds and then request reimbursement from Cuyahoga County; and

WHEREAS, legislation supporting and authorizing the application is required and applications for assistance must be submitted to Cuyahoga County by October 31, 2023.



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

SECTION 1: That the Council of the City of Brook Park, hereby supports the submission of the City's 2024 "CDBG Muni" application for the purposes described in this Resolution; that the Mayor and the Administration are authorized to submit the grant by the October 31, 2023 deadline.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

SECTION 3: This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and welfare of said City, and for further reason to authorize the Mayor to file an application with the Cuyahoga County Department of Development for a grant; therefore, this Resolution shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: _____

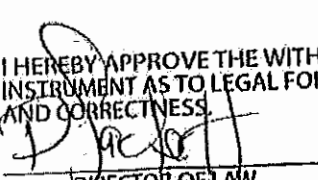
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

NCA

CITY OF BROOK PARK, OHIO

P/C 10/3/23 Finance
CA 10/10/23
1st R 10/17/23
2nd R _____
3rd R _____
D/C _____

RESOLUTION NO. 18-2023

INTRODUCED BY: MAYOR ORCUTT AND C/W

A RESOLUTION SUPPORTING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR THE 2024 CUYAHOGA COUNTY COMMUNITY DEVELOPMENT SUPPLEMENTAL GRANT PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR IMPROVEMENTS TO BROOK PARK CENTRAL PARK AND AUTHORIZING THE MAYOR TO ACCEPT ANY AWARDED GRANT FUNDS AND FILE ALL DOCUMENTS AND EXECUTE ALL AGREEMENTS NECESSARY TO RECEIVE ANY AWARDED GRANT FUNDS, AND DECLARING AN EMERGENCY

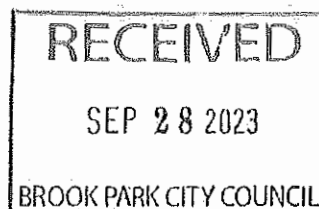
WHEREAS, the Cuyahoga County Department of Development solicited applications for the Community Development Supplemental Grant ("CDSG"), a program that provides grant funding on a competitive basis for a variety of projects to help strengthen cities, encourage regional collaboration, and improve the quality of life for county residents; and

WHEREAS, the City of Brook Park intends to submit an application to the Cuyahoga County Department of Development for 2024 CDSG funding for installation and upgrades for ADA multiuse playground equipment within the Brook Park Central Park Master Plan; and

WHEREAS, such improvements allowing the ability to serve users of all ages and be all-inclusive while promoting a healthy lifestyle and healthy community; and

WHEREAS, the CDSG program provides one hundred percent (100%) reimbursement for project costs in an amount not to exceed Fifty Thousand Dollars (\$50,000.00), requiring the applicant to first expend funds and then request reimbursement from Cuyahoga County; and

WHEREAS, legislation supporting and authorizing the application is required and applications for assistance must be submitted to Cuyahoga County by November 28, 2023.



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

SECTION 1: That the Council of the City of Brook Park, hereby supports the submission of the City's 2024 CDSG application for the purposes described in this Resolution; that the Mayor and the Administration are authorized to submit the grant by the November 28, 2023 deadline.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

SECTION 3: This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and welfare of said City, and for further reason to authorize the Mayor to file an application with the Cuyahoga County Department of Development for a grant; therefore, this Resolution shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: _____

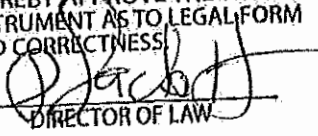
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

DATE

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


DIRECTOR OF LAW

Asst

CITY OF BROOK PARK, OHIO

P/C 9-5-23/legisla
CA 10/10/23
1st R 10-17-23
2nd R
3rd R
B/C

ORDINANCE NO: 11361-2023

INTRODUCED BY: MAYOR ORCUTT

AN ORDINANCE
AMENDING CERTAIN SECTIONS OF CHAPTER 1122 OF THE
BROOK PARK CODIFIED ORDINANCES,
ENTITLED 'SHORT TERM LEASES', 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 1122 "Short Term Leases" shall be amended to read "Short Term Rentals" and as follows:

1122.01 PURPOSE; INTENT.

Short Term Rentals are unique, semi-commercial operations that adapt a residential environment into a lodging concept, limited in scope and operation. The use is clearly of a commercial nature, but may at times be more in keeping with a residential environment. The purpose of this Chapter is to provide a systematic set of requirements to ensure that such operations, if appropriate for a residential or commercial area, shall not adversely impact adjacent uses as a result of the commercial aspects of the structure and property. Short Term Rentals shall be the subordinate to the principal use of a structure as a single-family dwelling. The intent of this Chapter is not to provide an opportunity for the establishment of an intensive commercial lodging business, which would be considered appropriate within an intensive commercial or planned commercial zoning district, but rather in certain locations to provide a limited commercial use in a residential or commercial district.

1122.02 SHORT TERM RENTAL DEFINED.

Lease of all or any portion of a residential dwelling unit for dwelling, lodging, sleeping or any other purpose generally associated with a dwelling unit for any period of less than thirty (30) consecutive days shall be considered a Short-Term Rental. Said Rental does not require financial remuneration to the Owner to be considered a Short-Term Rental. A Short-Term Rental may be by oral or written contract.

1122.03 SHORT TERM RENTALS AS CONDITIONAL USES; PERMIT REQUIRED.

Short Term Rentals are hereby classified as a conditional use which may be permitted in Single Family Zoned Districts and all

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Community Business Districts in accordance with the corresponding standards and requirements of the Planning and Zoning Code. A conditional use permit issued pursuant to Chapter 1121 of these Codified Ordinances shall be required in order to allow said permit shall be effective for two (2) years at a biennial cost to be determined by City Council, and said permit shall be automatically voided by operation of law without further notice or hearing upon the sale or transfer of the real property upon which the short term rentals is located. In submitting an application for a conditional use permit, and with every re-application, the applicant shall provide to the Planning Commission a floor plan illustrating the proposed operation, a site plan indicating all on-site improvements, if any, and any additional information as required by the Planning Commission. Notification of the request for the conditional use permit shall be given by the Secretary of the Planning Commission to all record title holders of real property lying within 500 feet of the property line of the area requesting the conditional use approval. Said notice shall be first class mail, postage prepaid.

1122.04 GENERAL DEVELOPMENT STANDARDS.

The following development standards apply to Short Term Rentals.

- (a) Uses Permitted in Single-Family Detached Dwellings. Short Term Rentals shall not be allowed in any detached structure, or in a garage. Only minimal interior modifications of said single-family dwelling shall be permitted in the original architectural style of the house for safety purposes only. Interior modifications of the size of bedrooms and baths shall be permitted. Each Short Term Rental shall be required to have a dining room no smaller than 100 square feet. No more than fifty percent of the house floor area shall be used for such Short Term Rental which percent of use shall include bedrooms, guest baths and dining room.
- (b) Occupation of Premises by Owner. The owner of a Short Term Rental shall live full-time on the premises. Such owner shall be the record owner of no less than fifty percent interest of the property in question.
- (c) Compliance With Fire Protection Standards; Certificates Required. Certificates of compliance from the Brook Park Fire Department shall be required for approval of a request for a conditional use permit for Short Term Rentals. The following fire protection standards shall be continually met during the term of the conditional use permit, and shall be certified to exist by the City Fire Prevention officer at the inception of the conditional use permit and annually therefor:

- (1) There be a battery-type smoke detector in each guest room;

- (2) There shall be a 110-volt electrical smoke detector per floor protecting the sleeping areas;
 - (3) There shall be one carbon dioxide detector per floor protecting the sleeping areas;
 - (4) There shall be ten pound ABC extinguishers per floor;
 - (5) Electrical work shall conform to current residential standards;
 - (6) There shall be a fire inspection; and
 - (7) No portable heating devices shall be allowed in sleeping rooms.
- (d) Consecutive Nights. Each paying guest may stay at a property designated as a Short Term **Rental** Property for not more than seven (7) consecutive nights at any single visit.
- (e) Kitchen Facilities. Only one kitchen facility shall be permitted per structure for which a conditional use permit is granted to operate a Short Term **Rental**. No cooking facilities of any type shall be permitted in individual guest quarters, and no food shall be served in guest quarters.
- (f) Bathrooms. A minimum of one full bathroom, including tub or shower, toilet and sink, shall be required for every two guest rooms, to be available for the exclusive use of Bed and Breakfast paying guests. No bathroom shall be located in the basement.
- (g) Owner Requirements. The owner must maintain current guest registration records which contain the following information about each guest: the guest's name, address, signature, room assignment and dates of accommodation. The registration records shall be kept on file for three years and upon request by any authorized City official, shall be made available for inspection by such City official during regular business hours or in case of an emergency.
- (h) Nuisance Conditions; Revocation or Suspension of Permits. Short Term **Rentals** shall not be permitted to create or continue a nuisance under either state or local law, and a conditional use permit shall be revoked or suspended by the City whenever the operation endangers, offends or interferes with the safety or rights of others so as to constitute a nuisance.
- (i) Guest Rooms. There shall be no more than three guest rooms within a single-family dwelling that are utilized by Short Term **Rental** customers. A guest room shall contain no less than 100 square feet of living space, not including closets. Guest rooms must be limited to only the first and second floors; no guest room may be located on the third floor, or in the basement.

- (j) Parking. One off-street parking space shall be provided for each guest room. Such off-street parking spaces shall be provided in an existing driveway behind the existing building line or in a garage.
- (k) Signage. One on-premises, flat sign against the dwelling shall be permitted for each Short Term **Rental**, not to exceed three square feet in area. The sign shall not be internally illuminated. No window display or signboard shall be allowed.
- (l) Part-Time Employees. One individual who is a nonresident of the dwelling may be employed in the operation of an owner of the Short Term **Rental** on a part-time basis.
- (m) Security. Outdoor security cameras must be provided. No security lighting shall be permitted which reflects or is directed out of the yard of the owner of the Short Term **Rental**.
- (n) Exits. In addition to the requirements of the Residential Code of Ohio, a minimum of two exits from the bed and breakfast area at the level of exit discharge shall be provided.
- (o) Bed Tax. The bed tax applying to the Short Term **Rentals** shall be the same as that for hotels and motels.
- (p) Allowable Number of Occupants. A maximum of six (6) guests, including minor children, shall be permitted at any one time.
- (q) Location. No Short Term **Rental** shall be permitted within 500 feet of a school or recreational facility.

1122.05 REQUIRED INFORMATION.

A resident approved to offer Short Term **Rentals** shall be subject to annual inspection, and inspection at other times upon reasonable notice to the owner. In addition to the requirement set forth in Section 1122.03, above, an application for and, if requested, renewal of, a conditional use permit to engage in the business of Short Term **Rental** establishment shall be accompanied by the following information:

SHORT TERM RENTAL

- (a) Proof of commercial general liability insurance, with limits of not less than \$300,000.00 per occurrence, for bodily injury and property damage arising in any way from the issuance of the permit. Each policy of insurance shall be used by an insurer authorized to do business in the State of Ohio; and include a provision requiring 30 days advance notice to the City prior to cancellation or lapse of the policy. The owner shall maintain the insurance required under this Section in full force and effect for the duration of the permit period. A single violation of this subsection shall result in revocation of the permit;
- (b) A statement as to whether the owner or any controlling person has ever been convicted in any

- jurisdiction of any felony;
- (c) Proof that the owner has legal title to the property on which the establishment is located;
- (d) A written statement that the establishment shall be the owner's legal primary residence throughout the duration of the license period;
- (e) A copy of an evacuation diagram; and
- (f) A valid certificate of registration in food handling and sanitation by the Department of Health.

1122.06 PROHIBITED ACTS.

It shall be unlawful for any person engaged in the business of Short Term Rentals to:

- (a) Exceed the scope of the permit, as set forth in this Chapter;
- (b) Allow occupancy of the establishment or any part thereof to exceed one person per 125 feet of floor area, excluding elevators, stairways or other shaft enclosures;
- (c) Rent any sleeping room in the establishment for 7 or more consecutive days to any person other than members of the owner's family as defined in Brook Park Zoning Ordinance;
- (d) Use or permit the use of a hot plate, coffee maker or other cooking device in any sleeping room or bathroom;
- (e) Permit any criminal activity or public nuisance to take place on the premises. If an owner knows or suspects that any criminal activity or public nuisance is taking place on or immediately adjacent to the premises, the owner shall immediately notify the Brook Park Police Department of such fact, and shall cooperate with the Brook Park Police Department in any investigation that may ensue; or
- (f) Knowingly make any false or misleading statement about such person's criminal background in connection with any application submitted pursuant to this Chapter. A single violation of this subsection shall result in permit revocation.

1122.99 PENALTY. Whoever violates subsection six of this Chapter is guilty of Wrongful Rental/Use of Residential Property, a misdemeanor of the third degree. A second violation of this Chapter is a misdemeanor of the second degree. Any violation of this Chapter that represents a third or further violation shall be a misdemeanor of the first degree. A separate offense shall be deemed committed each day a violation occurs or continues.

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 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 further reason that Council desires to amend certain sections of Chapter 1122, 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

ORDINANCE NO. 11362-2023

INTRODUCED BY: MAYOR ORCUTT

P/C 9-19-23 Legislat
CA 10-10-23
1st R 10-17-23
2nd R _____
3rd R _____
B/C _____

AN ORDINANCE

AUTHORIZING THE MAYOR AS THE LOCAL PUBLIC AUTHORITY, TO GIVE
CONSENT, ON BEHALF OF THE CITY OF BROOK PARK, TO
THE OHIO DEPARTMENT OF TRANSPORTATION
FOR REPLACING THE SUPERSTRUCTURE OF THE BEREA FREEWAY (SR-237)
BRIDGE (BRIDGE SFN 1810286) OVER SNOW ROAD, IN THE CITY OF BROOK
PARK (PID 114522)
AND DECLARING AN EMERGENCY

WHEREAS, the State of Ohio has determined the need for the
described project: Replace the superstructure of the Berea Freeway
(SR-237) bridge (Bridge SFN 1810286) over Snow Road in 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: Project Description: Replace the superstructure of
the Berea Freeway (SR-237) bridge (Bridge SFN 1810286) over Snow
Road in the City of Brook Park.

SECTION 2: Consent Statement: Being in the public interest,
the City of Brook Park gives consent to the Director of
Transportation to complete the above described project as detailed
in the LPA-ODOT-Let Agreement entered into between the parties, if
applicable.

SECTION 3: Cooperation Statement: The City of Brook Park shall
cooperate with the Director of Transportation in the development
and construction of the above described project and shall enter
into a LPA Federal ODOT Let Project Agreement, if applicable, as
well as any other agreements necessary to develop and construct
the Project. The State shall assume and bear 100% of all of the
costs of the improvement. The City of Brook Park agrees to pay
100% of the cost of those features requested by the City of Brook
Park which are determined by the State and Federal Highway
Administration to be unnecessary for the Project.

SECTION 4: Authority to Sign: The City of Brook Park hereby
authorizes the Mayor of said City of Brook Park to enter into and
execute contracts with the Director of Transportation which are
necessary to develop plans for and to complete the above-described

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project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project. Upon request of ODOT, the Mayor is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Brook Park to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION 5: Utilities and Right-of-Way Statement: The City of Brook Park agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with the current State and Federal regulations. The City of Brook Park also understands that right-of-way costs include eligible utility costs. The City of Brook Park agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and ODOT Utilities Manual..

SECTION 6: Maintenance: Upon completion of the Project, and unless otherwise agreed, the City of Brook Park shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provision, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 7: 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 8: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of said City, and for the further reason that City Council deems it necessary to proceed with the 237 Bridge Project as soon as possible, 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. The Clerk of Council is hereby directed to send a certified copy of this ordinance to the State of Ohio, Director of Transportation.

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 8-22-23 Sat
C/A 10-10-23
1st R 10-17-23
2nd R
3rd R
L/C

CITY OF BROOK PARK, OHIO

RESOLUTION NO: 19-2023

INTRODUCED BY: MAYOR ORCUTT *CW*

A RESOLUTION

EXPRESSING THANKS TO THE DONORS FOR OUR NEW K9 UNIT FOR THE BROOK PARK POLICE DEPARTMENT, AND DECLARING AN EMERGENCY

WHEREAS, the Danny Ripepi Memorial Foundation, SRT K9 Unit Foundation, Ed Ripepi, Excel K-9, Brady's K9 Fund, Blue Line Unlimited, and VCA Midpark Animal Hospital generously donated funds to restart our Brook Park Police K9 Unit; and

WHEREAS, SRT K9 Unit, owned by Ed Ripepi of Ripepi Funeral Homes, is an organization made of handler and dog teams. SRT K9 Unit is dedicated to search, rescue and recovery. SRT K9 Unit donated Odin (our new Police Officer canine) and the cage for the car; and

WHEREAS, Excel K-9 is committed to the community, making it safer and more secure. Excel K-9 believes in being a valued neighbor in the community. Excel K-9 educates students in schools on a volunteer basis and works with other community-based organizations to give back. Excel K-9 conducted all the training and certification of the dog and the handler; and

WHEREAS, Brady's K9 Fund provides lightweight ballistic vests to working K9s. They have provided hundreds of live-saving ballistic vests to dogs across the county. Brady's K9 Fund provided the vest, the hot and pop, as well as coordinating services with the other agencies; and

WHEREAS, Blue Line Unlimited provides assistance to first responders and their families in the way of benefits, training, education and equipment. Blue Line Unlimited donated \$2,000.00 to use for K9 training and equipment; and

WHEREAS, VCA Midpark Animal Hospital is a hometown veterinary clinic in Brook Park that is made up of dedicated individuals whose mission is to help pets live long and healthy lives. VCA Midpark Animal Hospital is providing veterinarian services for Odin at a discounted rate; and

RECEIVED

WHEREAS, the Mayor and this Council wish to sincerely thank all of these donors for their contributions; the K9 Unit will help keep our City safe and provide valuable law enforcement help for our officers out in the field.

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

SECTION 1: The Council of the City of Brook Park hereby directs the Clerk of Council to send a copy of this Resolution to each of the donors.

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 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 purpose of thanking the donors for providing funds for our K9 Unit; 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

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AND CORRECTNESS.



DIRECTOR OF LAW

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11363-2023

INTRODUCED BY: MAYOR ORCUTT AND COUNCILMAN POINDEXTER AND C/W

P/O 10/3/23 Service
CA 10/10/23
TRR 10/17/23
2nd R
3rd R
D/C

AN ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT TO CONVERT LIGHT
FIXTURES TO LED, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to amended Ordinance No. 11358-2023,
\$360,000.00 was designated to be used for citywide LED street
lighting; and

WHEREAS, the remaining lights in the City will be converted to
LED lights at a cost not exceeding the amount of \$360,000.00.

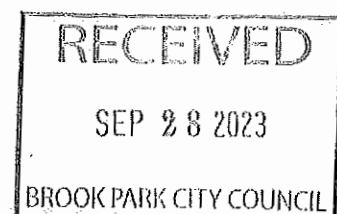
NOW THEREFORE, BE IT ORDAINED, by the Council of the City of
Brook Park, State of Ohio, that:

SECTION 1: The Mayor is hereby authorized to enter into a contract
with First Energy which is attached as Exhibit "A" for the
replacement light fixtures.

SECTION 2: The City of Brook Park will pay First Energy from Fund
No. 243.

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 further
reason that Council desires to authorize the LED conversion,
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: _____

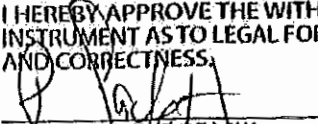
PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____
MAYOR

DATE

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



DIRECTOR OF LAW

STREETLIGHT REQUEST FORM

Three Options: EMAIL TO: CEIEngineering@firstenergycorp.com (preferred)
 MAIL TO: The Illuminating Company Attn: Design Unit, 6896 Miller Rd. Suite 101, Brecksville, OH 44141-3299
 CONTACT: CEI External Affairs with questions.

WR# _____
 For Internal Use Only
 The Illuminating Company File Number

MUNICIPALITY: City of Brook Park ADDRESS: 6161 Engle Rd. PHONE: 216-433-7191

LOCATION OF SERVICE REQUESTED

STREET ADDRESS	PHYSICAL LOCATION (POLE NUMBER, SUBLOT, ETC.)
<u>All remaining street lights that need to be converted throughout the city</u>	

SYSTEM DESIGN & USAGE

- Overhead ☒ Wood Poles ☐ Steel Poles ☐ Traffic Signal Equipment
- Underground ☐ Fiberglass Poles ☐ Steel Poles ☐ Post Top

NUMBER/TYPE OF LIGHTS

- ☐ HP Sodium
 Number: _____
 Style: _____
 Wattage: _____
- ☐ HP Sodium
 Number: _____
 Style: _____
 Wattage: _____
- ☒ LED
 Number: APPROX. 1,450
 Style: GE recommended
 Wattage: _____

PROJECT TYPE

- ☐ Relocation ☐ Shielding
☐ Overhead ☐ Removal
☐ Underground ☐ Overhead
☒ Conversion to LED ☐ Underground
☐ New ☐ Pole & Streetlight
☐ Streetlight Only

COMMENTS:

The City of Brook Park
would like to replace all remaining
First Energy maintained street lights
to LED

MUNICIPAL CONTACT PERSON (Please print or type)

Name: Brian Beyer
 Title: Director of Public Service
 Phone: 216-433-7191
 Email: Bbeyer@CityofBrookPark.com

NOTE: Attach additional information as needed

REV 2/25/20

EXHIBIT

"A"

the
 Illuminating
 Company
 A FirstEnergy Company

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11359-2023

INTRODUCED BY: COUNCILMAN SCOTT

8-22-23 Legislative
CA 9-12-23
1st R 9-19-23
2nd R 10-3-23
3rd R 10-17-23
B/C

AN ORDINANCE ENACTING A NEW SUB-SECTION OF THE GENERAL OFFENSES CODE OF THE CITY OF BROOK PARK ENTITLED "DISORDERLY CONDUCT AT SPORTING EVENTS", AND DECLARING AN EMERGENCY

WHEREAS, officiating at Sports Events provides an opportunity for the Sports Official to play an active role in the education of athletes, regardless of the athletes' age; and

WHEREAS, attending a Sports Event provides an opportunity for all of the attendees and other participants to play an active role in the education of athletes, regardless of the athletes' age; and

WHEREAS, orderly conduct is necessary at Sporting Events to enhance the experience for everyone in attendance; and,

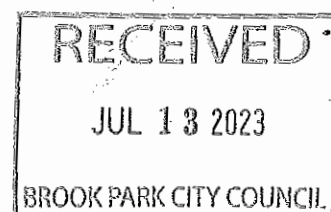
WHEREAS, disorderly conduct at a Sporting Event serves to diminish the experience for everyone in attendance; and,

WHEREAS, voicing one's opinions is a sacred right of American citizenry; however, disorderly conduct directed at Sports Officials may, at times, cause a dangerous scenario for the Sports Officials and others; and

WHEREAS, any disorderly conduct by attendees exhibited towards the Sports Officials, as defined below, is detrimental to the overall experience of those otherwise attending the Sports Events in an orderly fashion, including those partaking in the Sports Events; and,

WHEREAS, the National Association of Sports Officials has found that their members are frequently the subject of significant verbal abuse and other mistreatment during a Sports Event and, on occasion, thereafter; and,

WHEREAS, a shortage of Sports Officials can fairly be attributed to the significant verbal abuse and other mistreatment directed at them during a Sports Event and, on occasion, thereafter; and,



WHEREAS, Sports Officials at Brook Park Sports Events have had to forcibly remove an attendee from an Event due to their recalcitrant conduct directed towards the Sports Official, and

WHEREAS, Sports Officials have advised the Brook Park Recreation Director that they will decline to officiate at Sporting Events in Brook Park due to prior instances of Disorderly Conduct directed at them during Sporting Events, and

WHEREAS, the number of available Sporting Officials has drastically dropped as a direct result of Disorderly Conduct directed at them; and

WHEREAS, enactment of a new subdivision of Brook Park Codified Ordinance §509.03 will serve to enhance the overall experience of Sports Officials, Sports participants, and other attendees by defining disorderly conduct at a Sporting Event to be a separate and distinct offense, subject to enhanced penalties as well.

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

SECTION 1: Brook Park Codified Ordinance §509.03 is hereby amended to add subsection (a)(6), as follows:

509.03 (a)(6) Engaging in any conduct:

- (i) Which results in a physical confrontation with a Sports Official at Sports Events or thereafter; or
- (ii) Which causes any physical harm to a Sports Official at Sports Events or thereafter; or
- (iii) Which otherwise directly or indirectly serves to create an atmosphere of contempt for the Sporting Official to such a degree that the Sports Official is unable to continue their service at the Sporting Event without a stoppage in play and forcibly removing the person from the Event.

Whoever violates subdivision (a)(6) of this section is guilty of Disorderly Conduct at a Sports Event.

Engaging in conduct defined in subsection (a)(6) while voluntarily intoxicated shall cause the penalty shall be enhanced one level.

2. Disorderly Conduct at a Sports Event is a misdemeanor of the Third Degree for the First Offense if the offender has no prior convictions of the within ordinance or a similar ordinance in a different jurisdiction.

3. Disorderly Conduct at a Sports Event is a misdemeanor of the Second Degree if the offender has been previously convicted of the within ordinance or a similar ordinance in a different jurisdiction.

4. Disorderly Conduct at a Sports Event is a misdemeanor of the First Degree for the Third Offense if the offender has been two (2) previous convictions of the within ordinance or a similar ordinance in a different jurisdiction.

As used in this section:

1. "Sports Event" includes team and individual performances, regardless of the age and expertise of the participants, for which Sports Officials attend and participate, regardless of the event site, including but not limited to, all of the following: Any interscholastic, intramural, or other athletic event sponsored by a community, business, or nonprofit organization;

2. "Sports Official" means any person who serves as a referee, umpire, timer, scorer, coach, athletic trainer, manager, or assistant for a school or community sponsored "Sports Event" or serves in a similar capacity, regardless of title and whether the person is compensated or a volunteer, or in a similar capacity.

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 meeting 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 new subsection 509.03(a)(6) of our codified ordinances; 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