

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, SEPTEMBER 18, 2018**

The meeting was called to order by Council President Vecchio at 7:00 p.m., the clerk called the roll and the following Members of Council answered:

SCOTT, BURGIO, ORCUTT, STEM, MENCINI, POINDEXTER, SALVATORE

Also in attendance were Law Director Horvath, Service Director Gardner, Assistant Finance Director Healy, Recreation Director Elliott and Engineer Piatak.

DISCUSSION:

1. DIVISION OF LIQUOR CONTROL - C STCK 9324188 FOR W P. T 16800 BROOKPARK ROAD, BROOK PARK, OH 44135 FOR A D5 AND D6. **Postmark date 9/20/2018. Note:** Moved by **motion** from the September 11, 2018 Caucus meeting for further information from law director.

Mrs. Horvath thanked Council for the opportunity to do some due diligence with this matter. In speaking with Robert McManus the attorney assisting these parties. Anita Dozer 2008 LLC is purchasing 250 shares of stock in W.P.T, Inc. who owns the liquor license. Background checks were performed and appears that everything is appropriate, so there is no reason for Council to object.

Motion by Mr. Poindexter, supported by Mr. Burgio, to place on tonight's Council agenda under verbal approval.

ROLL CALL: AYES: Poindexter, Burgio, Scott, Orcutt, Salvatore, Mencini, Stemm
NAYS: None. The motion carried.

Mr. Vecchio stated this will appear under J-1.

2. AN ORDINANCE ENACTING SECTION 533.25 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'SEX OFFENDER RESIDENCY PROHIBITION' AND DECLARING AN EMERGENCY. Introduced by Council President Vecchio. **Note:** Moved by **motion** from the 9/11/18 Caucus meeting.

Mr. Mencini asked Mrs. Horvath if there is any further information since last meeting?

Discussion:

Mrs. Horvath responded from Ohio Courts standpoint this type of law as expressed in the state statute doesn't infringe on the individuals' rights this is meant for. The residency restrictions are vastly related to the purpose of the legislation it's fine. The only outstanding issue left to be researched is if the city is able under home-rule powers to be more restrictive than what the state statute says. At this point in time, I have not found an Ohio case saying anything about that, there are cases in other states but not Ohio. Based on local cities, two in Columbus, there are municipalities that have more restrictive legislation than what the state statute indicates. Those cities are Lakewood, Fairview Park, Linndale, Rocky River, Strongsville and Newark and Upper Arlington in the Columbus area; with no challenges. Mrs. Horvath thanked Mr. Vecchio for all his assistance and research on this topic.

Mr. Mencini stated when this first came forward I think as a city we are not afraid to have tight restrictions and not afraid to stretch boundaries to protect residents'. If a situation arises in the city amendments can be made such as the short-term lease legislation the Mayor spoke of.

Mrs. Horvath responded amendments can be made later and at this, point in time, the only issue seen is being home-rule issue; most certainly the city has a right to regulate land use and be more restrictive than what state statute provides.

Mr. Salvatore thinks the city would prevail with the home-rule category and agrees to give the law director two more weeks to research.

Mr. Poindexter clarified with Mrs. Horvath with the cities mentioned having stricter guidelines that is stricter than the state guidelines?

Mrs. Horvath concurred.

Mr. Orcutt stated this law is something good for the community and is something of an issue in Ward 3 for the last month. Would like to see the ordinances brought forward by the state to maybe make the city's ordinance a little stricter, than what the state has.

Mr. Stemm stated to Mrs. Horvath all that is needed to know is the elements of this ordinance and the state statute. That the city is okay with superseding state law by getting tougher with more restrictions.

Mrs. Horvath agreed with Mr. Stemm.

Mr. Vecchio stated by working on this with the law director and pulling other cities ordinances. Out of the six cities mentioned this legislation matches five of them.

Discussion: cont.

The only difference with this legislation versus the state statute is by adding 'Parks'. With some of them they include daycare facilities and playgrounds with one adding recreation facilities; that is some of the differences. With no challenges being found this city needs to start somewhere and make amendments as needed.

Motion by Mr. Poindexter, supported by Mr. Mencini, to place on the Council agenda immediately following.

ROLL CALL: AYES: Poindexter, Mencini, Stemm, Salvatore, Scott, Burgio, Orcutt
NAYS: None. The motion carried.

Mr. Vecchio stated this will appear under M-2 as Ordinance No. 11040-2018.

3. REQUEST APPROVAL FOR AN EASEMENT AGREEMENT BY AND BETWEEN VARBROS, LLC (Grantor) AND THE CITY OF BROOK PARK (Grantee) FOR AN EASEMENT OF THE STORM WATER MANAGEMENT AREA AT 16025 BROOKPARK ROAD 'VARBROS' LOCATED IN THE U7-B DISTRICT.

In attendance: David Aulger c/o Campbell Construction.

Mark Streb
Campbell Construction
1159 Blachleyville Road
Wooster, OH 44691

Mr. Mencini asked for an explanation as to what will be done for Varbros.

Mr. Streb responded there is a retention pond in the back of the facility for storm water management and this is an easement for inspection of that facility in the back.

Mr. Burgio commented that the Planning Commission passed this request unanimously.

Motion by Mr. Salvatore, supported by Mr. Orcutt, to have legislation drafted and placed on the October 2nd Caucus Prior to agenda.

ROLL CALL: AYES: Salvatore, Orcutt, Burgio, Scott, Poindexter, Mencini, Stemm
NAYS: None. The motion carried.

There being no further business to come before this meeting a motion by Mr. Mencini, supported by Mr. Poindexter, to adjourn.

ROLL CALL: AYES: Mencini, Poindexter, Stemm, Salvatore, Scott, Burgio, Orcutt
NAYS: None. The motion carried.

Mr. Vecchio declared this meeting adjourned at 7:22 p.m.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *October 2, 2018*

THESE MEETING MINUTES APPROVED BY BROOK PARK CITY COUNCIL ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.

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