

**ITEMS TO BE CONSIDERED
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY, SEPTEMBER 7, 2021**

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

SCOTT, SCHMUCK, ORCUTT, TROYER, MENCINI, POINDEXTER, SALVATORE

Also in attendance were Mayor Gammella, Law Director Horvath and Finance Director Cingle.

Council President Vecchio properly excused.

LEGISLATIVE COMMITTEE - CHAIRMAN, MENCINI:

1. AN ORDINANCE ENACTING CHAPTER 720 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'MEDICAL MARIJUANA OPERATIONS' AND DECLARING AN EMERGENCY. Introduced by Councilmembers Troyer and Poindexter.

Mr. Troyer stated this legislation basically speaks for itself, can be amended, changed or adjusted. Had discussions with people from Lakewood and they haven't collected the money, it is under protest. Council can go ahead as this is written or take that out, there is part of this that has to be taken out. Became aware of the state passing something a while back that took out that percentage clause, it can't be done so that must be removed. This is a work in progress and I'm not looking at big revenue if it comes, great. I'm looking at we have citizens of this city if they have a medical marijuana card they should be able to get that medical marijuana in their own city. There are veterans' that have issues, there are people born with issues or get issues later and medical marijuana can help them deal with whatever their problem is. My goal is to get something or anything in Brook Park at least available. Doesn't mean the city will get this if legislation is passed, just something where the residents of Brook Park have a place. If someone comes and thinks they can legally put one in, you can put on in here, but do it legally. Put a medical marijuana that they have a place to put it and our residents have a place to get it. Talking with people there are a lot of people who want it and wanted to have a brief discussion. Whether Council will have public hearings don't think it's a bad idea but kind of set an agenda or timeframe to look into this to see what Council is going to do.

Mr. Poindexter stated to echo what Mr. Troyer mentioned, this piece and also the companion piece these businesses will be heavily regulated and reading the legislation there are strict guidelines that need to be followed, or licenses will be revoked. I think with the exception of the percentage that these come out the legislation is straight-forward.

Legislative committee - Chairman, Mencini: cont.

Mr. Orcutt thanked Mr. Troyer and Poindexter for comments, and want to clarify you were speaking for both pieces of legislation?

Mr. Troyer concurred and stated pretty much yes.

Mr. Orcutt continued Chapter 720 - Medical Marijuana Operations legislation disallows the cultivation and growing of marijuana in the community, correct?

Mr. Poindexter responded does more than that, that is one of the items early on in the piece. Reading further it goes into the guidelines for issuance of the dispensary license, violations and other requirements that the owner or company would need to do to obtain the license. Then it goes into the fees, inspections, expiration and renewal of licenses. Chapter 720.11 goes into license suspension and how licenses can be revoked for various situations, it spells out regulations on those.

Mr. Orcutt stated in chapter 1126 that is for basically regulating of the dispensaries?

Mr. Troyer responded yes, these aren't perfect there were a few issues but going back chapter 720 instead of having some of the rules could say must follow the rules of 1126, cleaning up the legislation. Then add all the rules in 1126 which is regulating dispensaries. The can make things stricter or less strict whatever Council is willing to pass, I'm will vote for.

Mr. Orcutt thanked Mr. Troyer for the clarification and stated as this is under discussion. Speaking with Ward 3 residents some have received phone calls that seems to be about 50-50 for this topic. Some people don't to have this in the community but as Mr. Troyer mentioned earlier. This is a convenience for people that do need this. Some of the areas being looked at when having this is most likely going to have to go into Ward 3. Not saying that is the final place but when this is decided we have to be aware on how to amend this, must be very careful. Need to be very careful on the location and there has been discussion of the U7-A zone.

Mr. Troyer stated U-7 overall was what kept coming back from everybody. The problem with the city's zoning is there might be a zoning in one place that to okay this but that same zoning is over here that wouldn't want to okay it. Keep in mind they can go to zoning for a variance to put somewhere else or could write it no variances.

Mr. Poindexter stated right now would be to blanket U-7 which is primarily Ward 3.

Mr. Salvatore stated a public hearing is something that Council should be doing.

Legislative committee - Chairman, Mencini: cont.

Should have that opportunity to let the public come forward to speak; something as important as this should have a public hearing. Would be willing to have hospital representatives come and speak on this complex issue.

Mr. Scott stated basically Chapter 720 is to ban the sale of medical marijuana in the city, correct?

Mr. Troyer responded bans the cultivation and processing.

Mr. Scott interjected and also says dispensaries; cultivation, processing and dispensaries.

Mr. Troyer disagreed and stated if these two pieces of legislation are passed then Council could get rid of the ban; this still keeps the ban on cultivating and processing.

Mr. Scott continued this has to be passed before the moratorium expires?

Mr. Scott stated if I'm not mistaken, there is a moratorium until September 21st.

Mr. Troyer responded the moratorium is moot, there is a ban currently until Council repeals it.

Mr. Scott continued speaking with medical moratorium dispensaries; the City of Garfield has not received any fees since 2019; speaking with the City of Garfield's law director, finance director and building commissioner everyone passed the buck with the collections of fees. One statement made is to be very specific with the enforcement and collections of the fees. Who and what department will collect the fees and when; there must be a specific date. The City of Garfield does not have a specific department collecting the fees.

Mr. Troyer stated this legislation is modeled after the City of Lakewood that have collected the fee; they've been under protest so basically it's been put aside. At some point the city may have to give it back. Brook Park won't have to go through that and could look to make the legislation stronger but don't what this to be all about money. Stating earlier willing to take out the fee and keep the \$350.00 and \$250.00 fee yearly for inspections and so forth, which the city is doing something for. Just allow this on its own merit and to get city residents the ability to locally buy medical marijuana, if they have a card.

Mr. Poindexter stated to the fees and scheduling of payments that is in Chapter 720.08 that basically says the payments for the applications should be submitted with the application; license renewal on an annual basis; upon renewal a check

Legislative committee - Chairman, Mencini: cont.

is sent for \$250.00. Every application for a new medical marijuana dispensary license shall be accompanied with a \$350.00 non-refundable application and investigation; the time the money is due is upon submittal of the application.

Mrs. Schmuck asked when having the medical marijuana card the items that the dispensary has. Are people able to get items online and such?

Mr. Scott responded no, cash only.

Mrs. Schmuck continued it's all brick and mortar no items can be purchased online? I was told people can so just curious.

Mr. Scott responded no.

Mr. Troyer stated so not to be confused with CBD (Cannabidiol) or anything like that people can buy at a corner store.

Mr. Mencini stated medical marijuana for some people is absolutely important. Council has to be smart about this whichever way Council decides to go. Want to take care of our veterans' and people in need. Still think there is work to do and definitely believe there should be public hearings with Southwest General personnel and other cities that have medical marijuana dispensaries come and tell the city about them. Want to hear from the people that have these and are doing this.

Mr. Troyer stated in talking about having a public hearing would like to set something up tonight for the public hearing, September 28th?

Mr. Mencini is in agreement with September 28th gives a few weeks for advertisement, inviting people who want to come, that gives three (3) weeks.

2. AN ORDINANCE ENACTING CHAPTER 1126 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'MEDICAL MARIJUANA DISPENSARIES' AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer.

Motion by Mr. Troyer, supported by Mrs. Schmuck, for a public hearing on September 28th at 6:00 p.m. in the Council Chambers for items one (1) and two (2).

ROLLCALL: AYES: Troyer, Schmuck, Scott, Orcutt, Mencini, Poindexter, Salvatore
NAYS: None. The motion carried.

Mr. Troyer and Mr. Mencini agreed both pieces of legislation will be put back in

Legislative committee - Chairman, Mencini: cont.
committee.

Mr. Salvatore stated since there are proclamations on the Council agenda would like to begin the Council meeting on time. Is there anything on this agenda that should be moved to the Council meeting?

Mayor Gammella responded items and one and two under the Safety committee.

SAFETY COMMITTEE - CHAIRMAN, TROYER:

Mr. Troyer stated item number three (3) is being removed, so it would be item numbers one (1), two (2) and four (4). Item number three (3) is being removed due to issues that have to be worked out. Will be doing one (1) and two (2) together.

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MES DBA WARREN FIRE EQUIPMENT FOR THE PURCHASE OF A SCBA UNIT FIT TEST MACHINE AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella & C/W.
2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MES DBA WARREN FIRE EQUIPMENT FOR THE PURCHASE OF SCBA UNITS AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella & C/W.

Motion by Mr. Poindexter, supported by Mr. Scott, to place on the Council agenda immediately following under letter M.

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

The clerk stated item number one (1) will appear as Ordinance No. 11214-2021 and item number two (2) will appear as Ordinance No. 11215-2021.

Mr. Salvatore stated will appear on tonight's agenda as M-3 and M-4

3. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SUTPHEN CORPORATION FOR THE PURCHASE OF A SET OF RESCUE TOOLS AND TWO SETS OF AIR BAGS AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Troyer stated item number three (3) will be removed.

Safety committee - Chairman, Troyer: cont.

- 4. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH FABRIZI TO REPAIR THE WEAR SURFACE OF THE BRIDGE DECK ON ROUTE 237 AND DECLARING AN EMERGENCY. Introduced by Mayor Gammella.

Mr. Troyer asked Mayor Gammella if there is a rush for the repair of the bridge deck?

Mayor Gammella responded yes, that bridge is in dire need of repair, as discussed with the many holes, the top must be replaced prior to the bottom.

Motion by Mr. Mencini, supported by Mr. Poindexter, to place on the Council agenda to put under letter M on tonight's Council agenda.

ROLLCALL: AYES: Mencini, Poindexter, Salvatore, Troyer, Orcutt, Schmuck, Scott
NAYS: None. The motion carried.

Mr. Salvatore stated this will appear under M-4 as Ordinance No. 11216-2021.

There being no further business to come before this meeting a **motion** by Mr. Mencini, supported by Mr. Orcutt, to adjourn.
Members of Council unanimously voted AYE.

RESPECTFULLY SUBMITTED *Michelle Blazak*
Michelle Blazak
Clerk of Council

APPROVED *October 5, 2021*

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

2,078 words