

**CAUCUS PRIOR TO MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
HELD ON TUESDAY, SEPTEMBER 20, 2022**

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:

MENCINI, ROBERTS, POINDEXTER, SALVATORE, TROYER, COYNE, SCOTT

Also in attendance were Mayor Orcutt, Law Director Horvath, Finance Director Cingle, Safety Director Sensel, Service Director Beyer and Recreation Director Gonzales.

Council President Vecchio properly excused.

DISCUSSION:

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

Mr. Troyer stated this was introduced and had first reading then inadvertently the amended version was sent to the law department and a clean copy of legislation returned. To Mrs. Horvath would you want Council to amend the clean copy in order to get this process correct?

Mrs. Horvath responded yes, emails were exchanged and two pieces initially sent over were the veto pieces and then subsequent pieces were sent over. My concern is with Charter section 4.08 of legislation to be read by title. Think the intention was to introduce the original copy for first reading and would not want the slightest hint of any problems with this due to being important legislation. Suggested these two pieces under second reading on the Council agenda be placed in committee in order and use the clean copies of legislation. Council may know what pieces but not sure if the general public may know. My advice is to use the clean pieces of legislation so there are no problems in the future.

Mr. Troyer stated there is no way to take the clean copies and amend them.

Mrs. Horvath responded the general public would have no idea which piece of legislation received first reading; there was nothing immortalized and there was no posting per Charter section 4.08, rather be cautious.

Mr. Troyer stated have the clean copies pertaining to medical marijuana introduced would that be a problem because the other pieces are already there?

Mrs. Horvath responded Council may want to move these pieces to the next Caucus agenda.

Discussion: cont.

Mr. Troyer asked could they be amended prior to introduction that way it's not the same piece.

Mrs. Horvath asked for Mr. Salvatore's opinion on these issues.

Mr. Salvatore recommended that the two pieces under second reading be put in committee. Have the two new ones before Council introduced and place under first reading. Want to make sure this is done right and passed correctly.

Mr. Poindexter stated I don't think this will pass under suspension and will probably get three readings. Also, the public is aware of this legislation because it has appeared on agendas for well over a year. The legislation presented is almost word for word the same legislation of the Mayor's veto with the exception of addressing the veto for proper zoning. Think the public is well aware of Council's intentions since it has been documented on the news and livestreams of meetings. Five members of Council are in support of this and think should move forward. There has been legislation introduced and moved to first reading without proper posting. The public will have another Council meeting to express their concerns.

Mrs. Horvath pointed out the public has seen so many different versions of the same legislation there may be some confusion.

Mr. Poindexter interjected

Mr. Scott - Point of Order - Mrs. Horvath is speaking this is the second time she's been interrupted let her finish.

Mr. Salvatore ruled on the Point of Order absolutely correct one person will speak at a time at this meeting.

Mrs. Horvath continued think it's confusing with looking at different versions and think it would be hard for the citizens to follow along. Also, not sure if there are any concerns or objections to this and would be better to be cautious and follow the procedure 100%.

Mr. Poindexter disagreed and stated this is not confusing Council made two amendments to the original piece under Second reading. One was amending the zoning from U7-A to U-7 and the second amendment was to have the building department collect all the fees. Our residents and veterans need this instead of going to pharmacies and getting addicted on opioids that the city is receiving money for. The delays need to stop and have this move forward.

Madam Coyne stated I am 100% in favor for medical marijuana want this passed but want it done correctly and legally, for our residents and veterans that need it. This is

Discussion: cont.

no different than a pharmacy and the U-7 (zoning) is too restrictive and think proper legislation should be drawn up for zoning. The way it is read seems like the continuation of the moratorium and don't see any harm with drawing up new legislation.

Mr. Mencini stated to Mrs. Horvath what has to be done with this and if done this way what might not be right and which one.

Mrs. Horvath responded there could be confusion on what one and think Mr. Salvatore's opinion is an excellent one and that would be my recommendation as to how Council wants to move forward by following the procedure outlined.

Mr. Scott stated the actions on September 6th of the veto taking place then have a Councilmember pull legislation from his briefcase, present to the Council President for introduction and then have a 5-2 vote to place on the agenda. In my eyes that is totally wrong procedures. To Councilman Troyer your words Council should have everything in writing before taking action. There are so many different versions and how can Council move forward with seeing what they are voting on. Three Councilpersons are spearheading this and should work together to be presented.

Mr. Troyer stated to Mrs. Horvath this piece being looked on the Caucus Prior agenda is in legal form and correctness and viable.

Mrs. Horvath concurred with a date-stamp of September 15th and law director's stamp and signature.

Mr. Troyer asked Mrs. Horvath can this be introduced tonight.

Mrs. Horvath responded think should follow procedures and best to put in committee brought out and then make any amendments.

Mr. Troyer stated has to be introduced to put in committee.

Mr. Salvatore stated can be introduced and be placed in committee.

Mrs. Horvath continued my opinion would be to follow the procedure Councilman Salvatore outlined previously.

Motion by Mr. Troyer, supported by Mr. Poindexter, to remove from the title 'declaring an emergency' and in section three 'the emergency clause'.

Mr. Troyer withdrew his motion and support by Mr. Poindexter withdrew.

Discussion: cont.

2. AN ORDINANCE ENACTING CHAPTER 720 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'MEDICAL MARIJUANA OPERATIONS' AND DECLARING AN EMERGENCY. Introduced by Councilman Troyer.

Motion by Mr. Mencini, supported by Mr. Roberts, item numbers one and two were discussed.

ROLL CALL: AYES: Mencini, Roberts, Salvatore, Troyer, Coyne, Scott

NAYS: Poindexter.

3. DEPARTMENT OF LIQUOR CONTROL - CJJ MANAGEMENT, LLC, WILLIAM LOWRY & ASSOCIATES, INC. DBA LOWRYS CAR & VAN WASH & DRIVE THRU BEVERAGE & DELI, 14831 SNOW ROAD, BROOK PARK, OHIO, 44142. **C TRFO 1174831.**

Postmark Date: 10/07/22.

Mrs. Horvath stated simple transfer with no objections.

Motion by Mr. Mencini, supported by Mr. Roberts, discussed.

ROLL CALL: AYES: Troyer, Coyne, Scott, Mencini, Roberts, Poindexter, Salvatore

NAYS: Unanimous.


Mr. Salvatore stated the Mayor would like to have an Executive Session for Sale of Property and will do that at the appropriate time.


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

ROLL CALL: AYES: Troyer, Mencini, Roberts, Poindexter, Salvatore, Coyne, Scott

NAYS: Unanimous.

Council President Pro-Tem Salvatore declared this meeting adjourned at 7:44 p.m.

RESPECTFULLY SUBMITTED 
Carol Johnson
Clerk of Council

APPROVED 

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