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CITY OF BROOK PARK, OHIO

RESOLUTION NO. 23-2016

INTRODUCED BY: MAYOR COYNE, COUNCILMEN SALVATORE, BURGIO, SCOTT AND MENCINI

A RESOLUTION
DECLARING O'MALLEY'S BAR AND THE TRAVELODGE A NUISANCE,
AND DECLARING AN EMERGENCY

WHEREAS, the property located at 16161 Brookpark Road, Brook Park, Ohio is the business address for Travelodge and O'Malley's Bar; and

WHEREAS, in February 2016 a Brook Park Building Department inspection of these premises identified more than 126 building and housing code violations; and

WHEREAS, in February 2016 a Fire Department inspection of these premises identified had more than 168 fire code violations; and

WHEREAS, during the years 2014 and 2015 police were called out more than 600 times to these premises;

WHEREAS, the premises are poorly maintained, infested with bed bugs per the Cuyahoga County Board of Health, and used as an illegal parking lot in violation of Brook Park codified ordinances; and

WHEREAS, on February 10, 2016, the Cuyahoga County Sherriff's Office (CCSO) and the Cuyahoga County Prosecutor's Office (CCPO) secured and executed a search warrant for these premises with evidence of drug abuse, drug trafficking, heroin overdoses, prostitution, human trafficking and other criminal conduct on the premises. As a result of the search warrant's execution and the aforementioned inspections by the Brook Park Building & Housing Department, the Brook Park Fire Department and the Cuyahoga County Board of Health, the CCPO filed a nuisance complaint and request for a temporary and permanent injunction to close the premises as a public nuisance. The Court of Common Pleas granted the CCPO request and issued a

Temporary Restraining Order closing the premises at that location; and

WHEREAS, on May 27, 2016, the owners of the premises and operators of the Travel Lodge and O'Malley's Bar voluntarily consented to an injunction closing the premises and businesses located thereon as a result of the public nuisance created and caused by the unlawful conduct of these businesses on these premises;

WHEREAS, this vacant property poses a threat to the general public; and

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

SECTION 1: All the Members of Council along with the Mayor of the City of Brook Park, Ohio hereby declare the Travelodge/O'Malley's at 16161 Brookpark Road a public nuisance.

SECTION 2: The Clerk of Council is hereby authorized and instructed to forward a certified copy of this Resolution to the Anju Bansal, 38530 Flanders Drive, Solon, OH 44139-000; Detailed Management Services, Inc., c/o Agent Anju Bansal, 38530 Flanders Drive, Solon, OH 44139-000; 16161 Brook Park, OH 44142; Michael O'Malley, 19497 Puritas Avenue, Cleveland, OH 44135-0000; O'Malley's Restaurant & Lounge, Inc., c/o Jon Fitzpatrick, 23 N. Franklin Street, Chagrin Falls, OH 44022-0000.

SECTION 3: 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 4: 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 to declare the Travelodge and O'Malley's a nuisance; 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: August 15, 2016
SPECIAL COUNCIL

Jim Astora
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
CLERK OF COUNCIL

APPROVED: [Signature]
MAYOR
8/23/2016
DATE

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

[Signature]
DIRECTOR OF LAW

CERTIFICATE

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 23-2016 passed on the 15th day of August 2016 by said council.
Michelle Blazak
Clerk of Council

	Yea	Nay
Troyer	<u>✓</u>	_____
Mencini	<u>✓</u>	_____
Powers	<u>✓</u>	_____
Scott	<u>✓</u>	_____
Burgio	<u>✓</u>	_____
McCormick	<u>✓</u>	_____
Salvatore	<u>✓</u>	_____

Michelle Blazak, Clerk of Council for the City of Brook Park, Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinance/resolutions was made by posting six copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; locations City Hall 6161 Engle Road, Police Station 17401 Holroyd Road, #1 Fire Station 5590 Smith Road #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 735 Engle Road, for a period of fifteen days.

certified: August 23, 2016
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council