

11/22/17 Mayor's veto received
12/5/17 Read into record - Veto overridden
with a vote of 6-0

P/C 11-14-17 LEGISLATIVE
CA _____
1st R 11-14-17 CR 12
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 27-2017

INTRODUCED BY: COUNCILMAN SCOTT

A RESOLUTION TO EXTEND THE
MORATORIUM ON THE GRANTING OF
BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY
BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE
CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR
A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS
RESOLUTION, IN ORDER TO ALLOW THE CITY ADMINISTRATION, COUNCIL
AND THE BROOK PARK PLANNING COMMISSION TO REVIEW APPLICABLE OHIO
STATUTES, CRIMINAL CODES AND THE BROOK PARK ZONING CODE RELATIVE
TO SUCH USE AND DECLARING AN EMERGENCY

WHEREAS, on May 16, 2017, this Council passed Resolution No. 10-2017, extending a moratorium granted by prior Resolution to further review all Planning and Zoning Commission requirements and allow for a more thorough review of all codes statewide within the City; and

WHEREAS, the Ohio General Assembly adopted on June 8, 2016 and the Governor has signed into law 131 Sub. H.B. 523, which becomes effective September 8, 2016; and

WHEREAS, 131 Sub. H.B. 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a city to adopt regulations to prohibit or limit the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground or public park; and

WHEREAS, as such, the City's Administration, Council and the Planning and Zoning Commission require additional time to undertake a review of all applicable codes statewide and within the city in order to formulate a local response to 131 Sub. H.B. 523; and

WHEREAS, pursuant to the Constitution of the State of Ohio Revised Code, municipalities have the power to enact planning and

zoning laws that are for health, safety, welfare, comfort and peace of the citizens of the municipality including redistricting areas used for businesses and trades;

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 extends the moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed six months from the effective date of this Resolution, in order to allow the City Administration, Council and the Brook Park Planning and Zoning Commissions to review applicable Ohio statutes, criminal codes and the Brook Park Zoning Code relative to such use.

SECTION 2: The purpose of this Resolution, "medical marijuana" shall have the same meaning as that term is defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective March 16, 2017.

SECTION 3: No building permits, certificates of occupancy or any other permits shall be granted to a business owner who intends to open, use any land or devote any floor area of the business for the purposes of the cultivation, processing, or retail sale of medical marijuana for the period of this moratorium. No valid existing business in the City may expand in any way that would establish cultivation, processing, or retail sale of medical marijuana for the duration of the moratorium.

SECTION 4: The moratorium shall be in effect for a period of six months from the effective date of this Resolution or until changes are enacted to amend the Codified Ordinances of the City of Brook Park to address these issues or until, Council approves legislation explicitly revoking this moratorium, whichever occurs first.

SECTION 5: 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 6: 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 reason that the City of Brook Park would like to impose a six month moratorium on building and/or occupancy permits regarding medical marijuana; 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: December 5, 2017

Jim Astor
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
CLERK OF COUNCIL

APPROVED: Veto received 11/22/17
MAYOR

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

[Signature]
DIRECTOR OF LAW

12/5/17 Veto overridden
DATE
Council Meeting

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. 27-2017 passed on the 5th day of December 20 17 by said council.
Michelle Blazak
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall, 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.
commanding December 7, 2017
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Powers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Burgio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McDonnell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>



12/5/17 Council Read Into Record 27-2017

City of Brook Park ❖ Thomas J. Coyne Mayor
City Hall

6161 Engle Road
Brook Park, Ohio 44142

Phone: 216-433-1300 ❖ Fax: 216-433-1511
mayor@cityofbrookpark.com ❖ www.cityofbrookpark.com

Memo

Date: November 22, 2017

To: Clerk of Council, Michelle Blazak, President of City Council, Jim Astorino, All members of City Council

From: Mayor Tom Coyne

RE: Resolution 27-2017

Please be advised that in accordance with section 3.03(b) of the Charter of the City of Brook Park, I hereby Veto Resolution 27- 2017 for the following reasons;

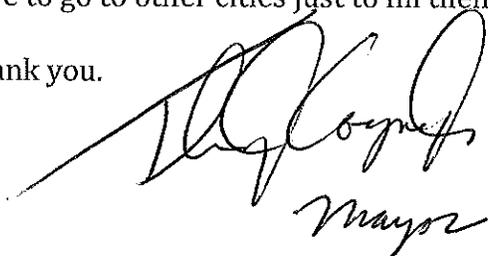
1. After review of the state regulations retail sales would be the only portion of the operation of the medical marijuana processing that could be considered in Brook Park. Ideally, it was my hope that retail sales could be undertaken by licensed pharmacies, the state determined otherwise. I see no impediments nor adverse effects to retail sales outlets being permitted in our city. This resolution speaks more to procrastination then legitimate concern. Council should enact legislation to allow for retail sales outlets under a conditional use permit. The continuation of the moratoriums serves no legitimate purpose.
2. Concern for our veterans and convenience of accessibility to prescribed treatment for our citizens should be paramount. The medical advocates contend that medical marijuana is the better choice than opioids to treat pain and relieve suffering. Our affected citizens should not have to leave Brook Park to get the prescribed help they require.
3. It's Veterans Day, banks are closed, people don't receive their mail and military veterans have multiple options to eat free at restaurants as a thank you for their services. But the American Legion, wants those who served to have access to something else: medical marijuana. The National American Legion wants the federal government to reclassify marijuana and to allow veteran affairs doctors to prescribe medical marijuana to patients in states that allow it. Brook Park City Council should pass a resolution to that effect supporting our veterans.
4. Finally, as of September 2018 physicians in Ohio will now be allowed to prescribe medical marijuana to their patients suffering from any disease on the following list:

11 NOV 22 PM 3:29:01

- AIDS/HIV
- Alzheimer's disease
- Amyotrophic lateral sclerosis, or ALS
- Cancer
- Chronic traumatic encephalopathy
- Epilepsy or another seizure disorder
- Fibromyalgia
- Glaucoma
- Hepatitis C
- Inflammatory bowel disease
- Multiple sclerosis
- Chronic or severe pain
- Parkinson's disease
- Post-traumatic stress disorder, or PTSD
- Sickle cell anemia
- Spinal cord disease or injury
- Tourette's syndrome
- Traumatic brain injury, or TBI
- Ulcerative colitis

We have hundreds of veterans and other citizens in our city suffering from one or more of the above diseases. If their doctor does prescribe these medicines to eliminate their pain our citizens should not have to go to other cities just to fill their prescriptions.

Thank you.



Mayor