

CITY OF FAIRVIEW PARK
RESOLUTION NO. 16-16
REQUESTED BY: MAYOR EILEEN PATTON
SPONSORED BY: COUNCILMAN HINKEL

A RESOLUTION TO IMPOSE A 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 FAIRVIEW PARK PLANNING & DESIGN COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE FAIRVIEW PARK ZONING CODE RELATIVE TO SUCH USE AND DECLARING AN EMERGENCY.

WHEREAS, on June 8, 2016, the Ohio General Assembly has adopted 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.

WHEREAS, as such, the City's Administration, Council and the Planning & Design 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 and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality including restricting areas used for businesses and trades.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. Council hereby imposes a 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 Fairview Park Planning & Design Commission to review applicable Ohio statutes, criminal codes and the Fairview Park Zoning Code relative to such us.

SECTION 2. For 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 September 8, 2016.

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.

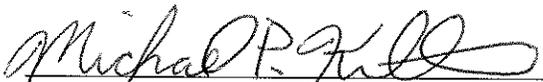
SECTION 4. The moratorium shall be in effect for a period of six months from the effective date of this resolution or until changes are enacted to amend the Codified Ordinances of the City of Fairview Park to address these issues or until Council approves legislation explicitly revoking this moratorium,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

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 6. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of a majority plus one of the members elected to Council this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise shall take effect and be in force after the earliest period allowed by law.

PASSED: 08.08.16
APPROVED: 08.09.16

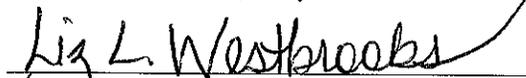
1st reading: 08.08.16
2nd reading: Suspended
3rd reading: Suspended



Michael P. Kilbane, President of Council



Eileen Ann Patton, Mayor



Liz L. Westbrook, Clerk of Council



Memo

To: Council President Kilbane and All Members of Council

From: Bill McGinty

Date: July 29, 2016

Re: Emergency Legislation

The Administration of the City of Fairview Park is requesting suspension of the rules requiring three readings and passage of the following legislation with one reading on Monday, August 8, 2016 as an emergency:

A RESOLUTION TO IMPOSE A 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 FAIRVIEW PARK PLANNING & DESIGN COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE FAIRVIEW PARK ZONING CODE RELATIVE TO SUCH USE AND DECLARING AN EMERGENCY.

The Administration requests this be passed immediately in order to properly read and review the Ohio Revised Code statute pertaining to the new medical marijuana law recently passed in the legislature. This will provide an opportunity for the Administration, its Directors and safety forces to become familiar with and recommend processes in order to properly implement this new law.

Bill McGinty
Director of Law

CITY OF FAIRVIEW PARK
ORDINANCE NO. 16-31
REQUESTED BY: MAYOR EILEEN ANN PATTON
SPONSORED BY: COUNCILWOMAN CLEARY
CO-SPONSORED BY: COUNCILMAN MCDONOUGH

AN ORDINANCE AUTHORIZING THE CITY DIRECTORS TO PARTICIPATE IN VARIOUS COOPERATIVE PURCHASING PROGRAMS, AND DECLARING AN EMERGENCY.

WHEREAS, the Home Rule powers of the Ohio Constitution grant power to the City of Fairview Park to participate in joint purchasing programs; and

WHEREAS, the Ohio Department of Administration (ODAS), Ohio Department of Transportation (ODOT), General Services Administration (GSA), U.S. Communities Government Purchasing Alliance, National Joint Powers Alliance (NJPA), National Institute of Government Purchases (NIGP), the National Purchasing Partners (NPP), and any other Governmental Cooperative Programs are non-profit instruments of the government that assists local and state agencies in reducing the costs of purchased goods through the purchasing power of public agencies nationwide through competitively solicited contracts; and

WHEREAS, Council desires to authorize the City Directors to participate in these programs for the purchase of goods on behalf of the City of Fairview Park for calendar year 2016 and 2017.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FAIRVIEW PARK, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That Council, pursuant to the Home Rule authority granted to it by the Ohio Constitution, hereby authorizes the Director of Purchasing to continue to participate in the Ohio Department of Administration (ODAS), Ohio Department of Transportation (ODOT), General Services Administration (GSA) U.S. Communities Government Purchasing Alliance, National Joint Powers Alliance (NJPA), National Institute of Government Purchases (NIGP), National Purchasing Partners (NPP) and any other Governmental Cooperative Purchasing Programs for the remainder of calendar year 2016 and all of 2017.

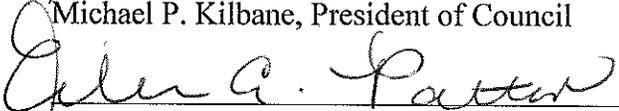
SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

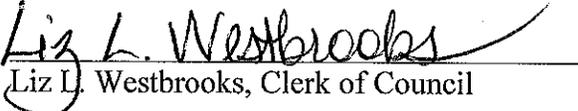
SECTION 3. That this ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare; and for the further reason that it is immediately necessary to continue the efficiency of the City of Fairview Park, and provided it receives the affirmative vote of a majority plus one of the members elected to Council, it take effect and be in force from and after the earliest period allowed by law.

PASSED: 08.08.16
APPROVED: 08.09.16

1st reading: 08.08.16
2nd reading: Suspended
3rd reading: Suspended


Michael P. Kilbane, President of Council


Eileen Ann Patton, Mayor


Liz L. Westbrook, Clerk of Council



CITY OF FAIRVIEW PARK

20777 Lorain Road
Fairview Park, Ohio 44126-2018
- Established in 1910 -

Eileen Ann Patton, Mayor

MEMORANDUM

TO: Council President Kilbane and Members of City Council

**FROM: Shawn Leininger, AICP
Director of Public Service & Development**

RE: Emergency Legislation –Cooperative Purchasing Programs

DATE: August 3, 2016

The Administration of the City of Fairview Park is requesting suspension of the rules requiring three readings and passage of the following legislation with one reading on Monday, August 8, 2016, as an emergency:

Ordinance 16-__ Authorizing Participation in Cooperative Purchasing Programs.

The Recreation Department was recently awarded a NatureWorks Grant by the State of Ohio to install new play equipment at Grannis Park. The Administration has identified several play equipment suppliers, particularly those offering specialized equipment for persons with disabilities, which are members of the sourcing programs identified in the Ordinance. In order to make available state and national cooperative purchase pricing and facilitate the installation of the play equipment this fall, the Administration respectfully requests passage on first read. Any proposed purchases through any of these programs that are \$15,000 or more will still require approval by City Council.

cc: Eileen Patton, Mayor
Liz Westbrooks, City Council Clerk
William McGinty, Law Director
Greg Cingle, Finance Director
Steve Owens, Recreation Director