



BRUNSWICK CITY COUNCIL AGENDA

Frank Raso Ward 3	Nicholas Hanek Ward 2	Patricia Hanek At-Large	Kenneth Fisher Law Director	Carl S. DeForest City Manager	Ron Falconi Mayor	Fijabi Julien-Gallam Council Clerk	Michael Abella Jr. Ward 1	Brian Ousley At-Large	Joseph Delsanter At-Large	Anthony Capretta Ward 4
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Administration Representatives

MAY 18, 2020
In Council Chambers
7:00 PM

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Mayor's Report:
 - (a) Mayor's Report
4. Clerk of Council's Report
5. Reading of Legislation and Action on Legislation:
 - a. 3rd Reading(s)
 - b. 2nd Reading(s)
 - c. 1st Reading(s)

ORD. NO. 32-2020 - An ordinance approving the Ridgeline Chase Single Family Cluster Development Preliminary Subdivision Plan, home model elevations, and conditional zoning certificate. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

RES. NO. 33-2020 - A resolution authorizing the City Manager to enter into a memorandum of understanding with the Medina County Soil and Water Conservation District for assistance with performance items related to the national pollutant discharge elimination system phase ii permit in an amount not to exceed \$4,000.00. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Matt Jones*)

ORD. NO. 34-2020 - An ordinance amending Chapter 1266 of the Codified Ordinances of the City of Brunswick by removing warehouses, food and goods distribution stations, motor freight garages and truck or transfer terminals as permitted uses in the I-L Light Industrial Zoning District and including warehousing as a conditionally permitted use in the I-L Light Industrial Zoning District. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

ORD. NO. 35-2020 - An ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for warehousing and motor freight garages and truck or transfer terminal uses in the I-L Light Industrial District and the issuance of such approvals. - **1st reading** (To be brought from Committee-of-the-World, *Administration/Ken Fisher*)

ORD. NO. 36-2020 - An ordinance authorizing the City Manager to forward a petition for detachment to the Medina County Commissioner's office for the purpose of adjusting the city boundary lines to include an annexation into the City of Brunswick. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

6. City Manager's Report
7. New Business
8. Adjournment

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 5/18/2020

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 32-2020** - An ordinance approving the Ridgeline Chase Single Family Cluster Development Preliminary Subdivision Plan, home model elevations, and conditional zoning certificate. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: On May 7, 2020, the Planning Commission held a public hearing and recommended approval to City Council of the Ridgeline Chase single family cluster development preliminary subdivision plan, home elevations, and conditional zoning certificate, subject to certain conditions, pursuant to Sections 1224.04(d)(4) and 1252.04(j) of the Codified Ordinances of the City of Brunswick. The property is located west and south of 1918 Pearl Road, and south of the Laurel Glens Subdivision, Permanent Parcel Numbers 003-18C-08-012 and 003-18C-08-015 (attached Exhibit "A"). This subdivision will consist of 50 conventional single family dwellings and 27 single family cluster units, for a total of 77 homes.

PURPOSE AND EXPLANATION: City Council approved the rezoning of the subject property from the R-R Rural Residential District and C-G General Commercial District to the R-L Low Density Residential District on December 16, 2019 for the purpose to construct a single family cluster development.

IMPLEMENTATION SCHEDULE: Immediately

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	No

Suspension of Rules

No

If emergency or suspension of the rules, why the request?
Recommend first reading on May 18, 2020.

**ADDITIONAL
INFORMATION:**

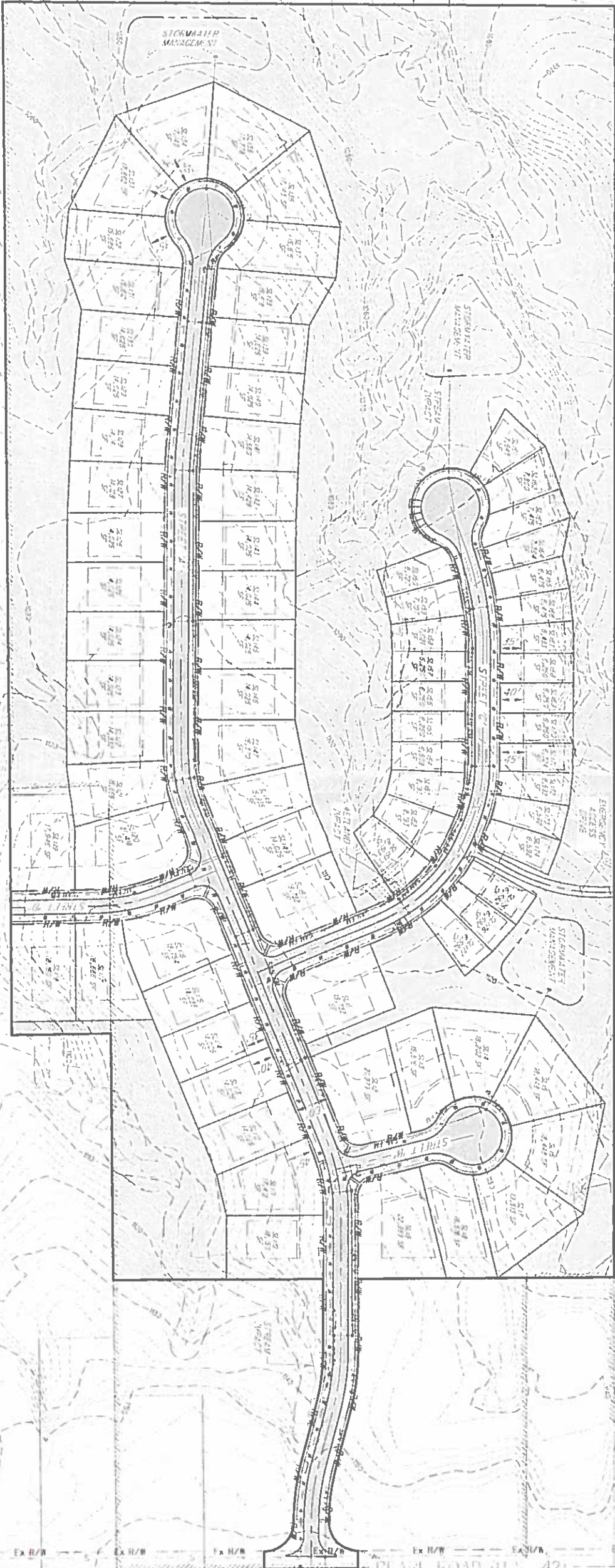
SITE DATA

PARCEL INFORMATION:
PARCEL ID: 003-18C-083-2
TOTAL PROJECT AREA: 43.60 AC
1.65 AC
51.25 AC

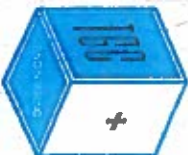
LAND INFORMATION:
R-L LOW DENSITY RESIDENTIAL CONDOMINIUM USE:
SINGLE FAMILY CLUSTER DEVELOPMENT

W. PROJECT AREA: 15 AC
MAX. DENSITY: 2.2 UNITS/AC
MAX. UNITS ALLOWED: 112
COWOWN OPEN SPACE: 30% (13.4 AC)
CONVENTIONAL SINGLE FAMILY DWELLINGS: 50 DWELLINGS
W. LOT AREA: 13,500 SF
MIN. LOT WIDTH: 35'
MIN. FRONT YARD: 40' AVG. (35'-45')
MIN. SIDE YARD: 10' (20' BETWEEN BLDGS.)
MIN. REAR YARD: 35'
TYP. LOT: 35' x 55'

SINGLE FAMILY CLUSTER UNITS: 27 UNITS
MAX. CLUSTER UNITS: 35% OF UNITS (12)
MIN. LOT AREA: 6,000 SF
MIN. FRONT YARD: 20' GAR. TO SDALK. 35'-45' GAR. TO SDALK.
MIN. BLD. FRONT YARD: 15' TO RCM 35'-45' TO RCM (AVG. 40')
MIN. SIDE YARD: 5'
MIN. REAR YARD: 15'
TYP. LOT: 50' x 25'



PRELIMINARY SITE PLAN
FOR
RIDGE LINE CHASE
CITY OF BRUNSWICK
AND STATE OF OHIO



CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 32-2020

BY: Mr. Delsanter, Mr. Hanek, and Mr. Ousley

AN ORDINANCE APPROVING THE RIDGELINE CHASE SINGLE FAMILY CLUSTER DEVELOPMENT PRELIMINARY SUBDIVISION PLAN, ELEVATION PLAN AND CONDITIONAL ZONING CERTIFICATE.

WHEREAS: On May 7, 2020, the Brunswick City Planning Commission held a public hearing and recommended approval to City Council of a Preliminary Subdivision Plan, Elevation Plan and Conditional Zoning Certificate for the Ridgeline Chase Single Family Cluster Development.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the Preliminary Subdivision Plan, as attached hereto as Exhibit "A", Elevation Plan and Conditional Zoning Certificate for the Ridgeline Chase Single Family Cluster Development are hereby approved subject to any conditions enumerated by the Planning Commission and any other conditions imposed by this Council.

SECTION 2: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 5/18/2020

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Barnett

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 33-2020** - A resolution authorizing the City Manager to enter into a memorandum of understanding with the Medina County Soil and Water Conservation District for assistance with performance items related to the national pollutant discharge elimination system phase ii permit in an amount not to exceed \$4,000.00. - **1st Reading** (To be brought from Committee-of-the-Whole, Administration/Matt Jones)

BACKGROUND: Previous agreement was authorized by City Council on April 14, 2015.

**PURPOSE AND
EXPLANATION:**

An agreement is required by the NPDES permit for performance items conducted on behalf of the permit holder (the City of Brunswick) by an appropriate assisting entity (in this case the Medina County SWCD). The Medina County SWCD has been providing the City of Brunswick with the Public Education and Public Outreach components of the City's previous NPDES Stormwater Permit. This Memorandum of Understanding is essentially a continuation of the previous agreement both parties had signed during the last NPDES Stormwater Permit period. The previous permit period began on April 1, 2015 and ran through the end of 2019. However, the new permit has not yet been issued by the Ohio EPA; therefore, the previous permit remains in effect until the new permit is issued, at which time a new MOU will be necessary.

IMPLEMENTATION

SCHEDULE: The agreement will become active immediately upon execution and will remain in place until the new permit is issued by the Ohio EPA.

**FINANCIAL
INFORMATION:**

NPDES - - Storm Water Fund #224 - 224-0420-54267 - - 4000

**FINANCIAL
SUMMARY:**

There is an annual fee of \$4,000 charged by Medina SWCD for the Public Education and Public Outreach services. This charge has been encumbered in the City's Storm Water Fund #224.....acct#224-0420-54267.

**RECOMMENDED
ACTION:**

One Reading	No
Two Readings	No
Three Readings	Yes

Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?
N/A

**ADDITIONAL
INFORMATION:**



The Medina County Soil & Water Conservation District

'Local leadership for soil and water conservation'

6090 Wedgewood Road

Medina, Ohio 44256

(Phone) 330-722-9322

(Fax) 330-725-5829

www.medinaswcd.org

January 29, 2020

TO: Brunswick City Manager
4095 Center Rd
Brunswick, Ohio 44212

RE: Memorandum of Understanding

City Manager:

Please review and sign two copies of the Enclosed MOU between Brunswick City and Medina County Soil and Water Conservation District (SWCD). Please retain one copy for your records. The purpose for the MOU is to establish roles and expectation with the Phase II Stormwater NPDES co-permit you hold with Medina SWCD. The previous 5 year permit had expired the end of 2019. Please keep in mind that per Part V.B of the small MS4 general permits, an expired general permit continues in force and effect until a new general permit is issued.

Therefore, Medina SWCD will continue to provide services for you regarding Public Education and Outreach (MCM1) and Public Involvement and Participation (MCM2). When the final new permit is in effect, we will review what is new and update any components that need to be addressed in the MOU. If a new MOU is needed, a meeting will be held by the Parties to discuss the new components and to seek a resolution.

When signed, please return one copy to our office. The existing MOU will remain in effect until a new permit has been approved. Once the new permit (2020) is issued, it will remain in effect until the next permit cycle.

The Medina County SWCD will request an annual conservation appropriation of \$4000.00 from the Brunswick City Council for implementing Public Involvement and Public Education activities in your jurisdiction

If you have any questions, please contact the office.

Sincerely yours:

Jim Dieter
District Manager

Memorandum of Understanding
between
Brunswick City
and
Medina County Soil and Water Conservation District

Background: Federal EPA rules cause certain communities to fall within the Federal NPDES (National Pollutant Discharge Elimination System) five year permit cycle as a “MS-4 Phase II” jurisdiction. Brunswick City is such a jurisdiction. The existing general permit has expired as of 2019. As per OEPA general permit rules, an expired general permit continues in force and effect until a new general permit is issued. When the final new permit is in effect, we will review what is new and update any components that need to be addressed in the MOU. If a new MOU is needed, a meeting will be held by both Parties to discuss the new components and to seek a resolution. Brunswick City’s Storm Water Management Plan will be audited by the Ohio EPA for compliance to the Phase II plan.

Purpose: An agreement is required by the permit for performance items conducted on behalf of the permit holder, Brunswick City, by an appropriate assisting entity, in this case, the Medina County Soil and Water Conservation District.

Brunswick City Agreement Items :

Brunswick City will review their Phase II Stormwater Management Plan with the District as needed to comply with plan needs and requirements in the Public Involvement and Public Education portions.

Brunswick City will assist the Medina County SWCD with access to local media outlets, community event opportunities, “sign our streams” program signs, community groups, public surveys, public schools, etc.

The Medina County SWCD Agreement items :

The Medina County Soil and Water Conservation District agrees to carry out and perform as stated in the Phase II Stormwater Management Plan for Brunswick City.

The existing MOU will remain in effect until a new permit has been approved. Once the new permit (2020) is issued, it will remain in effect until the next permit cycle.

The Medina County SWCD will annually provide Brunswick City with all required reporting activities and will provide the Brunswick City Phase II manager with the annual themes for Public Involvement and Public Education activities.

The Medina County SWCD will meet with the Brunswick City Phase II manager and the Brunswick City Stormwater Commission (if one exists) as necessary.

The Medina County SWCD will request a mid-year annual conservation appropriation from the Brunswick City Council for implementing Public Education and Outreach (MCM1) activities and Public Involvement and Participation (MCM2) activities your jurisdiction.

The fore mentioned parties agree to the memorandum of understanding:

For the City of Brunswick:

City Manager

Date: _____

For Medina County Soil and Water Conservation District Board of Supervisors:

Steve Filton
Chairperson

Date: 1-31-2020

This memorandum of understanding can be amended by either party at any time as necessary with appropriate and timely concurrence by each party.

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 33-2020

BY: Committee-of-the-Whole

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE MEDINA COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR ASSISTANCE WITH PERFORMANCE ITEMS RELATED TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE II PERMIT IN AN AMOUNT NOT TO EXCEED \$4,000.00.

WHEREAS: The City of Brunswick is subject to the United States Environmental Protection Agency (the “EPA”) National Pollutant Discharge Elimination System (“NPDES”) Phase II permit;

WHEREAS: The NPDES Phase II permit requires the City of Brunswick to enter into an agreement with an assisting entity for assistance with certain performance items; and

WHEREAS: The City and the Medina County Soil and Water Conservation District are desirous of entering into a Memorandum of Understanding, as attached hereto as Exhibit “A”, providing for assistance to the City as required by the NPDES Phase II permit in an amount not to exceed \$4,000.00.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: That the City Manager, upon approval of the Law Director, is authorized and directed to enter into the Memorandum of Understanding, as attached hereto as Exhibit “A”, with the Medina County Soil and Water Conservation District in an amount not to exceed \$4,000.00.

SECTION 2: That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 5/18/2020

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 34-2020** - An ordinance amending Chapter 1266 of the Codified Ordinances of the City of Brunswick by removing warehouses, food and goods distribution stations, motor freight garages and truck or transfer terminals as permitted uses in the I-L Light Industrial Zoning District and including warehousing as a conditionally permitted use in the I-L Light Industrial Zoning District. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: The members of the Economic Development Committee and City Council would like to amend the chapter 1266 of the Codified Ordinances. Upon review of Advance Brunswick Comprehensive Plan Update and committee studies, it has been determined for the health, safety and welfare of the community this update be put into effect. In the City's Advance Brunswick plan, it discussed the ability to enhance the tax base by ensuring the highest and best use of land. The areas to concentrate on: Promote and preserve manufacturing areas as significant industrial generators; Facilitate the necessary infrastructure to accommodate a wide variety of corporate office, manufacturing and technology uses; Accommodate existing traditional industries, while anticipating new technologies and business service uses; and Preserve appropriate location of industries that may have the potential to generate offsite impacts while providing compatibility in use and form. It goes on to state...Currently permitted uses within the Light Industrial District include distribution/transfer facilities which bring minimal payroll, increased freight traffic on streets, that are inadequate to handle additional truck volume (e.g. West 130th Street) while also posing a potential nuisance to adjoining residences, particularly in the neighborhood at the southwest corner of Center Road and West 130th Street along Fox Drive and Michael Drive.

PURPOSE AND EXPLANATION: Making warehousing a conditional use will subject same to Planning Commission review per Codified Ordinance Chapter 1274, including allowing the Planning Commission to establish such additional conditions as it deems necessary to protect the public welfare, preserve the purpose and intent of this Zoning Code, to protect the character of the surrounding properties and neighborhood, and to mitigate any special characteristics of the use (Codified Ordinance Section 1274.05(e)).

IMPLEMENTATION SCHEDULE: To be reviewed by Planning Commission

FINANCIAL INFORMATION:

**FINANCIAL
SUMMARY:**

**RECOMMENDED
ACTION:**

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 34-2020

BY: Committee-of-the-Whole

AN ORDINANCE AMENDING CHAPTER 1266 OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY REMOVING WAREHOUSES, FOOD AND GOODS DISTRIBUTION STATIONS, MOTOR FREIGHT GARAGES AND TRUCK OR TRANSFER TERMINALS AS PERMITTED USES IN THE I-L LIGHT INDUSTRIAL ZONING DISTRICT AND INCLUDING WAREHOUSING AS A CONDITIONALLY PERMITTED USE IN THE I-L LIGHT INDUSTRIAL ZONING DISTRICT.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That Section 1266.02 of the Codified Ordinances is hereby amended to read as follows:

“1266.02 PRINCIPALLY PERMITTED USES.

The following uses are permitted in an I-L Light Industrial District:

- (a) Light industry in the form of manufacturing, fabricating, processing, assembling and packaging of materials or substances into new products;
- ~~(b) Warehousing, excluding self-service storage facility or mini-warehouses;~~
- ~~(be)~~ Wholesale establishments;
- ~~(cd)~~ Contractor’s headquarters or plant;
- ~~(e) Food and goods distribution stations;~~
- ~~(df)~~ Machine shop;
- ~~(eg)~~ Laboratories and research facilities;
- ~~(fh)~~ Building materials sale yards and lumber yards;
- ~~(i) Motor freight garages and truck or transfer terminals;~~
- ~~(gj)~~ General administrative and business offices;
- ~~(hk)~~ The Planning Commission, with the approval of Council, shall have the power to permit any other use comparable in character to any of the specified uses listed in this section; and
- ~~(il)~~ Wireless service provider structures.”

SECTION 2: That Section 1266.04(h) is hereby established to read as follows:

- “(h) Warehousing, excluding self-service storage facility or mini-warehouses, that is accessory to and necessary for the support of a principally or conditionally permitted use.”

SECTION 3: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading _____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 5/18/2020

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 35-2020** - An ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for warehousing and motor freight garages and truck or transfer terminal uses in the I-L Light Industrial District and the issuance of such approvals. - **1st reading** (To be brought from Committee-of-the-World, Administration/Ken Fisher)

BACKGROUND: The members of the Economic Development Committee would like the following extended for an additional three months from the date of conclusion. 77-19 Warehousing and Motor Freight Garages and Truck Transfer Terminals. Current legislation ends on July 23, 2020. Given the time for review of the update to the comprehensive plan and the timing of legislation, they would like to move forward with the extension for May 18, 2020 Council meeting.

**PURPOSE AND
EXPLANATION:**

**IMPLEMENTATION
SCHEDULE:**

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

**RECOMMENDED
ACTION:**

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 35-2020

BY: Committee-of-the-Whole

AN ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING, OCCUPANCY AND/OR BUILDING PERMIT APPROVALS FOR WAREHOUSING AND MOTOR FREIGHT GARAGES AND TRUCK OR TRANSFER TERMINAL USES IN THE I-L LIGHT INDUSTRIAL DISTRICT AND THE ISSUANCE OF SUCH APPROVALS.

WHEREAS: On July 23, 2018, City Council adopted Ordinance No. 60-18, which established a six (6) month temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for warehousing and motor freight garages and truck or transfer terminal uses in the I-L Light Industrial District in the City, which temporary moratorium is set to expire on January 23, 2019;

WHEREAS: On January 14, 2019, City Council adopted Ordinance No. 103-18 extending the temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for warehousing and motor freight garages and truck or transfer terminal uses in the I-L Light Industrial District in the City for an additional six (6) months up to and including July 23, 2019;

WHEREAS: On July 22, 2019, City Council adopted Ordinance No. 39-19 extending the temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for warehousing and motor freight garages and truck or transfer terminal uses in the I-L Light Industrial District in the City for an additional six (6) months up to and including January 23, 2020;

WHEREAS: On November 25, 2019, City Council adopted Ordinance No. 77-19 extending the temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for warehousing and motor freight garages and truck or transfer terminal uses in the I-L Light Industrial District in the City for an additional six (6) months up to and including July 23, 2020

WHEREAS: The City of Brunswick may legitimately regulate the location and approval of warehousing and motor freight garages and truck or transfer terminals, which are principally permitted uses in the I-L Light Industrial District per Codified Ordinance Section 1266.02(b) and (i), respectively; and

WHEREAS: This Council believes that extending the temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for warehousing and motor freight garages and truck or transfer terminal uses in the I-L Light Industrial District in the City, and on the issuance of such approvals, will not deny property owners economically viable use of their property and will permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: The six (6) month temporary moratorium extension established by Ordinance No. 77-19 shall be extended for a period of three (3) months up to and including October 23, 2020, wherein the City shall not accept or process any applications for zoning, occupancy and/or building permit approvals for warehousing and motor freight garages and truck or transfer terminal uses in the I-L Light Industrial District in the City, and further shall not issue any such approvals during said period.

SECTION 2: Whenever the provisions of this Ordinance conflict with any other Ordinance or any provision of the Codified Ordinances of the City, the provisions of this Ordinance shall control.

SECTION 3: 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, including Section 121.22 of the Ohio Revised Code.

SECTION 4: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 5/18/2020

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Ken Fisher

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 36-2020** - An ordinance authorizing the City Manager to forward a petition for detachment to the Medina County Commissioner's office for the purpose of adjusting the city boundary lines to include an annexation into the City of Brunswick. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: The Board of County Commissioners certified the transcript of this proceeding in connection with said annexation with the map and Petition required in connection therewith to the Clerk of Council;

The appropriate time frames have elapsed in accordance with the provisions of the Ohio Revised Code Section 709.04;

The City of Brunswick passed legislation accepting the proposed annexation per Resolution No. 28-2020 adopted on May 11, 2020;

**PURPOSE AND
EXPLANATION:**

The City wishes to petition the Medina County Commissioners Office for detachment for the purposes of adjusting the City boundary lines to include this annexation into the City of Brunswick

**IMPLEMENTATION
SCHEDULE:**

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

**RECOMMENDED
ACTION:**

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?
Three readings

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 36-2020

BY: Committee-of-the-Whole

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO FORWARD A PETITION FOR DETACHMENT TO THE MEDINA COUNTY COMMISSIONER'S OFFICE FOR THE PURPOSE OF ADJUSTING THE CITY BOUNDARY LINES TO INCLUDE AN ANNEXATION INTO THE CITY OF BRUNSWICK

WHEREAS: A Petition for Annexation of certain territory in Brunswick Hills Township was duly filed by a property owner located in the territory of Brunswick Hills;

WHEREAS: Said Petition was duly considered by the Board of County Commissioners of Medina County;

WHEREAS: The Board of County Commissioners certified the transcript of this proceeding in connection with said annexation with the map and Petition required in connection therewith to the Clerk of Council;

WHEREAS: The appropriate time frames have elapsed in accordance with the provisions of the Ohio Revised Code Section 709.04;

WHEREAS: The City of Brunswick passed legislation accepting the proposed annexation per Resolution No. 28-2020 adopted on May 11, 2020;

WHEREAS: The City wishes to petition the Medina County Commissioners Office for detachment for the purposes of adjusting the City boundary lines to include this annexation into the City of Brunswick; and

WHEREAS: The Petition is being filed to comply with all relevant provisions of Ohio Revised Code Chapters 503 and 709.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: The City Manager is authorized to forward a Petition for detachment to the Medina County Commissioner's Office for the purpose of adjusting the City boundary lines to include this annexation into the City of Brunswick pursuant to all relevant provisions of Ohio Revised Code Chapters 503 and 709. A copy of said Petition is attached hereto as Exhibit "A".

SECTION 2: The annexation to be included in the boundary adjustment is contained in Resolution No. 28-2020. A copy of said Resolution is attached hereto as Exhibit "B".

SECTION 3: Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES __ NAYS __

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 28-2020

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION ACCEPTING THE PETITION FOR ANNEXATION OF 19.485 ACRES OF LAND KNOWN AS BEING PART OF BRUNSWICK HILLS TOWNSHIP TO THE CITY OF BRUNSWICK, MEDINA COUNTY, OHIO.

- WHEREAS: The Medina County Commissioners, on February 4, 2020, by Resolution No. 20-0090 attached hereto as Exhibit "A", approved the Petition for Regular Annexation on Application of Owner of 19.485 acres of land known as being part of Brunswick Hills Township to the City of Brunswick, Medina County, Ohio;
- WHEREAS: Pursuant to Ohio Revised Code Section 709.04, the legislative authority of the City of Brunswick must accept or reject the petition for annexation at the next regular session after the expiration of sixty (60) days of the date of filing the certified transcript of all orders of the board of county commissioners, the petition, map and all other papers on file relating to the annexation proceedings with the clerk of the municipal corporation, which occurred on March 5, 2020; and
- WHEREAS: The Clerk of the municipal corporation is required to lay the transcript and the accompanying map or plat and petition before the legislative authority.
- WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:
- SECTION 1: That the Petition for Regular Annexation on Application of Owner of 19.485 acres of land known as being part of Brunswick Hills Township is hereby accepted.
- SECTION 2: That the Clerk is hereby authorized and ordered to make three (3) copies containing the petition, the map or plat accompanying the petition, a transcript of the proceedings of the board of county commissioners, and all resolutions and ordinances in relation to the annexation, with a certificate to each copy that it is correct. Each certificate shall be signed by the Clerk in her official capacity and shall be authenticated by the seal of the municipal corporation, if applicable.
- SECTION 3: That the Clerk is hereby authorized and ordered to forthwith deliver one such copy of this Resolution to the Medina County Auditor, one such copy to the Medina County Recorder, and one such copy to the Ohio Secretary of State.
- SECTION 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety and for the additional reason to comply with the time requirements of Ohio Revised Code Section 709.04. Therefore, the same shall be in full force and effect from

and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading May 11, 2020

Rules Suspended: AYES 7 NAYS 0

ADOPTED: May 11, 2020 AYES 6 NAYS 1

ATTEST:


Clerk of Council
Fijabi Julien-Gallam, CMC

PETITION FOR BOUNDARY LINE ADJUSTMENT
Ohio Revised Code Section 503.07

TO: BOARD OF COUNTY COMMISSIONERS
MEDINA COUNTY, OHIO
144 NORTH BROADWAY
MEDINA, OHIO 44256

1. The undersigned is the City Manager for the City of Brunswick and has been authorized by the Brunswick City Council to forward this Petition to the Board of County Commissioners for the purpose of adjusting the boundary lines of the City of Brunswick and Brunswick Hills Township to reflect an annexation of real property to the City of Brunswick in accordance with Ohio Revised Code Chapters 503 and 709.
- 2) A copy of the Ordinance No. 36-2020 authorizing the City Manager to forward this Petition to the Board of County Commissioners is attached hereto as Exhibit "A" and incorporated herein by reference.
- 3) The annexation of the subject property is as detailed in Resolution No. 28-2020, as attached hereto as Exhibit "B" and incorporated herein by reference.
- 4) A copy of a map of the City of Brunswick indicating the annexation and change in boundary lines is attached hereto as Exhibit "C" and incorporated herein by reference.
- 5) Ohio Revised Code Section 503.07 states that:

"When the limits of a municipal corporation do not comprise the whole of the township in which it is situated, or if by change of the limits of such corporation include territory lying in more than one township, the legislative authority of such municipal corporation, by a vote of the majority of the members of such legislative authority, may petition the board of county commissioners for a change of township lines in order to make them identical, in whole or in part, with the limits of the municipal corporation, or to erect a new township out of the portion of such township included within the limits of such municipal corporation. The board, on presentation of such petition, with the proceedings of the legislative authority authenticated, at a regular or adjourned session, shall upon the petition of a city change the boundaries of the township or erect such new township, and may upon the petition of a village change the boundaries of the township or erect such new township."
- 6) Ohio Revised Code Section 503.07 required the Board of County Commissioners to change the boundary lines upon the petition of the City.

WHEREFORE, the undersigned respectfully requests that this Board change the boundary lines of the City of Brunswick and Brunswick Hills Township to reflect the annexation detailed herein.

Carl S. DeForest, City Manager

STATE OF OHIO)
) SS:
COUNTY OF MEDINA)

SWORN TO BEFORE ME and subscribed in my presence this ____ day of _____,
2020.

NOTARY PUBLIC