



BRUNSWICK CITY COUNCIL AGENDA

Valerie Zak 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

FEBRUARY 22, 2021

In Council Chambers

At 7:00 PM

REVISED

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of Minutes
 - (a) Regular Council Meeting Minutes dated February 8, 2021
5. Mayor's Report:
 - (a) Division of Fire Recognition from Special Olympics Athlete and Brunswick Resident Seth Greenfelder;
 - (b) Mayor's Update
6. Clerk of Council's Report
7. Council Committee Reports:

Economic Development Committee.....	Mr. Hanek
Services, Utilities, Technology & Cable Committee.....	Mr. Abella Jr.
Finance Committee.....	Mrs. Hanek
Safety & Environment Committee.....	Mr. Capretta
Planning & Zoning Committee.....	Mr. Delsanter
Parks, Recreation & Community Committee.....	Mrs. Zak
Building & Building Code Committee.....	Mr. Ousley
8. Reading of Legislation and Action on Legislation:
 - a. 3rd Reading(s)

ORD. NO. 102-2020 - An ordinance amending Section 1242.02(32)(e) of the Codified Ordinances of the City of Brunswick. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*) **REVISED LEGISLATION**

ORD. NO. 103-2020 - An ordinance amending Section 1250.05(g) of the Codified Ordinances of the City of Brunswick. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*) **REVISED LEGISLATION**

ORD. NO. 104-2020 - An ordinance amending Section 1252.05(g) of the Codified Ordinances of the City of Brunswick. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*) **REVISED LEGISLATION**

ORD. NO. 105-2020 - An ordinance amending Section 1254.03(j) of the Codified Ordinances of the City of Brunswick by removing Convalescent Care Facilities as a conditionally permitted use in the R-M Medium Density Residential District. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 106-2020 - An ordinance amending Section 1258.03(i) of the Codified Ordinances of the City of Brunswick. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 107-2020 - An ordinance amending Section 1256.04(g) of the Codified Ordinances of the City of Brunswick by removing Convalescent Care Facilities as a conditionally permitted use in the C-N Neighborhood Commercial District. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 108-2020 - An ordinance amending Section 1260.04(h) of the Codified Ordinances of the City of Brunswick by removing Convalescent Care Facilities as a conditionally permitted use in the C-G General Commercial District. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 109-2020 - An ordinance amending Section 1261.04(g) of the Codified Ordinances of the City of Brunswick by removing Convalescent Care Facilities as a conditionally permitted use in the GW-C Gateway Commercial District. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 110-2020 - An ordinance amending Chapter 1286 of the Codified Ordinances of the City of Brunswick. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 111-2020 - An ordinance establishing Sections 1274.08(a)(1) and (2) of the Codified Ordinances of the City of Brunswick. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 112-2020 - An ordinance amending Section 1288.05(c) of the Codified Ordinances of the City of Brunswick by reducing the maximum building height. - **3rd**

Reading (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 113-2020 - An ordinance establishing Section 1270.10(a)(5) of the Codified Ordinances of the City of Brunswick. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 114-2020 - An ordinance adopting the design guidelines for the Joint Development Overlay District. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 115-2020 - An ordinance establishing Chapter 1290 of the Codified Ordinances of the City of Brunswick creating the overlay District. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 116-2020 - An ordinance amending Section 1472.03 of the Codified Ordinances of the City of Brunswick. - **3rd Reading** (Building & Building Code Committee, *Administration/Grant Aungst*)

ORD. NO. 118-2020 - An ordinance amending section 1256.04(m) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 119-2020 - An ordinance amending section 1260.04(v) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 120-2020 - An ordinance amending section 1261.04(s) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 121-2020 - An ordinance amending section a(18) of the design guidelines for the Main Street District of the Brunswick Town Center Special Planning District No. 2 by imposing additional restrictions for vape and smoke shops. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

RES. NO. 5-2021 - A resolution authorizing the City Manager to purchase a new branch chipper for the Service Department from Vermeer All Roads in an amount not to exceed \$59,280.00. - **3rd Reading** (Service, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

b. 2nd Reading(s)

ORD. NO. 10-2021 - An ordinance establishing the Meadow View Special Planning

District No. 6 Conceptual Development Plan and amending the zoning map by designating approximately 19.485 acres on South Carpenter Road as SPD-6. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

c. 1st Reading(s)

RES. NO. 16-2021 - An emergency resolution authorizing the City Manager to purchase three (3) Dodge Chargers for the Division of Police from Greve Dodge in an amount not to exceed \$120,000.00. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Brian Ohlin*)

ORD. NO. 17-2021 - An emergency ordinance establishing the position of School Resource Officer Supplemental in the Division of Police. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Brian Ohlin*)

ORD. NO. 18-2021 - An emergency ordinance establishing the pay range for the position of School Resource Officer Supplemental in the Division of Police. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Brian Ohlin*)

RES. NO. 19-2021 - An emergency resolution authorizing the City Manager to purchase 1,000 tons of Clearland enhanced road salt for the Service Department from Cargill Road Safety in an amount not to exceed \$78,000.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

RES. NO. 20-2021 - An emergency resolution authorizing the purchase of an additional 300 tons of road for the 2020-2021 winter season in an amount not to exceed \$16,026.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

RES. NO. 21-2021 - An emergency resolution authorizing the City Manager to enter into a thirty-six (36) month agreement with next era energy services for provision of electricity at the fixed rate amount of \$0.0458 per kilowatt hour. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Paul Barnett*)

ORD. NO. 22-2021 - An emergency ordinance establishing Section 258.14 of the City of Brunswick Codified Ordinances Military Service Leave of Absence as Attached in Exhibit A. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Todd Fischer*)

ORD. NO. 23-2021 - An ordinance repealing Section 1266.04(d) of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

9. City Manager's Report

10. Unfinished Business
11. New Business
12. Adjournment

CITY OF BRUNSWICK, OHIO

MINUTES OF COUNCIL

MONDAY, FEBRUARY 8, 2021

Prayer and Pledge of Allegiance: The regular meeting of Brunswick City Council was called to order by Mayor Ron Falconi at 7:00 p.m. at the Municipal Complex.

Roll Call of Members showed the following Council Members present: Nicholas Hanek, Valerie Zak, Michael Abella Jr., Anthony Capretta, Joseph Delsanter, and Patricia Hanek.

Others Present: Mayor Ron Falconi, Assistant Clerk of Council Holly Quellos, City Manager Carl DeForest, and Law Director Ken Fisher.

Michael Abella Jr. moved to excuse Councilman Brian Ousley with just cause, seconded by Anthony Capretta. Roll Call - Ayes - 6, Patricia Hanek, Joseph Delsanter, Nicholas Hanek, Michael Abella Jr., Anthony Capretta, Valerie Zak. Nays – 0. Motion carried.

Approval of Minutes:

Michael Abella Jr. moved to approve the Regular Council Meeting Minutes dated January 25, 2021, as written, seconded by Valerie Zak. Roll Call – Ayes – 6, Michael Abella Jr., Patricia Hanek, Nicholas Hanek, Valerie Zak, Joseph Delsanter, Anthony Capretta. Nays – 0. Motion carried.

Correspondence:

There was none.

Mayor's Report:

Mayor's Court Financial Report for the month ending January 2021 will be posted on the website and added to the minutes for the record.

Mayor's informed the City Council of his recommendation to appoint Howard Elko to the Board of Zoning Appeals to fulfill an unexpired term expiring January 25, 2022.

Motion to approve the Mayor's recommendation to appoint Anthony Henderson Jr., to the Financial Audit, Review & Advisory Committee to fulfill an unexpired term expiring July 8, 2021, and to fulfill a 4-year term expiring July 8, 2025;

Anthony Capretta moved to approve the Mayor's recommendation to appoint Anthony Henderson Jr., to the Financial Audit, Review & Advisory Committee to fulfill an unexpired term expiring July 8,

2021, and to fulfill a 4-year term expiring July 8, 2025; seconded by Nicholas Hanek. Roll Call – Ayes – 6, Anthony Capretta, Nicholas Hanek, Valerie Zak, Joseph Delsanter, Patricia Hanek, Michael Abella Jr., Nays – 0. Motion carried.

Clerk of Council's Report:

There was none.

Council Committee Reports:

Economic Development Committee.....Mr. Hanek
Councilman Hanek had no formal reports this evening.

Service, Utilities, Technology & Cable Committee.....Mr. Abella Jr.
Councilman Michael Abella Jr. had no formal reports this evening.

Finance Committee.....Mrs. Hanek
Councilwoman Hanek had no formal reports this evening.

Safety & Environment Committee.....Mr. Capretta
Councilman Capretta had no formal reports this evening.

Planning & Zoning Committee.....Mr. Delsanter
Councilman Delsanter had no formal reports this evening.

Parks, Recreation & Community Committee.....Mrs. Zak
Councilwoman Zak had no formal reports this evening.

Building & Building Code Committee.....Mr. Ousley
There were no formal reports this evening.

Other Boards and Commissions

There was none.

3rd Reading(s)

ORD. NO. 96-2020 – An ordinance establishing Section 1270.10(b) by providing temporary relief from the temporary sign regulations for businesses in the City of Brunswick in an attempt to increase economic opportunities. – **3rd Reading** (Committee-of-the-Whole, *Administration/Joseph Delsanter*)

Michael Abella Jr. moved to adopt ORD. NO. 96-2020, seconded by Nicholas Hanek. Roll Call - Ayes - 6, Nicholas Hanek, Valerie Zak, Michael Abella Jr., Patricia Hanek, Anthony Capretta, Joseph Delsanter. Nays - 0. Motion Carried.

RES. NO. 3-2021 - A resolution authorizing the City Manager to purchase a new 2021 Chevrolet Tahoe for the Division of Fire from Ganley Chevrolet of Aurora in an amount not to exceed \$38,419.00. – **3rd Reading** (Committee-of-the-Whole, *Administration/Josh Erskine*)

Michael Abella Jr. moved to adopt RES. NO. 3-2021, seconded by Joseph Delsanter. Roll Call - Ayes - 6, Valerie Zak, Nicholas Hanek, Joseph Delsanter, Anthony Capretta, Michael Abella Jr., Patricia Hanek. Nays - 0. Motion Carried.

2nd Reading(s)

ORD. NO. 118-2020 - An ordinance amending section 1256.04(m) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 119-2020 - An ordinance amending section 1260.04(v) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 120-2020 - An ordinance amending section 1261.04(s) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 121-2020 - An ordinance amending section a(18) of the design guidelines for the Main Street District of the Brunswick Town Center Special Planning District No. 2 by imposing additional restrictions for vape and smoke shops. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 102-2020 - An ordinance amending Section 1242.02(32)(e) of the Codified Ordinances of the City of Brunswick - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 103-2020 - An ordinance amending Section 1250.05(g) of the Codified Ordinances of the City of Brunswick. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 104-2020 - An ordinance amending Section 1252.05(g) of the Codified Ordinances of the City of Brunswick. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 105-2020 - An ordinance amending Section 1254.03(j) of the Codified Ordinances of the City of Brunswick by removing Convalescent Care Facilities as a conditionally permitted use in the R-M Medium Density Residential District. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 106-2020 - An ordinance amending Section 1258.03(i) of the Codified Ordinances of the City of Brunswick. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 107-2020 - An ordinance amending Section 1256.04(g) of the Codified Ordinances of the City of Brunswick by removing Convalescent Care Facilities as a conditionally permitted use in the C-N Neighborhood Commercial District. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 108-2020 - An ordinance amending Section 1260.04(h) of the Codified Ordinances of the City of Brunswick by removing Convalescent Care Facilities as a conditionally permitted use in the C-G General Commercial District. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 109-2020 - An ordinance amending Section 1261.04(g) of the Codified Ordinances of the City of Brunswick by removing Convalescent Care Facilities as a conditionally permitted use in the GW-C Gateway Commercial District. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 110-2020 - An ordinance amending Chapter 1286 of the Codified Ordinances of the City of Brunswick. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 111-2020 - An ordinance establishing Sections 1274.08(a)(1) and (2) of the Codified Ordinances of the City of Brunswick. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 112-2020 - An ordinance amending Section 1288.05(c) of the Codified Ordinances of the City of Brunswick by reducing the maximum building height. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 113-2020 - An ordinance establishing Section 1270.10(a)(5) of the Codified Ordinances of the City of Brunswick. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 114-2020 - An ordinance adopting the design guidelines for the Joint Development Overlay District. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 115-2020 - An ordinance establishing Chapter 1290 of the Codified Ordinances of the City of Brunswick creating the overlay district. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

ORD. NO. 116-2020 - An ordinance amending Section 1472.03 of the Codified Ordinances of the City of Brunswick. - **2nd Reading** (Building & Building Code Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to third reading.

RES. NO. 5-2021 - A resolution authorizing the City Manager to purchase a new branch chipper for the Service Department from Vermeer All Roads in an amount not to exceed \$59,280.00. - **2nd Reading** (To be brought from Service, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

Michael Abella Jr. moved this resolution to third reading.

ORD. NO. 9-2021 - An emergency ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for multi-family dwelling units in all zoning districts and the issuance of such approvals. - **2nd Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved to suspend the rules, seconded by Nicholas Hanek. Roll Call - Ayes - 6, Nicholas Hanek, Michael Abella Jr., Valerie Zak, Anthony Capretta, Joseph Delsanter, Patricia Hanek. Nays - 0. Motion Carried.

Joseph Delsanter moved to adopt ORD. NO. 9-2021, seconded by Nicholas Hanek. Roll Call - Ayes - 6, Patricia Hanek, Joseph Delsanter, Michael Abella Jr., Valerie Zak, Nicholas Hanek, Anthony Capretta. Nays - 0. Motion Carried.

1st Reading(s)

ORD. NO. 10-2021 - An ordinance establishing the Meadow View Special Planning District No. 6 Conceptual Development Plan and amending the zoning map by designating approximately 19.485 acres on South Carpenter Road as SPD-6. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

Joseph Delsanter moved this ordinance to second reading and referred it back to the Planning Commission.

ORD. NO. 11-2021 - An emergency ordinance amending section 246.02 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Brian Ohlin*)

Anthony Capretta moved to suspend the rules, seconded by Valerie Zak. Roll Call - Ayes - 6, Nicholas Hanek, Valerie Zak, Michael Abella Jr., Anthony Capretta, Joseph Delsanter, Patricia Hanek. Nays - 0. Motion Carried.

Anthony Capretta moved to adopt ORD. NO. 11-2021, seconded by Valerie Zak. Roll Call - Ayes - 6, Patricia Hanek, Joseph Delsanter, Nicholas Hanek, Michael Abella Jr., Anthony Capretta, Valerie Zak. Nays - 0. Motion Carried.

RES. NO. 12-2021 - An emergency resolution authorizing the City Manager to purchase a 2021 Dodge Charger Police Cruiser with police equipment installed for the Division of Police from Greve Dodge in an amount not to exceed \$39,995.00. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Brian Ohlin*)

Anthony Capretta moved to suspend the rules, seconded by Valerie Zak. Roll Call - Ayes - 6, Michael Abella Jr., Patricia Hanek, Nicholas Hanek, Valerie Zak, Joseph Delsanter, Anthony Capretta, Nays - 0. Motion Carried.

Anthony Capretta moved to adopt RES. NO. 12-2021, seconded by Valerie Zak. Roll Call - Ayes - 6, Anthony Capretta, Nicholas Hanek, Valerie Zak, Joseph Delsanter, Patricia Hanek, Michael Abella Jr., Nays - 0. Motion Carried.

ORD. NO. 13-2021 - An emergency ordinance amending ordinance #85-2020 to include amendments to the Appropriation Budget for the year ending December 31, 2021, as incorporated in exhibit "A" attached hereto. - **1st Reading** (To be brought from the Finance Committee, *Administration/Todd Fischer*)

Patricia Hanek moved to suspend the rules, seconded by Joseph Delsanter. Roll Call - Ayes - 6, Nicholas Hanek, Valerie Zak, Joseph Delsanter, Patricia Hanek, Michael Abella Jr., Anthony Capretta. Nays - 0. Motion Carried.

Patricia Hanek moved to adopt ORD. NO. 13-2021, seconded by Valerie Zak. Roll Call - Ayes - 6, Valerie Zak, Nicholas Hanek, Joseph Delsanter, Anthony Capretta, Michael Abella Jr., Patricia Hanek. Nays - 0. Motion Carried.

ORD. NO. 14-2021 - An emergency ordinance to transfer and advance funds. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

Patricia Hanek moved to suspend the rules, seconded by Joseph Delsanter. Roll Call - Ayes - 6, Nicholas Hanek, Michael Abella Jr., Valerie Zak, Anthony Capretta, Joseph Delsanter, Patricia Hanek. Nays - 0. Motion Carried.

Patricia Hanek moved to adopt ORD. NO. 14-2021, seconded by Valerie Zak. Roll Call - Ayes - 6, Patricia Hanek, Joseph Delsanter, Michael Abella Jr., Valerie Zak, Anthony Capretta, Nicholas Hanek. Nays - 0. Motion Carried.

RES. NO. 15-2021 - An emergency resolution authorizing the City Manager to enter into an agreement with Finley Fire Equipment Company for the purchase of a new Pierce Saber Pumper for the Division of Fire in an amount not to exceed \$375,000.00. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Josh Erskine*)

Anthony Capretta moved to suspend the rules, seconded by Valerie Zak. Roll Call - Ayes - 6, Patricia Hanek, Valerie Zak, Nicholas Hanek, Michael Abella Jr., Anthony Capretta, Joseph Delsanter. Nays - 0. Motion Carried.

Anthony Capretta moved to adopt RES. NO. 15-2021, seconded by Valerie Zak. Roll Call - Ayes - 6, Nicholas Hanek, Valerie Zak, Michael Abella Jr., Anthony Capretta, Joseph Delsanter, Patricia Hanek. Nays - 0. Motion Carried.

City Manager's Report:

City Manager Carl DeForest

- Mr. DeForest reported that last week the City residents were mistakenly notified that their County sewer bill was going to increase, as a result of increases in January 2021; due to the error of the company that sends the bills for Medina County. The increase was intended only

for those customers serviced by Medina County. However, Brunswick residents obtain water from the City of Cleveland. He encouraged everyone to disregard this notice. A code-red notice was sent out to inform everyone, as well as putting the information on the City's website. Mr. DeForest encouraged everyone to contact City Hall if there are any concerns.

- Mr. DeForest was notified of a recent report by the financial website, "Moneygeek.com", whereas Brunswick was rated one of the safest cities in America. Using statistics to quantify the cost of crime in cities, Brunswick ranked at number 29 of 989 cities across the United States, with a crime cost per capita of \$96.00. In comparison, Strongsville was ranked no. 34 at \$103.00 per capita, and North Royalton ranked no. 44 at \$120.00 per capita.
- City Hall will be closed on Monday, February 15th for President's Day.

Unfinished Business:

There was none.

New Business:

There was none.

Adjournment:

Michael Abella Jr. moved to adjourn, seconded by Nicholas Hanek. Roll Call – Ayes – 6, Patricia Hanek, Joseph Delsanter, Nicholas Hanek, Michael Abella Jr., Anthony Capretta, Valerie Zak. Nays – 0. Motion carried.

There being no further business, the meeting adjourned at 7:23 p.m.

Respectfully submitted,

Holly Quellos
Acting Clerk of Council

Mayor Ron Falconi

Adopted

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 102-2020** - An ordinance amending Section 1242.02(32)(e) of the Codified Ordinances of the City of Brunswick. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*) **REVISED LEGISLATION**

BACKGROUND: In order to further define the minimum square footage necessary for a single family dwelling, Section 1242.02(32)(e) has been amended to include this calculation shall be determined by livable space from the main entrance or street level above.

PURPOSE AND EXPLANATION: As several new subdivisions are proposed within the city, further clarification is needed regarding the manner in which minimum square footage is measured for a single family dwelling.

IMPLEMENTATION

SCHEDULE: First reading on December 14th; then referred back to the Planning Commission for a public hearing.

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 adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 102-2020

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

AN ORDINANCE AMENDING SECTION 1242.02(32)(e) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK.

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

SECTION 1: That Section 1242.02(32)(e) of the Codified Ordinances is hereby amended to read as follows:

“(e) Single Family Dwelling: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space. Minimum square footage of a single family dwelling shall be determined by livable space from main entrance or street level above. Same as “single family detached dwelling.”

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: _____
Acting Clerk of Council
Holly Quellos

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 102-2020

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

AN ORDINANCE AMENDING SECTION 1242.02(32)(e) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK.

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

SECTION 1: That Section 1242.02(32)(e) of the Codified Ordinances is hereby amended to read as follows:

“(e) Single Family Dwelling: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space. Minimum square footage of a single family dwelling shall not include any area below the front grade. Same as “single family detached dwelling.”

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

PASSED: 1st Reading December 14, 2020

2nd Reading February 8, 2021

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 103-2020** - An ordinance amending Section 1250.05(g) of the Codified Ordinances of the City of Brunswick. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*) **REVISED LEGISLATION**

BACKGROUND: In order to clarify how minimum floor area is calculated for a single family dwelling in the R-R Rural Residential District, Section 1250.05(g) has been amended to state minimum floor area, which minimum square footage of a single family dwelling shall be determined by livable space from the main entrance or street level above.

PURPOSE AND EXPLANATION: As several new subdivisions are proposed within the city, further clarification is needed regarding the manner in which minimum square footage is measured for a single family dwelling in the R-R District.

IMPLEMENTATION

SCHEDULE: First reading on December 14th; then refer back to the Planning Commission for a public hearing.

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?
Adopt the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 103-2020

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

AN ORDINANCE AMENDING SECTION 1250.05(g) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK.

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

SECTION 1: That Section 1250.05(g) of the Codified Ordinances is hereby amended to read as follows:

“(g) Minimum Floor Area, which minimum square footage of a single family dwelling shall be determined by livable space from main entrance or street level above:

- (1) With a full basement: 1,100 square feet
- (2) Without a full basement: 1,300 square feet”

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: _____
Acting Clerk of Council
Holly Quellos

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 103-2020

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

AN ORDINANCE AMENDING SECTION 1250.05(g) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK.

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

SECTION 1: That Section 1250.05(g) of the Codified Ordinances is hereby amended to read as follows:

“(g) Minimum Floor Area, which minimum square footage of a single family dwelling shall not include any area below the front grade:

- (1) With a full basement: 1,100 square feet
- (2) Without a full basement: 1,300 square feet”

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

PASSED: 1st Reading December 14, 2020

2nd Reading February 8, 2021

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 104-2020** - An ordinance amending Section 1252.05(g) of the Codified Ordinances of the City of Brunswick. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*) **REVISED LEGISLATION**

BACKGROUND: In order to clarify how minimum floor area is calculated for a single family dwelling in the R-L Low Density Residential District, Section 1252.05(g) has been amended to state minimum floor area, which minimum square footage of a single family dwelling shall be determined by livable space from the main entrance or street level above.

PURPOSE AND EXPLANATION: As several new subdivisions are proposed within the city, further clarification is needed regarding the manner in which minimum square footage is measured for a single family dwelling in the R-L District.

IMPLEMENTATION

SCHEDULE: First reading on December 14th; then refer back to the Planning Commission for a public hearing.

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?
Adopt proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 104-2020

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

AN ORDINANCE AMENDING SECTION 1252.05(g) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK.

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

SECTION 1: That Section 1252.05(g) of the Codified Ordinances is hereby amended to read as follows:

“(g) Minimum Floor Area, which minimum square footage of a single family dwelling shall be determined by livable space from main entrance or street level above:

- (1) With a full basement: 1,100 square feet
- (2) Without a full basement: 1,300 square feet”

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: _____
Acting Clerk of Council
Holly Quellos

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 104-2020

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

AN ORDINANCE AMENDING SECTION 1252.05(g) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK.

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

SECTION 1: That Section 1252.05(g) of the Codified Ordinances is hereby amended to read as follows:

“(g) Minimum Floor Area, which minimum square footage of a single family dwelling shall not include any area below the front grade:

- (1) With a full basement: 1,100 square feet
- (2) Without a full basement: 1,300 square feet”

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

PASSED: 1st Reading December 14, 2020

2nd Reading February 8, 2021

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 105-2020** - An ordinance amending Section 1254.03(j) of the Codified Ordinances of the City of Brunswick by removing Convalescent Care Facilities as a conditionally permitted use in the R-M Medium Density Residential District. - **3rd Reading** (Planning & Zoning Committee, Administration/Grant Aungst)

BACKGROUND: In keeping with the recommendations of the Comprehensive Plan Update, Section 1254.03(j) of the Codified Ordinances of the City of Brunswick shall be removed in its entirety, which allowed convalescent care facilities as a conditionally permitted use in the R-M Medium Density Residential District.

PURPOSE AND EXPLANATION: In order to regulate the number of convalescent care facilities within the city, the elimination of Section 1254.03(j) is proposed.

IMPLEMENTATION SCHEDULE: First reading on December 14, 2020; then refer back to the Planning Commission for a public hearing.

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?
Adopt the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 105-2020

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

AN ORDINANCE AMENDING SECTION 1254.03(j) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY REMOVING CONVALESCENT CARE FACILITIES AS A CONDITIONALLY PERMITTED USE IN THE R-M MEDIUM DENSITY RESIDENTIAL DISTRICT.

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

SECTION 1: That Section 1254.03(j) is hereby deleted in its entirety.

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

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 106-2020** - An ordinance amending Section 1258.03(i) of the Codified Ordinances of the City of Brunswick. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: In order to regulate the location of new and/or used vehicle sales in the C-H Highway Interchange Commercial District, Section 1258.03(i) is amended to limit this use to parcels with frontage on Center Road within the C-H District.

PURPOSE AND EXPLANATION: In keeping with the recommendations of the Comprehensive Plan Update, Section 1258.03(i) of the Codified Ordinances of the City of Brunswick is amended to limit the location of new and/or used vehicle sales to parcels with frontage on Center Road within the C-H District.

IMPLEMENTATION

SCHEDULE: First reading on December 14, 2020; then refer back to the Planning Commission for a public hearing.

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?

Adopt the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 106-2020

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

AN ORDINANCE AMENDING SECTION 1258.03(i) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK.

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

SECTION 1: That Section 1258.03(i) of the Codified Ordinances is hereby amended to read as follows:

“(i) New and/or used vehicle sales, subject to Section 1274.08(a), (d), (f), (g) and 1274.11. This use is limited to parcels with frontage on Center Road within the C-H Highway Interchange Commercial District.”

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: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 107-2020** - An ordinance amending Section 1256.04(g) of the Codified Ordinances of the City of Brunswick by removing Convalescent Care Facilities as a conditionally permitted use in the C-N Neighborhood Commercial District. - **3rd Reading** (Planning & Zoning Committee, Administration/Grant Aungst)

BACKGROUND: In keeping with the recommendations of the Comprehensive Plan Update, Section 1256.04(g) of the Codified Ordinances of the City of Brunswick shall be removed in its entirety, which allowed convalescent care facilities as a conditionally permitted use in the C-N Neighborhood Commercial District.

PURPOSE AND EXPLANATION: In order to regulate the number of convalescent care facilities with the city, the elimination of Section 1256.04(g) is proposed.

IMPLEMENTATION SCHEDULE: First reading on December 14, 2020; then refer back to the Planning Commission for a public hearing.

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?
Adopt the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 107-2020

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

AN ORDINANCE AMENDING SECTION 1256.04(g) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY REMOVING CONVALESCENT CARE FACILITIES AS A CONDITIONALLY PERMITTED USE IN THE C-N NEIGHBORHOOD COMMERCIAL DISTRICT.

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

SECTION 1: That Section 1254.04(g) is hereby deleted in its entirety.

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

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 108-2020** - An ordinance amending Section 1260.04(h) of the Codified Ordinances of the City of Brunswick by removing Convalescent Care Facilities as a conditionally permitted use in the C-G General Commercial District. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: In keeping with the recommendations of the Comprehensive Plan Update, Section 1260.04(h) of the Codified Ordinances of the City of Brunswick shall be removed in its entirety, which allowed convalescent care facilities as a conditionally permitted use in the C-G General Commercial District.

PURPOSE AND EXPLANATION: In order to regulate the number of convalescent care facilities within the city, the elimination of Section 1260.04(h) is proposed.

IMPLEMENTATION

SCHEDULE: First reading on December 14, 2020; then refer back to the Planning Commission for a public hearing.

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?
Adopt the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 108-2020

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

AN ORDINANCE AMENDING SECTION 1260.04(h) OF THE
CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY
REMOVING CONVALESCENT CARE FACILITIES AS A
CONDITIONALLY PERMITTED USE IN THE C-G GENERAL
COMMERCIAL DISTRICT.

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

SECTION 1: That Section 1260.04(h) is hereby deleted in its entirety.

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: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 109-2020** - An ordinance amending Section 1261.04(g) of the Codified Ordinances of the City of Brunswick by removing Convalescent Care Facilities as a conditionally permitted use in the GW-C Gateway Commercial District. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: In keeping with the recommendation of the Comprehensive Plan Update, Section 1261.04(g) of the Codified Ordinances of the City of Brunswick shall be removed in its entirety, which allowed convalescent care facilities as a conditionally permitted use in the GW-C Gateway Commercial District.

PURPOSE AND EXPLANATION: In order to regulate the number of convalescent care facilities within the city, the elimination of Section 1261.04(g) is proposed.

IMPLEMENTATION

SCHEDULE: First reading on December 14, 2020; then refer back to the Planning Commission for a public hearing.

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?
Adopt the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 109-2020

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

AN ORDINANCE AMENDING SECTION 1261.04(g) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY REMOVING CONVALESCENT CARE FACILITIES AS A CONDITIONALLY PERMITTED USE IN THE GW-C GATEWAY COMMERCIAL DISTRICT.

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

SECTION 1: That Section 1261.04(g) is hereby deleted in its entirety.

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: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 110-2020** - An ordinance amending Chapter 1286 of the Codified Ordinances of the City of Brunswick. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: In order to regulate the density and location of multifamily development, Section 1286.02(a) has been amended to require a minimum site area of twenty acres. Additionally, Section 1286.03(a) has been amended to eliminate rental units. Furthermore, Section 1286.03(e)(1)) has been amended to eliminate multifamily buildings with central hallways with a maximum of 12 dwelling units per building. Regarding excluded areas for multifamily development to reserve street frontage around key intersections for retail, office or other commercial uses, Section 1286.05(b) has been amended to include the intersection of West 130th Street and Laurel Road.

PURPOSE AND EXPLANATION: The proposed text amendments are in accordance with the recommendations of the Comprehensive Plan Update.

IMPLEMENTATION SCHEDULE: First reading on December 14, 2020; then refer back to the Planning Commission for a public hearing.

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?
Adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 110-2020

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

AN ORDINANCE AMENDING CHAPTER 1286 OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK.

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

SECTION 1: That Section 1286.02(a) of the Codified Ordinances is hereby amended to read as follows:

“(a) Minimum lot area: ~~Two-acre~~Twenty-acre minimum site area ~~—(87,120 square feet), and 5,440 square feet per unit (8 acres per unit).~~”

SECTION 2: That Section 1286.03(a) of the Codified Ordinances is hereby amended to read as follows:

“(a) Unit Types. Notwithstanding the definition in Chapter 1242, multifamily residential dwellings may include a variety of unit types, including but not limited to attached, detached, townhouse, patio and similar unit types. Multifamily dwellings may also include a variety of unit types, including fee simple, footprint and condominium ~~and rental units.~~”

SECTION 3: That Section 1286.03(e)(1) of the Codified Ordinances hereby amended to read as follows:

“(1) ~~Multifamily buildings with central hallways shall have a maximum of 12 — dwelling units per building.~~ Attached or townhouse-type dwellings shall have a maximum of 62 units attached in a single building.”

SECTION 4: That Section 1286.04(b) of the Codified Ordinances is hereby amended to read as follows:

“(b) Each multifamily development shall provide common open space equal to ~~30~~35 percent of the development area, excluding right-of-way. As used in this Chapter, common open space includes outdoor areas or enclosed recreational areas designed for use by all of the residents, and their guests, of a multifamily complex. Common open space includes lawns and other landscaped areas, natural areas, paved terraces and sitting areas and indoor or outdoor recreation areas. Common open space excludes all areas within 20 feet of a building wall, vehicle parking or circulation areas, and individually controlled land. Common open space in excess of the above minimum may be considered for park and recreation credits as provided in Chapter 1232.”

SECTION 5: That Section 1286.05(b) of the Codified Ordinances is hereby amended to read as follows:

“(b) Excluded Areas. In order to reserve the street frontage around key intersections for retail, office or other commercial uses, multifamily dwellings are prohibited within the C-G District within 500 feet of the following intersections:

Pearl Road and Boston Road
Pearl Road and Grafton Road
Pearl Road and Center Road
Pearl Road and Laurel Road
Pearl Road and Sleepy Hollow Road
Center Road and Hadcock Road/Maxwell Boulevard
Center Road and N. Carpenter Road
Center Road and S. Carpenter Road
Center Road and W. 130th Street
W. 130th Street and Laurel Road”

SECTION 6: That Section 1286.06(b)(3) of the Codified Ordinances is hereby amended to read as follows:

“(3) Non-multifamily uses shall occupy a minimum of 2530 percent ~~the total~~ of total floor area of the mixed use development.”

SECTION 7: 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: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 111-2020** - An ordinance establishing Sections 1274.08(a)(1) and (2) of the Codified Ordinances of the City of Brunswick. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: Section 1274.08(a)(1) is proposed to reduce the building setback to 75 feet from all residential property lines for educational institutions and governmentally owned and/or operated buildings in a residential district, but shall not include sports fields. Additionally, Section 1274.08(a)(2) is proposed to allow construction trailers to be located a minimum of 50 feet from a neighboring residential property line during construction period only. A permit must be obtained from the Division of Building.

PURPOSE AND EXPLANATION: The proposed legislation will provide appropriate setbacks for educational institutions, governmentally owned and/or operated buildings, and construction trailers in a residential district.

IMPLEMENTATION SCHEDULE: First reading on December 14, 2020; then referred back to the Planning Commission for a public hearing.

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 adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 111-2020

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

AN ORDINANCE ESTABLISHING SECTIONS 1274.08(a)(1) AND (2) OF
THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK.

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

SECTION 1: That Section 1274.08(a)(1) of the Codified Ordinances is hereby established to read as follows:

“(1) For educational institutions and governmentally owned and/or operated buildings in residential districts, all structures and activity areas shall be located at least 75 feet from all residential property lines. This shall not include sports fields.”

SECTION 2: That Section 1274.08(a)(2) of the Codified Ordinances is hereby established to read as follows:

“(2) Construction trailers in residential districts shall be permitted to be located a minimum of 50 feet from a neighboring residential property line during the construction period only. A permit must be obtained from the Division of Building.”

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: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 112-2020** - An ordinance amending Section 1288.05(c) of the Codified Ordinances of the City of Brunswick by reducing the maximum building height. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: Legislation is proposed to reduce the existing 65 ft. height to 30 feet for buildings in the S-R Senior Residence District.

PURPOSE AND EXPLANATION: In order for new buildings in the S-R Senior Residence District to be compatible with existing surrounding structures, the height shall be reduced to 30 feet.

IMPLEMENTATION SCHEDULE:

First reading on December 14, 2020; then referred back to the Planning Commission for a public hearing.

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 adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 112-2020

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

AN ORDINANCE AMENDING SECTION 1288.05(c) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY REDUCING THE MAXIMUM BUILDING HEIGHT.

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

SECTION 1: That Section 1288.05(c) of the Codified Ordinances is hereby amended to read as follows:

“(c) Maximum building height: ~~65~~30 feet.”

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: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 113-2020** - An ordinance establishing Section 1270.10(a)(5) of the Codified Ordinances of the City of Brunswick. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: In order to regulate commercial, industrial, and residential subdivision project signs, the creation of Section 1270.10(a)(5) of the Codified Ordinances of the City of Brunswick is proposed. For commercial or industrial development, project signs shall not be erected prior to issuance of a building permit and must be removed upon issuance of a certificate of occupancy. Project signs for a residential subdivision shall be removed upon 80% occupancy of the development.

PURPOSE AND EXPLANATION: In order to regulate the duration of project signs erected within the city, time limitations are proposed.

IMPLEMENTATION SCHEDULE: First reading on December 14, 2020; then referred back to the Planning Commission for a public hearing.

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 adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 113-2020

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

AN ORDINANCE ESTABLISHING SECTION 1270.10(a)(5) OF THE
CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK.

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

SECTION 1: That Section 1270.10(a)(5) of the Codified Ordinances is hereby established to
read as follows:

“(5) For commercial or industrial development, project signs shall not be
erected prior to issuance of a building permit and must be removed upon issuance
of a certificate of occupancy. Project signs for a residential subdivision shall be
removed upon 80% occupancy of the development.”

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: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 114-2020** - An ordinance adopting the design guidelines for the Joint Development Overlay District. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: A Joint Development Overlay District (JDOD) is proposed for the four existing shopping centers within the city, as per attached Exhibit "A", which shall be added as Appendix I to Title 6 of the Zoning Code. The Zoning Map shall also be updated by the City Engineer designating JDOD-1, JDOD-2, JDOD-3, and JDOD-4, as per the attached Design Guidelines.

PURPOSE AND EXPLANATION: As recommended by the Comprehensive Plan Update, the Joint Development Overlay District Design Guidelines are proposed.

IMPLEMENTATION

SCHEDULE: First reading on December 14, 2020; then refer back to the Planning Commission for a public hearing.

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 adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

APPENDIX I

JOINT DEVELOPMENT OVERLAY DISTRICT (JDOD) DESIGN GUIDELINES

- JDOD.1 Purpose.**
- JDOD.2 General design regulations.**
- JDOD.3 Conditionally Permitted and prohibited uses**
- JDOD.4 Site development**
- JDOD.5 Vehicular circulation and access.**
- JDOD.6 Landscaping**
- JDOD.7 Location, orientation, size and shape of buildings.**
- JDOD.8 Exterior renovation or alterations of existing structures.**
- JDOD.9 Building materials.**
- JDOD.10 Outdoor storage and displays.**
- JDOD.11 Supplemental requirements**
- JDOD.12 Signs**

JDOD.1 Purpose.

The purpose of the Joint Development Overlay District (JDOD) regulations is to assist with the development and redevelopment of land and structures to be compatible with the environment and to protect the quality of the urban environment in those locations where the characteristics of the area are of significant public value and are vulnerable to damage by development permitted under conventional zoning and building regulations. These regulations shall be administered as per Chapter 1290, Overlay Districts, of this Zoning Code. Mixed use development, as outlined in Section 1286.06, is highly encouraged.

JDOD.2 General Design Regulations.

The Planning Commission shall use these regulations in their review of development applications in areas designated as Joint Development Overlay Districts on the official Zoning Map of the City of Brunswick.

The Planning Commission shall have the authority to interpret and apply these regulations on a case by case basis and have no binding authority to consider a previous decision or case when making decisions on individual cases that may be in front of them for review and approval.

Pursuant to Section 1278.0(h), during the course of reviewing a site plan, the Planning Commission or City Council may find that the assistance of a qualified consultant is necessary to fully determine the effects of the proposal. The applicant shall pick the consultant, subject to Planning Commission approval, and shall bear the costs of the consultant.

The following Joint Development Overlay Districts (JDOD) have been established:

JDOD-1	K-Mart Plaza: 3301 - 3303 Center Road and 1259 North Carpenter Rd.
JDOD-2	Brunswick Plaza: 1480 Pearl Road
JDOD-3	Laurel Square Plaza: 1733 Pearl Road
JDOD-4	Hickory Ridge Plaza: 1055 through 1085 Pearl Road

JDOD.3 Permitted and conditionally permitted uses.

- (a) Permitted Uses: Townhomes, single-family attached units, single-family detached residential units, apartments (including studio apartments), work-live units, flats, home offices above garages, retail below apartments and hotels.
- (b) Hotels, as described below, shall be permitted in the JDOD-1 District only in the following instances:
 - (1) Hotels, has the same meaning set forth in Section 3731.01 of the Ohio Revised Code, subject to the exceptions set forth in Section 3731.03 of the Revised Code, and shall be permitted in the Overlay District with the following requirements:
 - (2) Any such hotel may not have guest rooms that are directly accessible from outside the building;
 - (3) Any such hotel must include an indoor dining area in which at least breakfast is served to guests (other than through vending machines) for consumption on the premises at tables, booths and/or counters.
 - (4) Any such hotel must include a minimum of 4,000 square feet of meeting/ banquet space separate
 - (5) Any such hotel must include an indoor swimming pool;
 - (6) Any such hotel must include a fitness center; and
 - (7) Any such hotel must include a business center or typical business center amenities, such as printers, fax machines, copiers, etc.
- (c) There are no conditionally permitted uses in the Joint Development Overlay Districts.

JDOD.4 Site Development.

- (a) Density: The maximum density permitted for residential units is 6.5 units per acre. The maximum density permitted for commercial development is 15 units per floor, per acre, with a maximum of two floors per acre.
- (b) Parking areas shall be treated to minimize the visual impact of parked cars, as viewed from the public right-of-way and adjacent properties, through the use of plantings, as required in Chapter 1282 Landscaping and Screening.
- (c) Minimum parking requirements established in Table 1276-1 of Chapter 1276 Parking and Site Design shall also be the maximum parking requirements, in order to reduce the amount of impervious surface.

- (d) Shared parking with adjacent properties is encouraged.
- (e) All trash/recycling receptacles shall be contained in a dumpster enclosure constructed of materials comparable to the building or stored inside the building.
- (f) Lighting shall comply with Section 1276.14.
- (g) Outdoor Activities. Outdoor eating areas may encroach into the sidewalk, but must leave a minimum of 8 feet width clear for walking. Outdoor eating areas are encouraged to establish an edge to the eating area through the use of moveable bollards, plantings, or a fence with a maximum height of 2 feet, 6 inches.

JDOD.5 Vehicular Circulation and Access.

- (a) Provide for the safe and functional movement of vehicles and pedestrians both on and off-site.
- (b) Give consideration to the location of existing access points, adjacent to and directly across the street from the site.
- (c) Vehicular circulation between parcels is encouraged. Provisions for circulation between adjacent parcels should be provided through coordinated or joint parking systems to minimize curb cuts along the street.
- (d) Pursuant to Section 1278.09(d), pedestrian access shall be supplied to provide safe pedestrian connections between buildings and parking areas, recreation areas, transit shelters, street, and other destinations. Walks shall be provided between buildings and the street.

JDOD.6 Landscaping.

- (a) Landscaping shall be installed pursuant to Chapter 1282 Landscaping and Screening.
- (b) Interior landscape islands shall be installed in large existing parking lots in compliance with Section 1282.08(b) to break up the “sea of asphalt” and reduce the amount of impervious surface.

JDOD.7 Location, orientation, size and shape of buildings.

- (a) Preserve the linear continuity of buildings by placing primary building facades parallel to the street. The traditional regional character of the surrounding area should be used as a guide for establishing an appropriate architectural style. The ground floor level should be highly animated and provide visual interest and human scale. The roof lines should be varied. Brick or stone should be considered as a unifying material or element that is common to Joint Development Overlay District buildings. A variety of colors for materials should be used, but those colors should be chosen as part of an overall palette, so that facades relate to each another.

- (b) New and remodeled buildings should be compatible with their surroundings. Architectural style, bulk, shape, massing, scale and form of new and remodeled buildings, and the shape between and around buildings should be consistent with the character of the area and be in harmony with neighboring buildings, pursuant to Section 1278.08.
- (c) All buildings shall provide a pedestrian entrance oriented to the street.

JDOD.8 Exterior renovation or alterations of existing structures.

- (a) The removal or alteration of historic materials or distinctive architectural features should be avoided when possible.
- (b) Architectural elements shall be sensitively designed to reflect detailing associated with the particular style of building.
- (c) The design elements and scale of a building addition shall be compatible with design elements of the principal structure, in particular, building materials and colors, roof lines, shapes, and window proportions and alignment.

JDOD.9 Building materials.

(a) Building walls:

1. Walls facing a public street or parking area shall be designed in small sections to break up the appearance of a long horizontal wall. Overlay District facades should use building elements such as canopies or projections to break up the appearance of a long wall. Alternately, changes in material or color can be used to break up the appearance of a long wall.
2. Buildings shall be clad appropriately to suggest an enduring and regional character. Brick, stone, precast concrete, cement siding, smooth finish premium vinyl siding, and stucco are among the materials that may be used. Precast concrete should be used in the manner of stone but panels should not be embossed with brick or stone patterns. Split-face block is discouraged, particularly on front and side elevations, unless it is an accent material. When split-face block is used, alternating coursing, varied block size, and change in material depth should be used to give the appearance of stone.
3. Standard modular brick is encouraged, but brick face dimensions of up to four (4) inches x twelve (12) inches are permitted.
4. Stucco or EIFS systems are permitted 4 feet above finish floor level. If stucco is used as a primary material, it shall incorporate changes in depth, plane and other architectural features to add detail and interest to a facade and to avoid the appearance of a monolithic wall.
5. Metal and other appropriate regional materials may be used as accent materials.
6. All walls facing a public street or parking area shall be animated by a change in color, material, fenestration, or change in the depth of material.
7. Brick or stone shall be laid in a true bonding pattern (no stack bond allowed).

8. The maximum length of a facade that faces a public street or parking area that is “blank”, meaning of one contiguous material and color without fenestration, accents, or change in material, color, or plane, is 20 linear feet.
 9. All facades shall be animated with changes in material and/or color. Additionally, designs of facades with a base, middle, and top are encouraged.
 10. Glass storefronts to encourage window shopping should be maximized.
- (b) Building elements. Lintels in masonry walls should be articulated with elements such as brick soldier courses, stone, or precast concrete.
- (c) Windows and doors.
1. Windows shall be of square or vertical proportion.
 2. Clear glass shall be the primary glass used at ground level on street facades.
- (d) Building roofs, parapets, and cornices.
1. Roofs may be pitched and flat or a combination thereof.
 2. If roofs are flat, elevations facing the street should incorporate a cornice to top the building. Cornices may be projected brick, stone, precast courses, or molded fiberglass. They should be scaled appropriately to the building mass and be a minimum of one foot in height.
- (e) Building height. Buildings of two and three stories are encouraged. The building height for the primary building mass shall be no less than 20 feet. Canopies shall be designed to provide architectural enhancement.

JDOD.10 Outdoor storage and displays.

- (a) No commercial product display, sales or other activities may be conducted within a required front yard setback area without Planning Commission approval.
- (b) Outdoor storage shall be screened from view from all streets (including Interstate 71) and from adjacent residential districts. Screening may include building walls, solid fences, mounds, landscaping or any combination thereof which forms a year-round solid screen.

JDOD.11 Supplemental Requirements.

Planning Commission Modification. The Planning Commission may modify the strict requirements of this Chapter if it finds that privacy, light and openness are improved because of skillful design in the arrangement of buildings, open spaces, landscaping or other site features. The Commission may also require wider yards where an adjoining building is near a lot line, and such features as fences and plantings to protect adjoining residences.

JDOD.12 Signs.

All signage shall comply with the requirements in Section 1270.05 – Table B. Plaza identification monument signs shall not exceed 20 feet in height.

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 114-2020

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

AN ORDINANCE ADOPTING THE DESIGN GUIDELINES FOR THE JOINT
DEVELOPMENT OVERLAY DISTRICT.

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

SECTION 1: That the Design Guidelines, as attached hereto as Exhibit "A", for the Joint Development Overlay District, are hereby adopted as Appendix I to Title 6 of the Zoning Code.

SECTION 2: That the City Engineer is directed to update the Zoning Map by designating the properties identified in the Design Guidelines as JDOD-1, JDOD-2, JDOD-3 and JDOD-4.

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: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 115-2020** - An ordinance establishing Chapter 1290 of the Codified Ordinances of the City of Brunswick creating the overlay District. - **3rd Reading** (Planning & Zoning Committee, Administration/Grant Aungst)

BACKGROUND: In order to provide additional land use controls within a zoning district, Chapter 1290 entitled Overlay District has been created. An Overlay District is superimposed over existing zoning districts. Property within an Overlay District is also subject to the provisions of its underlying zoning designation; provided, where the provisions of the Overlay District are more restrictive than the underlying zoning designation, the provisions of the Overlay District shall apply.

PURPOSE AND EXPLANATION: As recommended by the Comprehensive Plan Update, an Overlay District has been established.

IMPLEMENTATION SCHEDULE: First reading on December 14, 2020; then refer back to the Planning Commission for a public hearing.

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 adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 115-2020

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

AN ORDINANCE ESTABLISHING CHAPTER 1290 OF THE CODIFIED
ORDINANCES OF THE CITY OF BRUNSWICK CREATING THE
OVERLAY DISTRICT.

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

SECTION 1: That Chapter 1290 of the City of Brunswick Codified Ordinances titled "Overlay District" is hereby established to read as follows:

"1290.01 PURPOSE.

The purpose of Overlay District regulations is to assist with the development of land and structures to be compatible with the environment and to protect the quality of the urban environment in those locations where the characteristics of the area are of significant public value and are vulnerable to damage by development permitted under conventional zoning and building regulations. Overlay Districts are established to provide additional land use controls and are superimposed over existing zoning districts. Property within an Overlay District is also subject to the provisions of its underlying zoning designation; provided, however, where the provisions of the Overlay District are more restrictive than the provisions of the underlying zoning designation, the provisions of the Overlay District shall apply. Overlay Districts are intended to serve one or more of the following purposes:

- (a) To implement land use and urban design recommendations and standards set forth in neighborhood or corridor area plans, which plans have been adopted as part of the City's Comprehensive Plan;
- (b) To provide uniformity in the design standards applicable to arterial corridors having varied underlying zoning;
- (c) To provide uniform standards for mitigating the impact of intensive commercial uses adjacent to low density residential uses;
- (d) To protect the public and property owners from blighting influences which might be caused by application of conventional land use regulations to properties and areas having sensitive environmental qualities;
- (e) To protect the public from unsafe buildings or unstable land which would be caused by uncontrolled development;
- (f) To prevent significant damage to the economic value and efficiency of operation of existing properties and/or new developments due to the interdependence of their visual and functional relationships;
- (g) To protect the public from blighting influences in areas of high public investment which have added substantial value to a neighborhood; and
- (h) To provide for the protection of special features in the natural and built environment.

1290.02 EFFECT OF UNDERLYING ZONE DESIGNATION.

All of the provisions of the underlying zone district shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable Overlay District; provided, however, an Overlay District shall not be used to add to the specific permitted uses in the underlying district.

1290.03 IDENTIFICATION.

The location of all Overlay Districts shall be shown on the Zoning Map of the City of Brunswick as an Overlay superimposed in specific areas over existing zones.

1290.04 ESTABLISHMENT OF OVERLAY DISTRICTS.

City Council may, from time to time, create Overlay Districts as defined and containing the characteristics, as set forth in Section 1290.01. The procedure for creating Overlay Districts shall be the same as those for approving a map amendment as set out in Section 6.02 of the City Charter.

1290.05 GUIDELINES.

The Planning Commission shall prepare, pursuant to this Chapter, Overlay District Development Guidelines. The Overlay District Development Guidelines shall describe in words and/or illustrations the special and distinctive characteristics which are to be protected and the development features which will be reviewed for impact within an Overlay District. The Overlay District Development Guidelines shall be recommended to City Council, which after adoption, shall be considered a part of the Zoning Ordinance when the application is for a property within an Overlay District.

1290.06 CLASSIFICATION.

Overlay Districts shall be classified by categories, according to the provisions and qualifications as described in Section 1290.07. The findings and purpose statement and characteristics identified in Section 1290.07 shall be used to determine areas appropriate for designation.

1290.07 JOINT DEVELOPMENT OVERLAY DISTRICT (JDOD).

(a) Findings and Purposes. A joint development overlay district (JDOD) is identified as one of the corridors listed in the City's Comprehensive Plan, or a similar area, that is experiencing an increased demand for commercial uses. It is important that the visual appearance and composition of these areas be maintained in order to put forth a positive image of Brunswick

at these important locations in the City. It is in the interest of the City to protect and enhance the built features of such joint development corridors by:

- (1) Preventing the deterioration of property and the extension of blighting conditions.
 - (2) Revitalizing and protecting private investment which improves and stimulates the economic vitality and social character of the area.
 - (3) Enhancing the aesthetic and architectural compatibility within neighborhoods and commercial areas.
- (b) Characteristics. JDOD, as herein defined, shall be found to contain at least one of the following characteristics:
- (1) Function as a destination area in the City of Brunswick;
 - (2) Possess mixture of residential and nonresidential uses;
 - (3) Exhibit a current trend or potential for the further conversion of residential uses to nonresidential uses; and
 - (4) Contain a mixture of residential and nonresidential zoning classifications within the corridor.
- (c) Guidelines. Guidelines for the JDOD are located in Appendix I of this Zoning Code.

1290.08 DEVELOPMENT APPROVALS REQUIRED.

(a) The guidelines and regulations of this Chapter shall only apply to the proposed addition or improvement unless the addition or improvement results in a square footage that is greater than fifty percent (50%) of the square footage of the existing structure or building. If the proposed addition or improvement exceeds fifty percent (50%) of the square footage of the existing building or structure, then the entire property shall be brought into compliance with these guidelines and regulations.

(b) No alteration or change shall be made to any property within an Overlay District, except as exempted by Section 1290.09 until approvals have been given by the Planning Commission. No Building or Zoning Permit shall be issued for any site improvement, construction, reconstruction, alteration or demolition of any structure now or hereafter in an Overlay District, unless approvals have been issued by the Planning Commission.

(c) Minor building improvements may be administratively reviewed and approved by the Community & Economic Development Director for compliance with the guidelines. Any improvement which is not in compliance with the guidelines or is determined by the Community & Economic Development Director to be beyond the scope of minor building improvements will be forwarded to the Planning Commission for review.

Minor building improvements shall include the following:

- (1) Fences, arbors, and pergolas
- (2) Siding, roofing, and window replacement
- (3) Façade alterations which are minor in scale
- (4) Signage

1290.09 EXEMPTIONS.

The following are exempt from the provisions of this chapter:

- (a) Any permit determined by the Community & Economic Development Director to be necessary for the immediate public health or safety.
- (b) Any residential permits for rear decks, pools or accessory structures.
- (c) Permits for interior alterations and repairs.
- (d) Permits for construction of public utilities in the public right-of-way.
- (e) Maintenance of property as described in Section 1290.11.

1290.10 APPLICATION PROCEDURES.

Any application submitted for review as provided for by this Zoning Code shall be in accordance with the following procedures:

(a) Submission to the Planning Commission. Application for Planning Commission action shall be submitted to the Planning & Zoning Coordinator on a Site Plan Review Application. Each application shall be accompanied by the payment of the required fee as specified in Section 1216.01, which shall not be refundable.

(b) Data Required with Application. In order for an application to be reviewed and approved, the applicant shall submit drawings, photographs, specifications and material samples as outlined below. A minimum of twelve (12) sets of drawings and color renderings and one material sample shall be submitted. Any approvals for development within this district shall be required to submit a traffic impact study unless this requirement is specifically waived by the Community & Economic Development Director or City Engineer. These items shall accurately represent the proposed alterations or additions and new construction. The following are the submission requirements:

- (1) Alterations to existing buildings.
 - A. Photographs of existing conditions.
 - B. Drawings indicating any changes to the physical appearance.
 - C. An outline describing work and the procedures to be performed.
 - D. Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.
- (2) New buildings.
 - A. Photographs of the proposed site and adjoining buildings.
 - B. Site plan and elevation drawings showing the design, indicating drives, roads, parking, walks, walls, fences, landscaping, doors, windows, decoration, materials, finishes and other features accurately representing the proposed design.
 - C. Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.
- (3) Additions to existing buildings.
 - A. Photographs of the existing building and adjoining buildings.
 - B. Site plan and elevation drawings showing the design, indicating drives, road, parking, walks, walls, fences, landscaping, doors, windows, decoration, materials, finishes and other features

- accurately representing the proposed design.
 - C. Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.
 - (4) Demolition and moving.
 - A. Photographs of the existing building in detail and as it sits on the site.
 - B. A written request from the owner indicating reasons for the demolition or moving.
- (c) Review and Action by the Planning Commission.
 - (1) The criteria contained in the Overlay District Development Guidelines shall be used by the Planning Commission to guide their decision. These criteria shall be in addition to the zoning regulations for the property, although if there is a conflict between the zoning regulations and the criteria of this Chapter, the criteria of this Chapter shall apply. The Overlay District Development Guidelines shall be considered a part of the Zoning Ordinance once it is approved as set forth in Section 1290.05.
 - (2) The Planning Commission shall determine whether the proposed change will be appropriate to the preservation of the environmental, architectural or historic character of the Overlay District pursuant to the criteria included in the Overlay District Development Guidelines.
 - (3) The Planning Commission shall review the application at one or more of its regular meetings, and within forty-five (45) days of such item's first appearance on the agenda, approve, approve with modification or disapprove the application. For demolition of a building, the Commission shall follow the guidelines as set forth in Section 1468 of the Codified Ordinances of the City of Brunswick.
 - (4) Approvals by the Planning Commission shall be valid for one year from the date of final action and shall be automatically revoked if construction has not begun within one year after the date of the Commission's approval.

1290.11 MAINTENANCE.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any property within an Overlay District, nor shall anything in this Chapter be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any feature which in the view of the Chief Building Official and/or Community & Economic Development Director is required for the public safety because of an unsafe, insecure or dangerous condition.”

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: _____

Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 116-2020** - An ordinance amending Section 1472.03 of the Codified Ordinances of the City of Brunswick. - **3rd Reading** (Building & Building Code Committee, *Administration/Grant Aungst*)

BACKGROUND: In order to provide further clarification regarding the location of an outdoor swimming pool, Section 1472.03 of the Codified Ordinances has been amended to state no outdoor swimming pool shall be constructed, installed or erected in front of any building setback line or less than ten feet from the outer edge of the pool wall to the foundation of the primary living structure, or ten feet, including walkways or decks around an above-ground or in-ground pool, from any side or rear lot line.

PURPOSE AND EXPLANATION: An amendment to Section 1472.03 is proposed to accommodate the location of an outdoor above-ground or in-ground swimming pool in relation to a deck and/or walkway around the pool.

IMPLEMENTATION SCHEDULE: First reading on December 14, 2020.

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 to adopt the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 116-2020

BY: Mr. Ousley, Mr. Capretta, Mr. Abella

AN ORDINANCE AMENDING SECTION 1472.03 OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK.

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

SECTION 1: That Section 1472.03 of the Codified Ordinances is hereby amended to read as follows:

“To insure that small children and others may be readily observed while approaching the same, no outdoor swimming pool shall be constructed, installed or erected in front of any building setback line or less than ten feet from the outer edge of the pool wall to the foundation of the primary living structure, or ten feet, including walkways or decks around an above-ground or in-ground pool, from any side or rear lot line,~~;~~ ~~and n~~No such pool shall occupy more than ten percent of the total lot area. In all cases an unobstructed view of the pool from the residence shall be maintained, and no structures, appurtenances or fixtures, whether temporary or permanent, shall be placed within the line of vision to be so maintained.”

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: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 118-2020** - An ordinance amending section 1256.04(m) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: In order to regulate the location of vape and smoke shops in the C-N Neighborhood Commercial District, an amendment to Section 1256.04(m) of the Codified Ordinances of the City of Brunswick is proposed, whereby vape and smoke shops shall not be permitted within one thousand (1,000) feet of a religious institution and a public or private educational facility.

PURPOSE AND EXPLANATION: In keeping with the recommendations of the Comprehensive Plan Update, regulation of the location of vape and smoke shops is proposed.

IMPLEMENTATION

SCHEDULE: First reading on December 21, 2020; then refer back to the Planning Commission for a public hearing.

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 adoption of the proposed legislation

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 118-2020

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

AN ORDINANCE AMENDING SECTION 1256.04(m) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY IMPOSING ADDITIONAL RESTRICTIONS FOR VAPE AND SMOKE SHOPS.

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

SECTION 1: That Section 1256.04(m) of the Codified Ordinances is hereby amended to read as follows:

“(m) Vape and smoke shops, which shall not be permitted within one thousand (1,000) feet of:

(1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

(2) A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers. School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.”

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: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 119-2020** - An ordinance amending section 1260.04(v) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: In order to regulated the location of vape and smoke shops in the C-G General Commercial District, an amendment to Section 1260.04(v) of the Codified Ordinances of the City of Brunswick is proposed, whereby vape and smoke shops shall not be permitted within one thousand (1,000) feet of a religious institution and a public or private educational facility.

PURPOSE AND EXPLANATION: In keeping with the recommendations of the Comprehensive Plan Update, regulation of the location of vape and smoke shops is proposed.

IMPLEMENTATION SCHEDULE: First reading on December 21, 2020; then refer back to the Planning Commission for a public hearing.

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?

Adopt the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 119-2020

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

AN ORDINANCE AMENDING SECTION 1260.04(v) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY IMPOSING ADDITIONAL RESTRICTIONS FOR VAPE AND SMOKE SHOPS.

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

SECTION 1: That Section 1260.04(v) of the Codified Ordinances is hereby amended to read as follows:

“(v) Vape and smoke shops, which shall not be permitted within one thousand (1,000) feet of:

(1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

(2) A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers. School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.”

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: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 120-2020** - An ordinance amending section 1261.04(s) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: In order to regulate the location of vape and smoke shops in the GW-C Gateway Commercial District, an amendment to Section 1261.04(s) of the Codified Ordinances of the City of Brunswick is proposed, whereby vape and smoke shops shall not be permitted within one thousand (1,000) feet of a religious institution and a public or private educational facility.

PURPOSE AND EXPLANATION: In keeping with the recommendations of the Comprehensive Plan Update, regulation of the location of vape and smoke shops is proposed.

IMPLEMENTATION

SCHEDULE: First reading on December 21, 2020; then refer back to the Planning Commission for a public hearing.

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 adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 120-2020

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

AN ORDINANCE AMENDING SECTION 1261.04(s) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY IMPOSING ADDITIONAL RESTRICTIONS FOR VAPE AND SMOKE SHOPS.

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

SECTION 1: That Section 1261.04(s) of the Codified Ordinances is hereby amended to read as follows:

“(s) Vape and smoke shops, which shall not be permitted within one thousand (1,000) feet of:

(1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

(2) A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers. School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.”

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: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 121-2020** - An ordinance amending section a(18) of the design guidelines for the Main Street District of the Brunswick Town Center Special Planning District No. 2 by imposing additional restrictions for vape and smoke shops. - **3rd Reading** (Planning & Zoning Committee, Administration/Grant Aungst)

BACKGROUND: In order to regulate the location of vape and smoke shops in the Main Street District of Brunswick Town Center Special Planning District No. 2, an amendment to Section A(18) of the General Requirements is proposed, whereby vape and smoke shops shall not be permitted within one thousand (1,000) feet of a religious institution and a public or private educational facility.

PURPOSE AND EXPLANATION: In keeping with the recommendations of the Comprehensive Plan Update, regulation of the location of vape and smoke shops is proposed.

IMPLEMENTATION

SCHEDULE: First reading on December 21, 2020; then refer back to the Planning Commission for a public hearing.

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 adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 121-2020

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

AN ORDINANCE AMENDING SECTION A(18) OF THE DESIGN GUIDELINES FOR THE MAIN STREET DISTRICT OF THE BRUNSWICK TOWN CENTER SPECIAL PLANNING DISTRICT NO. 2 BY IMPOSING ADDITIONAL RESTRICTIONS FOR VAPE AND SMOKE SHOPS.

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

SECTION 1: That Section A(18) of General Requirements is hereby amended to read as follows:

“(18) Vape and smoke shops, which shall not be permitted within one thousand (1,000) feet of:

(1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

(2) A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers. School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.”

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: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 5-2021** - A resolution authorizing the City Manager to purchase a new branch chipper for the Service Department from Vermeer All Roads in an amount not to exceed \$59,280.00. - **3rd Reading** (Service, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

BACKGROUND: The City of Brunswick belongs to the State Procurement Program under the direction of the Department of Administrative Services. The price for this chipper under the State Procurement Program is \$59,280.00 this chipper will replace a "like" chipper that will be taken out of front line service. This purchase was budgeted for in the approved 2021 Capital Budget.

PURPOSE AND EXPLANATION: The purpose of this purchase is to replace old obsolete equipment with "like" equipment in order to provide branch chipping and tree services to the City of Brunswick and to keep various items out of the storm sewers and channels to keep water flowing as intended.

IMPLEMENTATION SCHEDULE:

Order as soon as possible with an expected delivery in July.

FINANCIAL INFORMATION:

Vermeer Branch Chipper - - Storm Water Improvement Fund #224 Capital Subfund#963 - 963-0420-56252 - - 59280

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:**



EQUIPPED TO
DO MORE.

Quote

12/23/2020

Address 2389 Medina Rd
Medina, OH 44256

Reference Number R-00004870
Expiration Date 3/31/2021

Prepared By Ben Crawford
Email ben.crawford@vermeerallroads.com

Bill To Name City of Brunswick
Bill To 1238 W 130th St
Brunswick, OH 44212-2318

Ship To 1238 W 130th St
Brunswick, OH 44212-2318

Product Name	Product Details	Quantity	Sales Price	Total Price
STS pricing- Schedule # 800311 Index # STS515 BC1500XL 130hp diesel	VERMEER - BC1500 130HP CUMMINS DIESEL - TIER 4 FINAL			
	* 15" capacity drum style brush chipper			
	* 130HP Cummins 3.8L Tier 4 Final turbocharged diesel engine			
	* SCR exhaust system with DEF tank			
	* High coolant temperature and low oil pressure automatic shutdown			
	* Isolated engine and cutter housing			
	* Spring loaded clutch			
	* Live hydraulics			
	* Lockable control panel cover			
	* Variable speed dual vertical feed rollers			
	* Selectable SmartFeed			
	* ECO Idle			
	* Telescoping tongue			
	* Pintle hitch			
	* Lockable toolbox			
	* Lockable engine shield			
	* Infeed curtain			
	* Dual-edged knives and infeed table with lower feed stop bar			
	BC1500 DOMESTIC OPTION 130HP TIER 4 FINAL			
	BC1500 DOMESTIC 6-WAY ROUND TRAILER PLUG			
	BC1500 WINCH RIGHT SIDE CONTROLS T4F with manual hydraulic directional controls			
	BC1500 ELECTRIC BRAKE 8K			
	MANUAL CHUTE ROTATION RIGHT SIDE			
	BC1500 FLOTATION TIRES - LT285/75R16E			
	BC1500 RT SIDE CONTROLS - (130HP) T4F/STAGE IV			

Subtotal \$59,280.00

Total Price \$59,280.00



EQUIPPED TO
DO MORE.

Quote

Grand Total \$59,280.00

12/23/2020

Signature: _____

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 5-2021

BY: Mr. Abella, Mr. Ousley, Mr. Capretta

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A NEW BRANCH CHIPPER FOR THE SERVICE DEPARTMENT FROM VERMEER ALL ROADS IN AN AMOUNT NOT TO EXCEED \$59,280.00.

WHEREAS: The City belongs to the State Procurement Program under the direction of the Department of Administrative Services; and

WHEREAS: The contract under the State Procurement Program has been awarded to Vermeer All Roads.

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

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby authorized and directed to enter into an Agreement with Vermeer All Roads for the purchase of a branch chipper for the Service Department in an amount not to exceed \$59,280.00.

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: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 10-2021** - An ordinance establishing the Meadow View Special Planning District No. 6 Conceptual Development Plan and amending the zoning map by designating approximately 19.485 acres on South Carpenter Road as SPD-6. - **2nd Reading** (Planning & Zoning Committee, Administration/Grant Aungst)

BACKGROUND: On January 21, 2021, the Planning Commission held a public hearing and recommended approval to City Council of the rezoning to SPD-6, conceptual plan, design (development) guidelines, home elevations, and variance for sidewalk location for the Meadow View SPD-6 subdivision located at 1849 South Carpenter Road., as per attached Exhibit "A" and Exhibit "B".

PURPOSE AND EXPLANATION: The existing 19.485-acre property (Permanent Parcel No. 003-18D-17-201) currently located in the R-R Rural Residential District at 1849 South Carpenter Road will be rezoned to create Meadow View Special Planning District No. 6, which will include 46 single family detached cluster lots.

IMPLEMENTATION

SCHEDULE: First reading at City Council meeting on February 8, 2021.

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 approval of the legislation.

**ADDITIONAL
INFORMATION:**

APPENDIX MEADOW VIEW SPECIAL PLANNING DISTRICT NUMBER #6

Section A Overview

These development guidelines, together with the concept plan, comprise the conceptual development plan required by Chapter [1268](#) for Meadow View. As such, the conceptual development plan is the zoning and development requirements for the 19.85 acres SPD - 6 area. All provisions of [Part Twelve](#) of the Brunswick Codified ordinances remain applicable to SPD - 6, unless clearly indicated to the contrary in the development guidelines below.

Section B Purpose

The purpose of the Meadow View Special Planning District is to create a zoning district designed exclusively for low density, detached cluster homes, all of which are individually owned. SPD - 6 is intended to create an opportunity for flexible and innovative site design and to allow density averaging across the zoning boundaries which exists prior to the SPD - 6 designation. More particular purposes for creating SPD - 6 are as follows:

- (1) To allow site designers and developers to integrate the concept of “Building Envelopes”, within which all structures and their respective appurtenances shall be constructed.
- (2) To allow site designers and developers to use ingenuity and imagination in keeping with the overall land use and open space objectives of the Comprehensive Plan, while departing from the strict application of use, setback, lot size and related requirements of the Zoning Code;
- (3) To allow more creative and flexible design of the built environment than possible with existing zoning;
- (4) To allow creative use of the clustering and density averaging concepts to concentrate homes on the site in order to maximize common open space.

Section C Uses

- (1) Permitted Accessory Uses. Signs as regulated by Chapter [1270](#) and any use or structure which is accessory and incidental to a SPD - 6 permitted use.
- (2) Permitted Uses. Detached cluster dwelling units including single and two story unit types with option of patios and/or raised decks subject to the SPD development guidelines and the site plan review procedures in Chapter 1278.

Section D Density, Separation and Floor Area Requirements

- (1) Density. Maximum density shall be **3** units per net acre. Actual density may be less, based on topography, required open space, building spacing or other considerations.
- (2) Minimum Envelope Size
 - a. Width of Envelopes shall be at least 44' at Building Line
 - b. Depth of Envelopes shall be at least 60'
- (3) Minimum Front Yard Widths.
 - a. Public Street with 50' ROW: 16 feet from front of structure to right of way line, Back of Sidewalk will be 4' inside R/W. Allowing for 20' from back of sidewalk to front of building envelope.
- (4) Minimum Building Separation.
 - a. Building Envelopes shall be located 20 feet from the SPD-6 boundary on the North, South and East.
 - b. Building Envelopes shall be located 40' from the Road ROW on the West SPD-6 Boundary at South Carpenter Road
 - c. Building Envelopes shall be at a minimum 15' from any other Building Envelopes, Structures shall by rule also be a minimum of 15' from each other. Notwithstanding roof overhangs and gutters. 24" of variance outside of the building envelope will be given to roof or building overhangs, gutters and downspouts, fireplaces and bay windows.
 - d. Any Decks or Patios either on grade or raised must also fit inside of the Building Envelope provided.
- (5) Maximum Building Height.
 - a. Principally permitted building: 35 feet
- (6) Minimum floor area.
 - a. Minimum Living Area – Single Floor (Ranch) Building Type - 1200 Square Feet
 - b. Minimum Living Area – Multiple Floor Building Type (Two Story) Up or Down – 1500 Square Feet with 1000 Square Feet minimum on the Main Living Floor.
 - c. Only Floor Levels Entirely above grade shall be included in the calculation of minimum square footage requirements.

Section E Development Standards

- (1) Unit Types. Unit types shall be detached buildings containing 1 dwelling unit per building. All dwelling units shall have direct access to the outdoors without use of a common walkway.

Units shall be individually owned as cluster units as defined in these development guidelines.

- (2) Landscaping. Landscaping shall comply with the requirements of Chapter 1282. Street Trees shall not be provided. In lieu of street trees each residence shall provide in its landscape plan an appropriately sized tree in the front yard between the home and the sidewalk. Type and Size to be approved by the Architectural Review Committee (ARC) as set forth in the approved HOA Documents.
- (3) Design Standards:
 - a) Primary Entryways (Front Door) shall be defined and articulated with architectural elements such as lintels, pediments, porches or overhangs and trimmed with a minimum 6" width material. Doorways shall be compatible with the building as a whole and with the door themselves.
 - b) All Structures shall have Architectural Continuity of Design.
 - c) Street Lighting
 - a. Lighting will be provided by each dwelling unit in the form of an Electric Lamp Post installed in a uniform location. ~~Lamp Post shall be installed 24" to the house side of the sidewalk for homes with a sidewalk. For homes without a sidewalk Lamp Post shall be installed in the same location as if a sidewalk existed.~~
 - i. Said lights and location will be uniform in design and location throughout the Meadow View neighborhood.
 - ii. ~~Post light to be selected and designed to limit light pollution upwards and focus light downward.~~
 - iii. Light bulbs and colors shall remain uniform as approved by the Meadow View Association.
 - b. ~~Street Lighting – Installed as Required by City of Brunswick Guidelines at Intersections and Cul De Sacs –Appropriately Sized and Downward Directional Lighting to be Selected.~~
 - c. ~~Garage Lighting – Two Exterior Wall Mounted “Coach Lights” will be installed one on each side the garage door to every dwelling facing the street. Such lighting will be uniform in design and location throughout the Meadow View Neighborhood. These lights will be installed with Dusk to Dawn sensors and will be maintained by each dwelling owner with approved and uniform light bulbs and light bulb colors.~~
 - d) Prohibited Structures
 - a. Pools both above ground, in ground temporary or permanent are expressly prohibited.

- b. Accessory Buildings such as but not limited to Sheds/Storage Buildings are expressly prohibited.
- c. Permitted Buildings - The Meadow View Association shall be permitted to build and maintain a maintenance building and pavilion as needed and shown on the approved site plans.
- e) All Structures shall have 8" Width Frieze Boards, 6" Width window trim and Architectural Grade Materials on the Street Facing Primary "Front" Elevations of the Structure.
 - a. Street Facing Primary Elevations are permitted to have a Maximum of 40% horizontal vinyl lap siding. 60% of Primary Elevations shall be Architectural Grade Materials as defined below and ALWAYS Included at least 2 different combinations of such materials.
 - 1. Architectural Grade Materials Shall Include – Brick, Stone (Manufactured or Natural), Vinyl Shake Style Shingles, Vinyl Vertical Board & Batten Siding. Other Materials as approved by the Meadow View Association ARC but never to include horizontal Vinyl Siding.
 - 2. Method of Calculating Percentage of Surface Area for this purpose – Surface Area the Primary Street Facing Elevation of the Home after deducting Window, Door and Garage Door Areas.
 - b. Street Facing Primary Elevations of all Structures shall include at least 3 - "Three Dimensional Architectural Features"
 - 1. Three Dimensional Architectural Features shall Include but not be limited to:
 - a. Street Facing Gables with Design Elements Installed
 - b. Dormers
 - c. Front Porches
 - d. Decorative Three - Dimensional Roofs
 - e. Items Similar to the Architectural Elements as shown on the approved Plan Elevation Views Attached herein.
 - c. Sides and Rear of Structures shall use Architectural Elements to create visual interest and limit long spans of uninterrupted horizontal vinyl siding or similar materials. No Continuous Spans longer than 16 Feet shall be allowed without an Architectural Element.
 - 1. Architectural Elements shall include details such as but not limited to: Windows, Shutters, Changes in Texture/Finish and Materials, Trim Boards, Recesses and Offsets.

- f) Garages
 - a. Garage Faces and Doors shall be a maximum of 2' forward (Towards the primary access street) of either the front wall of the main living area, if there is no covered porch; or the front porch line, provided the porch is both covered with a roof and has foundation and frost footing. In no instance shall the garage face/door be more than 8' in front of the main living area.
 - b. All Garage Doors shall have a minimum of 6" trim on all three sides
- g) Street Facing Primary Elevations shall have Brick or Stone (Manufactured or Natural) covering the exposed foundation walls to Grade.
- h) Sides and Rear of home exposed foundation walls shall be covered with vinyl siding, brick, stone or masonry with a surface design. Poured Concrete with a Brick Pattern is considered a surface design for sides and rear of homes. There shall be a maximum of 16 inches between exterior wall finishes and the final grade.
- i) Sidewalks shall form a network of pedestrian paths with a logical continuity. Walks shall be designed around large trees and outcroppings without being overly rigid in their placement. Walkability of the neighborhood for residents shall be given priority in site design.
- j) Open space areas shall be planted with trees, shrubs, hedges, ground covers and grasses, unless existing vegetation is to be retained. Landscaping shall be integrated with other functional and ornamental site characteristics to reinforce the character of the area.
- k) Each dwelling unit shall have 2 parking spaces per unit in a garage which is physically attached to and directly accessible from the dwelling unit. Each dwelling unit shall also have a drive specified above wherein 2 standard automobiles can be parked as well.
- l) Diversity of Plan Designs, Elevation Designs and Colors
 - a. No dwellings will be constructed with the same siding color next door to a dwelling that has the same primary siding color. A minimum of two homes must separate the same primary siding color from each other.
 - b. The same floor plan/elevation design will not be constructed side to side. A Minimum of two homes must separate the same floor plan/elevation design from each other.
 - c. If the same floor plan design is proposed on two adjacent sites, both plans must be approved directly by the Meadow View ARC to insure diversity in form

and architectural design elements for the Elevation View.

Section F Common Open Space

- (1) Common open space shall be a minimum of 30 percent of the net acreage (excluding right of way) of the SPD-6 area, and shall be reserved in perpetuity for such use. Common open space shall be designed and appropriate instruments shall be created according to the criteria established below and in Section G.
- (2) Open space shall be available and accessible to all residents of SPD-6 and shall be designed primarily for their use. Common open space shall be exclusive of all streets, non-recreational buildings and individually-owned building envelopes.
- (3) Common open space areas shall be improved with appropriate recreation facilities and structures, such as pavilions or other recreational features.
- (4) Significant natural amenities, such as outcroppings, tree stands, ponds, ravines and stream channels should be left in their natural state and considered part of the required open space, subject to these standards.
- (5) Common open space shall be designed as a network of spaces offering pedestrian access throughout SPD-4 and to maximize the number of homes which are adjacent to the open space.

Section G Common Open Space Disposition

- (1) Intent. The design standards in this section are intended to insure adequate open spaces, recreation areas and related design standards for the benefit of the residents of the SPD-6 area.
- (2) Common Open Space. The development in the SPD-6 area shall provide common open space equal to a minimum of 30 percent of the development area, excluding right-of-way. As used in this chapter, common open space includes outdoor areas or enclosed recreational areas designed for use by all the residents, and their guests, of the SPD-6 development. Common open space includes lawns and other landscaped areas, natural areas, paved terraces and sitting areas and indoor or outdoor recreation areas. Common open space excludes vehicle parking or circulation areas, and individually controlled building envelopes. Common open space in excess of the above minimum may be considered for park and recreation credits as provided in Chapter [1232](#).
- (3) Private Outdoor (Open) Space. Each Building Envelope shall contain private outdoor space at the ratio of 200 square feet per building envelope at a minimum.

- a. Minimum Dimension of 10' is required for one side/boundary of said Private Open Space.
 - b. Private open space shall not occupy any portion of the common open space or recreation space required in subsections (1) and (2) above. As such all Private Outdoor Space shall be contained within the Building Envelope for each cluster home residence.
 - c. Private open space shall be specifically designed and constructed to be used and enjoyed by the residents of an individual dwelling unit, and shall be located adjacent to and reasonably accessible from the rear of the dwelling unit.
 - d. Private open space can be outdoor space covered and/or not covered and can be integral to the structure of the dwelling unit as long as it is "Outdoor" space not heated and temperature-controlled space.
- (4) Exclusions. Stormwater Management areas may receive full credit towards the common open space requirement in (b) above if they are designed and improved for an appropriate open space use (such as a lake or playfield) in addition to stormwater detention. Single purpose detention basins shall not receive credit toward the open space requirement. Water areas shall not exceed 50 percent of the minimum recreation area in (c) above.

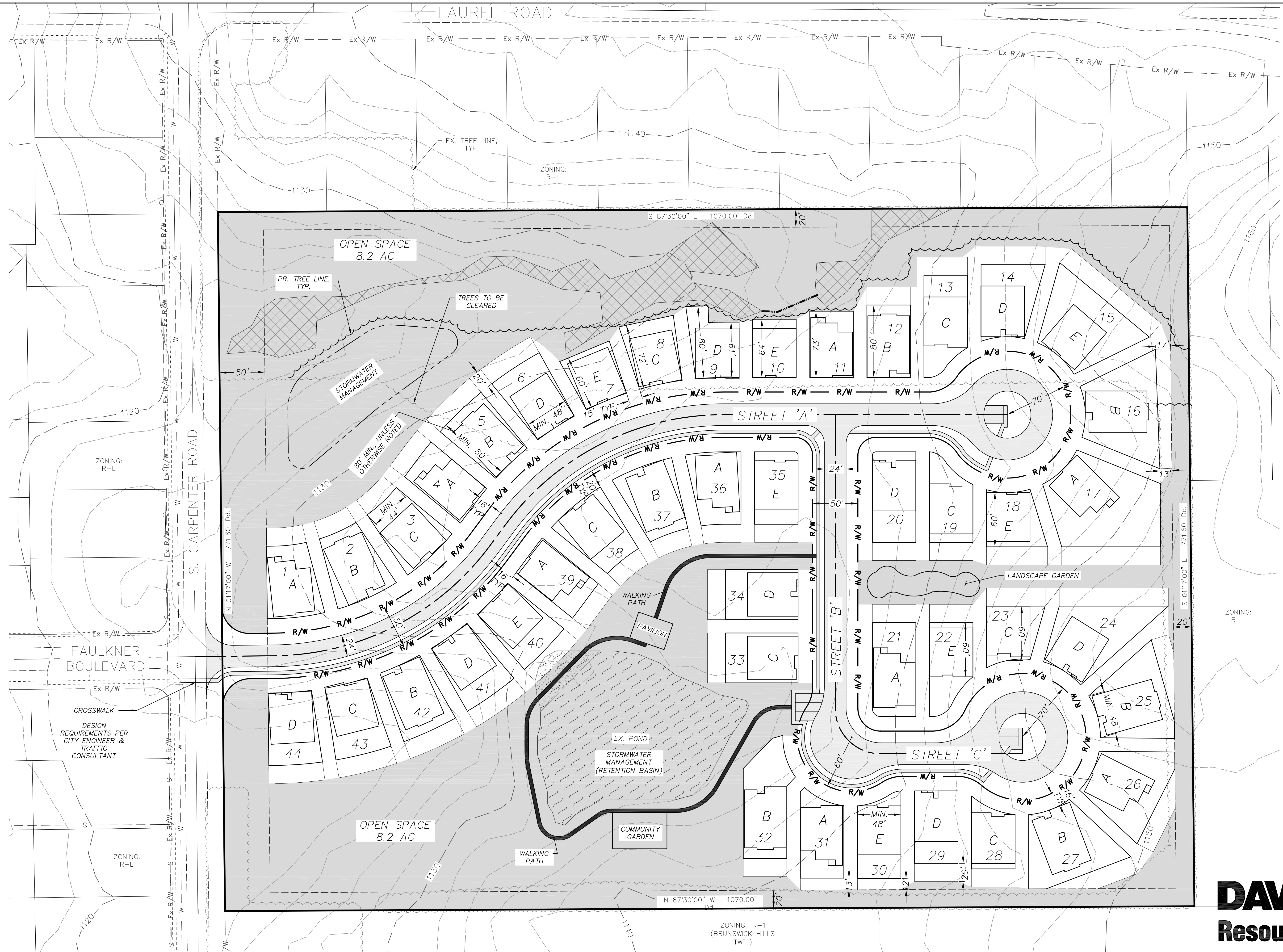
Section H Supplemental Requirements.

- (1) Planning Commission Modification. The Planning Commission may modify the strict requirements of the development guidelines if it finds that privacy, light and openness are improved because of skillful design in the arrangement of buildings, open spaces, landscaping or other site features. The Commission shall not decrease the yard width, common open space, or private open space requirements in order to allow the maximum number of units permitted in SPD - 6, nor shall the Commission increase the maximum allowable density permitted in SPD - 6.
- (2) Site Plan Review. Each development phase of SPD - 6 shall require review and approval of site plans as provided in Chapter [1278](#), including approval by City Council. Site plans shall clearly depict the required common open space and private open space areas, including proposed improvements thereto, required by the development guidelines. Site plans shall also comply with the provisions of Chapter [1276](#) Parking and Site Design and Chapter [1282](#) Landscaping and Screening.
- (3) Supplemental Provisions. In reviewing the Meadow View SPD - 6 development plan, or any portions thereof, the Planning Commission may attach written supplemental provisions to the plan. These supplemental requirements may be adopted by the Commission without a public hearing or action by City Council.

Section I Definitions

As used in these development guidelines, certain terms are defined as follows:

(1) Cluster dwelling unit: an ownership arrangement where the individual unit owner holds fee simple title to the land beneath the foundation and may also own some amount of land around the foundation herein referred to as the "Building Envelope". Such Envelopes are defined and shown on the recorded plat for the Meadow View Subdivision.



MAYOR
RON FALCONI

CITY OF BRUNSWICK

COUNCIL
MICHAEL J. ABELLA, JR
ANTHONY P. CAPRETTA
JOSEPH P. DELSANTER
NICHOLAS HANEK
PATRICIA HANEK
BRIAN K. OUSLEY
VALERIE M. ZAK

CITY MANAGER / SAFETY DIRECTOR
CARL S. DEFOREST

January 22, 2021

Tim Powers
Tri-Powers Development
4499 Regal Drive
Copley, OH 44321-1172

RE: Meadow View SPD-6
1849 South Carpenter Road, Brunswick

Dear Mr. Powers:

The Brunswick City Planning Commission, at their meeting on January 21, 2021, voted to **recommend approval** to City Council of the rezoning, conceptual plan, development guidelines, home elevations, and sidewalk location variance for Meadow View SPD-6, 1849 South Carpenter Road, Brunswick, subject to the following:

1. Pursuant to Section 1268.05(c), in order for City Council to create a SPD, it must first make written findings that the proposed SPD will meet the objectives of Section 1268.01; the Planning Commission has found the following conditions exist within the proposed SPD:
 - a. Land that is occupied by substantial natural characteristics worthy of preservation or which are historic aids to the identification of residential communities.
 - b. Lands which call for ingenuity and imagination by site designers and developers in keeping with overall land use and open space objectives of the Comprehensive Plan, while departing from the strict application of use, setback, height, lot size and related requirements of the Zoning Code.



4095 CENTER ROAD - BRUNSWICK, OHIO 44212

CITY HALL PHONE: (330) 225-9144 - FAX: (330) 273-8023 - POLICE & FIRE PHONE: (330) 225-9111 - FAX: (330) 225-6002 <http://www.brunswick.oh.us>

2. In accordance with Section 1278.09(d), a 4' wide sidewalk on the south side of Streets "A" and "C", and the west side of Street "B" will be installed; Section 1230.01(b)(3) – Appendix H of the Subdivision Regulations requires sidewalks to be installed on both sides of the street. A variance to allow a sidewalk on only one side of the street has been granted, pursuant to Section 1222.07 of the Subdivision Regulations, whereby the Planning Commission has found that unusual or exceptional factors or conditions require such modification, and that subsections (a) through (f) of the above section have been met.
3. The Planning Commission has approved the following home model elevations:
 - a. Landmark Homes models MV1, MV2, MV3, MV4, MV5, and MV6.
 - b. Drees Homes models Ashton "A", "E", "G" and "J"; Belleville "A", "B", "C", "F" and "G"; Buchanan "C", "M", "U" and "V"; Cohen "A", "B", and "C"; Haley "A", "B", and "C"; Hollister "A", "B", and "C"; Lakeland "A", "B", and "C"; Naples "A", "B", "C", "D", "E", "F", and "G"; Sarasota "A", "B", "C", and "D"; Vanderburgh "A", "B", "C", and "G"; and Finley "G", "H", "J", and "K".
4. The Commission determined that a walking path leading to the northwest stormwater management pond behind Sublots 1 through 5 will not be required in order to leave the land in its natural state.
5. A revised conceptual plan has been submitted indicating there is a minimum 20' distance from the garage to the back of the sidewalk to ensure that vehicles parked in the driveway of homes on the sidewalk side of the street will not be blocking the sidewalk. Additionally, a crosswalk has been added between Faulkner Boulevard and the entrance street to Meadow View subdivision off of South Carpenter Road.
6. Revisions to the development guidelines have been made as follows:
 - a. Section E(3)(e)(a)(2) has been added which states "Method of calculating percentage of surface area for this purpose – surface area of the primary street facing elevation of the home after deducting window, door and garage door areas."
 - b. Section F(3) has been amended to remove the word "may" and has been replaced with "shall" to read "Common open space areas shall be improved with appropriate recreation facilities and structures, such as pavilions or other recreational features."
7. Planning Commission approval of the detailed site plan is required.
8. Pursuant to Section 1268.04, City Council approval of Meadow View SPD-6 is required.

The first of three readings is scheduled for City Council's meeting on February 8, 2021. Please contact Assistant Clerk of Council Holly Quellos at (330) 558-6845 for meeting times.

If you have any questions, please contact me at (330) 558-6865.

Sincerely,



Pamela Plavecki,
Planning & Zoning Coordinator

c: Carl S. DeForest, City Manager
Grant Aungst, Community & Economic Dev. Director
Ken Fisher, Law Director
Matt Jones, Consulting City Engineer
Cliff Calaway, Chief Building Official
Holly Quellos, Assistant Clerk of Council
Tim Pelton, Landmark Homes
Thom Sutcliffe, Drees Homes
Travis Crane, Davey Resource Group

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 10-2021

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

AN ORDINANCE ESTABLISHING THE MEADOW VIEW SPECIAL PLANNING DISTRICT NO. 6 CONCEPTUAL DEVELOPMENT PLAN AND AMENDING THE ZONING MAP BY DESIGNATING APPROXIMATELY 19.485 ACRES ON SOUTH CARPENTER ROAD AS SPD-6.

WHEREAS: Brunswick Meadow View LLC has submitted an Application to establish a Special Planning District for low density detached cluster home development relative to the real property located at 1849 South Carpenter Road consisting of approximately 19.485 acres, which is presently located in the R-R Rural Residential Zoning District (the “Property”);

WHEREAS: The Special Planning District Application includes a Conceptual Development Plan consisting of proposed Design Guidelines and a Conceptual Site Plan for the development of the Property;

WHEREAS: On January 21, 2021, the Planning Commission held a public hearing on the Special Planning District Application and recommended approval to City Council; and

WHEREAS: This Council finds that the proposed Special Planning District meets the objections of Codified Ordinance Section 1268.01 and the required conditions contained in Codified Ordinance Section 1268.05(c)(1), to wit, the proposed Special Planning District calls for ingenuity and imagination by site designers and developers in keeping with overall land use and open space objectives of the Comprehensive Plan, while departing from the strict application of use, setback, height, lot size and related requirements of the Zoning Code.

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

SECTION 1: That the Meadow View Special Planning District No. 6 Conceptual Development Plan, as recommended by the Planning Commission for approval on January 21, 2021, is hereby adopted as Appendix G to Title 6 of the Zoning Code as provided in Codified Ordinance Section 1268.07(a). The Meadow View Special Planning District No. 6 Conceptual Development Plan consists of Design Guidelines, as attached hereto as Exhibit “A”, and a Conceptual Site Plan for the development of the Properties, as attached hereto as Exhibit “B”.

SECTION 2: That the City Engineer is directed to update the Zoning Map by designating the Property as SPD-6.

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: _____
Acting Clerk of Council
Holly Quellos

PROPOSED LEGISLATION



DATE: 2/22/2021

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

FROM: Carl S. DeForest, City Manager
Brian Ohlin

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 16-2021** - An emergency resolution authorizing the City Manager to purchase three (3) Dodge Chargers for the Division of Police from Greve Dodge in an amount not to exceed \$120,000.00. - **1st Reading** (To be brought from Safety & Environment Committee, Administration/Brian Ohlin)

BACKGROUND: The city belongs to the State of Ohio procurement program under the direction of the Department of Administrative Services. These vehicles are eligible under contract #OT900621. Resolution#90-19 was approved for the purchase of 3 Dodge Charger police cruisers in 2020 however Dodge stopped production before our order was processed. After the state bid process was completed the cost per unit of the 2021 model has increased.

PURPOSE AND EXPLANATION: The cost of the 2021 model Dodge Chargers is more than the originally quoted 2020 model.

IMPLEMENTATION SCHEDULE: As soon as possible.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Additional \$7,000 needed would come from same account# 961-0520-56252 as noted on the original PO.

RECOMMENDED ACTION:

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

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

In order for the car order to be placed immediately so they can be built, upfitted, and put into patrol service we are asking for this to be an emergency with suspension of the rules.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 16-2021

BY: Mr. Capretta, Mr. Abella and Mrs. Zak

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE THREE (3) DODGE CHARGERS FOR THE DIVISION OF POLICE FROM GREVE DODGE IN AN AMOUNT NOT TO EXCEED \$120,000.00.

WHEREAS: The City of Brunswick belongs to the Ohio State Procurement Program under the direction of the Ohio Department of Administrative Services; and

WHEREAS: The State contract under the State Procurement Program has been awarded to Greve Dodge.

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

SECTION 1: That the City Manager is hereby authorized to purchase three (3) Dodge Chargers for the Division of Police from Greve Dodge in an amount not to exceed \$120,000.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason to secure pricing and timely delivery. 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_____

RULES SUSPENDED: AYES_____ NAYS_____

ADOPTED: _____ AYES _____ NAYS _____

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

PROPOSED LEGISLATION



DATE: 2/22/2021

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

FROM: Carl S. DeForest, City Manager
Brian Ohlin

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 17-2021** - An emergency ordinance establishing the position of School Resource Officer Supplemental in the Division of Police. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Brian Ohlin*)

BACKGROUND: The Division of Police receives funding from the Medina County Drug Advisory Council (MCDAC) for our School Resource Officer (SRO) program. Included in this grant is an allocation for overtime funding to increase SRO presence at school buildings in the district over and above the two full time SRO's currently assigned to the Brunswick High School and Middle School. The establishment of this position will allow members of the police administration to supplement the SRO program and enhance the safety, security and community engagement opportunities in the schools.

PURPOSE AND EXPLANATION: To enhance safety, security and community engagement at Brunswick City School buildings.

IMPLEMENTATION SCHEDULE: As soon as possible.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Eligible costs are expected to be charged to a newly created payroll account within the Police Fund #114 that would separately track and report School Resource Officer supplemental costs charged by the Police Administration. All eligible expenditures charged to this account are expected to be 100% reimbursed by the MCDAC SRO grant.

RECOMMENDED ACTION:

One Reading	Yes
Two Readings	No
Three Readings	No

Emergency	Yes
Suspension of Rules	Yes

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

Now that school is returning to some in-person learning and students and staff are in school buildings it is requested that this be passed as an emergency with suspension of the rules so it can be implemented immediately. We are currently in receipt of the grant funding.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 17-2021

BY: Mr. Capretta, Mr. Abella and Mrs. Zak

AN EMERGENCY ORDINANCE ESTABLISHING THE POSITION OF SCHOOL RESOURCE OFFICER SUPPLEMENTAL IN THE DIVISION OF POLICE.

WHEREAS: The position of School Resource Officer Supplemental in the Division of Police is required to supplement and increase School Resource Officer presence at Brunswick School District buildings to enhance the safety, security and community engagement opportunities at the Schools; and

WHEREAS: The Division of Police received funding from the Medina County Drug Advisory Council, which includes a grant allocation for this position.

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

SECTION 1: That the position of School Resource Officer Supplemental is hereby established in the Division of Police to supplement and increase School Resource Officer presence at Brunswick School District buildings to enhance the safety, security and community engagement opportunities at the Schools, subject to a pay range established by Ordinance and approved by the City Manager.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary as in-person learning will be resuming. 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 _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council

Fijabi Julien-Gallam, CMC

PROPOSED LEGISLATION



DATE: 2/22/2021

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

FROM: Carl S. DeForest, City Manager
Brian Ohlin

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 18-2021** - An emergency ordinance establishing the pay range for the position of School Resource Officer Supplemental in the Division of Police. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Brian Ohlin*)

BACKGROUND: The grant funded position of School Resource Officer Supplemental will have a pay range of \$45-85/hour.

PURPOSE AND EXPLANATION: To increase the presence of School Resource Officers in city school buildings which enhances safety and security and builds positive relationships between the school community and the police.

IMPLEMENTATION SCHEDULE: A soon as possible.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Eligible costs are expected to be charged to a newly created payroll account within the Police Fund #114 that would separately track and report School Resource Officer supplemental costs charged by the Police Administration. All eligible expenditures charged to this account are expected to be 100% reimbursed by the MCDAC SRO grant.

RECOMMENDED ACTION:

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

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

Now that school is returning to some in-person learning and students and staff are in school buildings it is requested that this be passed as an emergency with suspension of the rules so it can be implemented immediately. We are currently in receipt of the grant funding.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 18-2021

BY: Mr. Capretta, Mr. Abella and Mrs. Zak

AN EMERGENCY ORDINANCE ESTABLISHING THE PAY RANGE FOR
THE POSITION OF SCHOOL RESOURCE OFFICER SUPPLEMENTAL IN
THE DIVISION OF POLICE.

WHEREAS: The position of School Resource Officer Supplemental in the Division of Police has been established by separate Ordinance to supplement and increase School Resource Officer presence at Brunswick School District buildings to enhance the safety, security and community engagement opportunities at the Schools;

WHEREAS: The Division of Police received funding from the Medina County Drug Advisory Council, which includes a grant allocation for this position; and

WHEREAS: Council wishes to establish a pay range for the position of School Resource Officer Supplemental in the Division of Police.

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

SECTION 1: The following pay range is hereby established, subject to annual appropriations by City Council:

<u>POSITION</u>	<u>RANGE</u>
School Resource Officer Supplemental	\$45.00 to \$85.00 per hour.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary in-person learning will be resuming. 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 _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council

Fijabi Julien-Gallam, CMC

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 19-2021** - An emergency resolution authorizing the City Manager to purchase 1,000 tons of Clearland enhanced road salt for the Service Department from Cargill Road Safety in an amount not to exceed \$78,000.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

BACKGROUND: The City of Brunswick belongs to the Sourcewell Procurement Program. The price for this enhanced salt under the Sourcewell Procurement Program. The price for this enhanced salt under the Sourcewell Procurement Program, contract number 052919-CGI is \$78.00 per ton. The enhanced salt that Brunswick has been using is more difficult to use and is less effective with the Brunswick snow and ice program than the enhanced salt to be purchased in this proposed resolution.

PURPOSE AND EXPLANATION: Plain white salt becomes ineffective at temperatures of 18 degrees and below. In these very cold temperatures an enhanced salt is needed to melt snow and ice. This proposed enhanced salt will provide the service needed in these cold temperatures.

IMPLEMENTATION SCHEDULE: Order as soon as possible.

FINANCIAL INFORMATION: Cargill Road Safety - - Street R & M Fund #117 - 117-0420-55300 - - 78000

FINANCIAL SUMMARY: 1,000 tons at \$78.00 per ton = \$78,000.

RECOMMENDED ACTION:

One Reading	Yes
Two Readings	No
Three Readings	No

Emergency	Yes
Suspension of Rules	Yes

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

It is requested that legislation is passed by emergency measure with suspension of the rules for the immediate preservation of the public peace, property, health, safety, or welfare, and so that the legislation will be enacted and enhanced salt can be purchased as soon as possible to be used this winter season.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 19-2021

BY: Mr. Abella, Mr. Ousley and Mr. Capretta

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE 1,000 TONS OF CLEARLAND ENHANCED ROAD SALT FOR THE SERVICE DEPARTMENT FROM CARGILL ROAD SAFETY IN AN AMOUNT NOT TO EXCEED \$78,000.00.

WHEREAS: The City of Brunswick is a member of the Sourcewell joint purchasing program as authorized by this Council and Ohio Revised Code Section 9.48; and

WHEREAS: The proposed purchase of ClearLane enhanced road salt for the Service Department is through the Sourcewell joint purchasing program.

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

SECTION 1: That the City Manager is hereby authorized to purchase 1,000 tons of ClearLane enhanced road salt for the Service Department from Cargill Road Safety through the Sourcewell joint purchasing program in an amount not to exceed \$78,000.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to immediately acquire ClearLane enhanced road salt for use during the 2020-2021 winter season. 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 _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

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



Solicitation Number: RFP#052919

CONTRACT

This Contract is between Sourcewell, 202 12th Street Northeast, P.O. Box 219, Staples, MN 56479 (Sourcewell) and Cargill Salt d/b/a Cargill Road Safety, 24950 Country Club Blvd., Suite 450, North Olmsted, OH 44070 (Vendor).

Sourcewell is a State of Minnesota local government agency and service cooperative created under the laws of the State of Minnesota (Minnesota Statutes Section 123A.21) that offers cooperative procurement solutions to its members. Participation is open to all levels of governmental entity, higher education, K-12 education, nonprofit, tribal government, and other public entities located in the United States and Canada.

Vendor desires to contract with Sourcewell to provide equipment, products, or services to Sourcewell and its Members (Members).

1. TERM OF CONTRACT

- A. **EFFECTIVE DATE.** This Contract is effective upon the date of the final signature below.
- B. **EXPIRATION DATE AND EXTENSION.** This Contract expires July 17, 2023, unless it is cancelled sooner pursuant to Article 24. This Contract may be extended up to one additional one-year period upon request of Sourcewell and with written agreement by Vendor.
- C. **SURVIVAL OF TERMS.** Articles 11 through 16 survive the expiration or cancellation of this Contract.

2. EQUIPMENT, PRODUCTS, OR SERVICES

A. **EQUIPMENT, PRODUCTS, OR SERVICES.** Vendor will provide the Equipment, Products, or Services as stated in its Proposal submitted under the Solicitation Number listed above. Vendor's Equipment, Products, or Services Proposal (Proposal) is attached and incorporated into this Contract.

All Equipment and Products provided under this Contract must be new/current model. Vendor may offer close-out or refurbished Equipment or Products if they are clearly indicated in Vendor's product and pricing list. Unless agreed to by the Member in advance, Equipment or Products must be delivered as operational to the Member's site.

7	Provide a brief history of your company, including your company's core values, business philosophy, and industry longevity related to the requested equipment, products or services.	Cargill has been in business for over 150 years. Today, it is the largest privately held company in the United States with over 155,000 employees. Every day our mission is to nourish the world in a safe, responsible and sustainable way. We have businesses around food ingredients and bio-industrial, animal nutrition, agriculture and supply chain, metals and shipping and protein and salt. The Protein and Salt Platform is broken into multiple segments including Food, Road Safety, Water Quality and Growth Ventures. Our salt is used in food, agriculture, water softening and deicing. We have significant operations in the US and Canada, Central America, China & Southeast Asia and the UK. The Road Safety division of Cargill Salt is Headquartered in North Olmsted, Ohio, and has been a premier deicing solutions provider in North America since 1997. With operating facilities that are strategically placed across North America, we strive to provide our customers with deicing solutions that save lives, enhance commerce and reduce environmental impact. We strive to be more than a vendor. We strive to be a company you can depend on to deliver cost effective, environmentally conscious, high performing products. We understand the importance of keeping roads safe in winter and we understand it cannot come at the expense of the environment. Through collaboration with our customers and a commitment to research and development, we are developing products and services that help keep North America moving in winter times in a manner that is best for the end users of our technologies and Mother Nature. In addition, we have been the industry leader in brine makers for over 15 years. Our business of being focused providing solutions that enhance commerce, keep roads safe and on reduce the environmental impact of salt by providing unique solutions has been a reason why government agencies chose to work with Cargill.
8	Provide a detailed description of the products and services that you are offering in your proposal.	Cargill proposes both a variety of brine makers and options as well as salt and treated salt. Our brine makers meet the needs of both smaller agencies up to the very largest. AccuBatch® Brine Maker This machine is the top of the line entry-level brine making system and is the only one on the market that features a conductivity sensor for automatic brine concentration measurement. Its simple plug and play design allows for easy setup, maintenance, operation and cleanout. the machine is designed to achieve optimum concentration levels without the additional labor time needed to manually check and re-check and can make 800 gallon batches in approximately 20 minutes. There is also no technical assistance required to install or operate the machine. There is no technical assistance needed. Simply hook up the water and power and begin making your brine with a start of a button. The cleanout is safe and easy by simply opening a valve and letting the sediment flow into a loader bucket. AccuBrine® Automated Brine Maker NXT GEN This is a very easy to use yet sophisticated brine production system has significant benefits to customers and is capable of producing up too 6,000 gallons per hour. This machine is easy to use, has high end electronic components, the ability to remote access the machine, tank level management logic for truck loading accuracy and reporting. via an Apple® or Android™ mobile device or desktop computer, is the only machine manufactured from marine-grade fiberglass to withstand the harsh, corrosive nature of salt, water and winter conditions and unlike other brine makers that require risky, time-consuming manual labor, the cleanout process is completely automatic. The system notifies the operator of the necessary cleanout, rinses itself out, and the sloped floor directs runoff to a designated area. This fully-automated system takes brine production to the next level by providing a machine that is very easy to use, yet with the sophistication required in a high end brine maker with a multitude of user benefits. AccuBrine® blend truck loading & blending system This state-of-the-art system works independently of the brine maker and gives agencies the freedom and flexibility to grow their liquids program. With the ability to make brine while filling trucks, tracking multiple user I.D.s, creating recipes for every type of weather event by making a volume ratio blend of brine and various additives directly into the liquid application trucks. This system also will provide for usage reporting and remote access via an Apple® or Android™ mobile device or desktop computer. Cargill Salt Treated with YPS (yellow prussiate of soda) anti-caking agent to help resist caking and prevent clumping, Cargill's bulk deicing salt is a standard for winter maintenance deicing programs. Cargill ClearLane® ClearLane® enhanced deicer is a pre-wet sodium chloride made from a patented liquid magnesium chloride formula and mixing process. Combined with pre-wetting and deicing agents, including a PNS-approved corrosion inhibitor, a coloring agent, and a leaching inhibitor, ClearLane® enhanced deicer is a superior deicer for effective winter road maintenance that's anti-corrosive and better for the environment than traditional road salt.

Pricing and Delivery

Provide detailed pricing information in the questions that follow below. Keep in mind that reasonable price and product adjustments can be made during the term of an awarded Contract as described in the RFP, the template Contract, and the Sourcewell Price and Product Change Request Form.

Line Item	Question	Response
54	Describe your pricing model (e.g., line-item discounts or product-category discounts). Provide detailed pricing data (including standard or list pricing and the Sourcewell discounted price) on all of the items that you want Sourcewell to consider as part of your RFP response. If applicable, provide a SKU for each item in your proposal. Upload your pricing materials (if applicable) in the document upload section of your response.	Cargill will provide the Sourcewell 2% fee along with a 2% discount to a Sourcewell Member for all brine makers. Individual SKU pricing is attached on the spreadsheet. Clear Lane Treated Salt will also be on a separate tab on the spreadsheet.
55	Quantify the pricing discount represented by the pricing proposal in this response. For example, if the pricing in your response represents a percentage discount from MSRP or list, state the percentage or percentage range.	2% discount 1 to 4 units purchased on one PO and an additional 1% (total 3%) for 5 or more units purchased on one PO for all brine makers.
56	Describe any quantity or volume discounts or rebate programs that you offer.	If an agency were to purchase more than 5 machines on 1 PO, they would get an additional 1% discount.
57	Propose a method of facilitating "sourced" products or related services, which may be referred to as "open market" items or "nonstandard options". For example, you may supply such items "at cost" or "at cost plus a percentage," or you may supply a quote for each such request.	Cargill will supply a quote for each such request.
58	Identify any element of the total cost of acquisition that is NOT included in the pricing submitted with your response. This includes all additional charges associated with a purchase that are not directly identified as freight or shipping charges. For example, list costs for items like pre-delivery inspection, installation, set up, mandatory training, or initial inspection. Identify any parties that impose such costs and their relationship to the Proposer.	There are no additional costs to our equipment other than the price of the machine, labor and freight. If there are any custom requirements, Cargill will supply a quote for each such request.
59	If freight, delivery, or shipping is an additional cost to the Sourcewell Member, describe in detail the complete freight, shipping, and delivery program.	Freight is sourced via multiple carriers and we always use the least expensive to the customer and that cost is passed on with no markup.
60	Specifically describe freight, shipping, and delivery terms or programs available for Alaska, Hawaii, Canada, or any offshore delivery.	We source the most cost effective way to transport equipment to all locations including Alaska and Hawaii and anyplace in North America we sell our equipment, and the cost is passed on to the customer without markup.
61	Describe any unique distribution and/or delivery methods or options offered in your proposal.	Agencies are always welcome to schedule their own pick up or use their own transportation methods, but Cargill has very close and strong national relationships with many Carriers, including our own, that make it very cost effective and is always a pass through.

Pricing Offered

Line Item	The Pricing Offered in this Proposal is:	Comments
62	c. better than the Proposer typically offers to GPOs, cooperative procurement organizations, or state purchasing departments.	2% discount 1 to 4 units on one PO and an additional 1% (total 3%) for 5 or more on one PO. Pricing for ClearLane treated Salt is also included on a separate tab on the spreadsheet.

Clearlane Treated Salt Sourcewell Price

Clearlane Customer Pick Up Price by Branch Location

	Branch Plant Description	States Covered	2019 Customer Pick Up Price
Clearlane	Baltimore	MD, VA, PA	80
Clearlane	Burns Harbor	IN	87
Clearlane	Camanche	IA, IL, WI	85
Clearlane	Cleveland Midland	OH	78
Clearlane	Columbus	OH	85
Clearlane	Duluth	MN	87
Clearlane	Duryea	PA, NJ	85
Clearlane	Indianapolis	IN	90
Clearlane	Lansing	NY	70
Clearlane	Louisville	KY	95
Clearlane	Mt. Marion	NY	80
Clearlane	Northampton	PA, NJ	82
Clearlane	S. Chicago, Beelman	IL	85
Clearlane	Savage MN	MN	87
Clearlane	Venice	MO, IL	83
Clearlane	West Elizabeth	PA	90
Clearlane	West Springfield	MA, CT	80
Clearlane	Westfield	MA, CT	80
Clearlane	White River Jct.	VT	83
Clearlane	Winona	MN	92

*Call Cargill for Freight Costs if not picking up Clearlane yourselves and would like it delivered

*All orders are subject to availability

*These prices are for the Winter Season of 2019/20. Prices may change for 2020/21 Winter Season.

PROPOSED LEGISLATION



DATE:	2/22/2021
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. 20-2021 - An <u>emergency</u> resolution authorizing the purchase of an additional 300 tons of road for the 2020-2021 winter season in an amount not to exceed \$16,026.00. - 1st Reading (To be brought from Services, Utilities, Technology & Cable Committee, <i>Administration/Paul Barnett</i>)
BACKGROUND:	The ODOT Office of Contracts Purchasing Services provides the opportunity for municipal corporations to participate in the State's purchase of sodium chloride (road salt) for snow and ice removal. Resolution 19-2020 authorized utilizing this state contract up to 3,000 tons. The 3,000 tons was Brunswick's commitment for the 2020-2021 winter season +/- 10%. Brunswick still has the opportunity to add 10% or 300 tons to the authorized purchase amount.
PURPOSE AND EXPLANATION:	This resolution will allow, if needed, the purchase of an additional 300 tons of rock salt. The salt usage for this winter season is greater than the past few years and the long term forecast projects colder than normal temperatures that may necessitate the use of more salt than normal. Any salt purchased but not used will be saved for future snow and ice events and decrease the amount needed to be purchased in the next winter season.
IMPLEMENTATION SCHEDULE:	The ordering of this salt could occur as early as the second week of March, 2021.
FINANCIAL INFORMATION:	ODOT salt purchase - - Street R & M Fund #117 - 117-0420-55300 - - 16026
FINANCIAL SUMMARY:	The salt bid price awarded is \$53.42 per ton. Additional calculated amount requested from original legislation = \$16,026.
RECOMMENDED ACTION:	One Reading Yes

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

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

It is requested that legislation is passed by emergency measure with suspension of the rules for the immediate preservation of the public peace, property, health, safety, or welfare, and so that the legislation will be enacted and additional salt can be purchased for the current winter season.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 20-2021

BY: Mr. Abella, Mr. Ousley and Capretta

AN EMERGENCY RESOLUTION AUTHORIZING THE PURCHASE OF AN
ADDITIONAL 300 TONS OF ROAD FOR THE 2020-2021 WINTER SEASON
IN AN AMOUNT NOT TO EXCEED \$16,026.00.

WHEREAS: Ohio Revised Code Section 5513.01(B) provides the opportunity for political subdivisions to participate in contracts of the Ohio Department of Transportation (“ODOT”) for purchase of supplies, including road salt;

WHEREAS: The City has participated in ODOT contracts for road salt in past years, which participation minimizes road salt costs and price increases;

WHEREAS: Pursuant to Resolution No. 19-2020, City Council authorized the purchase of 3,000 tons (+/- 10%) for the 2020-2021 winter season; and

WHEREAS: This Resolution will authorize the purchase of the additional 300 tons of road salt, if necessary, to be used during the 2020-2021 winter season or to be stored for future use.

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

SECTION 1: The City Manager is hereby authorized and directed, upon the approval of the Law Director, to enter into all necessary agreements with ODOT for the purchase of the additional 300 tons of road salt for the 2020-2021 winter season, if necessary, in an amount not to exceed \$16,026.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason to purchase additional road salt for the 2020-2021 winter season. 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 _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council

Fijabi Julien-Gallam, CMC

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 21-2021** - An emergency resolution authorizing the City Manager to enter into a thirty-six (36) month agreement with next era energy services for provision of electricity at the fixed rate amount of \$0.0458 per kilowatt hour. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Paul Barnett*)

BACKGROUND: Currently all City electrical supply is in an electrical supply program with Next Era Energy Services thru NOPEC at a rate of \$0.04904 Kwh for a term of 42 months. This existing agreements fixed rate concludes on February 28, 2021. If the agreement is not terminated it will move into a variable rate for providing electric. Enclosed is an analysis of current rates with other suppliers. The anticipated rate of \$0.05 Kwh is the lowest and best rate currently available. Note that the market constantly changes and the final rate may be slightly higher or lower at the time that we are able to sign the proposed agreement.

PURPOSE AND EXPLANATION: The purpose of this legislation is to purchase electric at the lowest possible price in order to save money.

IMPLEMENTATION SCHEDULE: The new rate will start on March 1, 2021.

FINANCIAL INFORMATION: Next Era Energy Services - - \$0.05 Kwh - - - 0

FINANCIAL SUMMARY: The rate for the last 42 months has been \$0.04851 Kwh. The proposed rate is \$0.05 Kwh. Electrical usage varies annually and are charged to the respective utility lines based on the Department and the Council appropriations in place.

RECOMMENDED ACTION:

One Reading	Yes
-------------	-----

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

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

It is requested that legislation is passed by emergency measure with suspension of the rules for the immediate preservation of the public peace, property, health, safety, or welfare, and so that the legislation will be enacted and a fixed electrical rate can be set for the next 36 months beginning March, 1, 2021.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 21-2021

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A THIRTY-SIX (36) MONTH AGREEMENT WITH NEXT ERA ENERGY SERVICES FOR PROVISION OF ELECTRICITY AT THE FIXED RATE AMOUNT OF \$0.0458 PER KILOWATT HOUR.

WHEREAS: The City has negotiated terms for the provision of electricity with Next Era Energy Services through NOPEC at the fixed rate amount of \$0.0458 per kilowatt hour for thirty-six (36) months.

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

SECTION 1: That the City Manager is hereby authorized and directed, upon approval of the Law Director, to enter into a thirty-six (36) month agreement with Next Era Energy Services for provision of electricity at the fixed rate amount of \$0.0458 per kilowatt hour.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary as the current agreement with Next Era Energy Services expires on February 28, 2021. 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 _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

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



COMPETITIVE RETAIL ELECTRIC SERVICE CONTRACT

OHIO
Preferred NOPEC Municipal Pricing
Program Standard Variable Product
(Non-Aggregation)

This Competitive Retail Electric Service Contract ("Agreement") is between NextEra Energy Services Ohio, LLC ("Supplier") and ("Customer") (each a "Party" hereunder). Supplier shall provide Customer with Service under all of the terms and conditions stated in this Agreement, including the Terms of Service ("TOS"), attached hereto and made a part hereof, for the Electric Distribution Utility ("EDU") accounts ("Accounts") identified in Addendum A, attached hereto and made a part hereof.

	Supplier Contact Information	Customer Contact Information
INTERNET:	www.nexteraenergyservices.com	
EMAIL:	contracts@nexteraenergyservices.com	
MAILING ADDRESS:	NextEra Energy Services Ohio, LLC 20455 State Highway 249 Suite 200 ATTN: Contract Administration Houston, TX 77070	
TELEPHONE:	877.528.2890	
FAX:	800.627.8813	
HOURS:	9:00 am ET - 6:00 pm ET	

24 HOUR SERVICE OUTAGE REPORTING: Should an outage or other service disruption occur, Customer should contact the appropriate Electric Distribution Utility: Call 1-888-544-4877 for Cleveland Electric Illuminating Company, Ohio Edison and Toledo Edison. For AEP Ohio call 1-800-672-2231.

PRODUCT DESCRIPTION: The product is full requirements electric generation service ("Service").

PRICE: The Price for Service during the Initial Term shall be \$ per kilowatt hour ("kWh"). The Price includes costs and charges for electric energy, and estimated costs and charges for the following additional components of Service: congestion, line losses, renewable energy credits, ancillary services, generation deactivation, capacity and similar generation resource adequacy plans, and transmission services (where applicable), subject to any adjustments resulting in Pass-Through Charges (as defined in the TOS). The Price excludes any EDU charges, Pass-Through Charges, and Taxes as described in the Payments provision of this Agreement.

INITIAL TERM: 36 months, beginning after the date Service starts as to each Account and ending upon the meter read date in such end month, subject to any applicable EDU terms and conditions.

ESTIMATED START MONTH:

HOLDOVER PRICE: Holdover Price means the price set forth at <https://www.nexteraenergyservices.com/aggregations/communities-we-serve/ohio/holdover> for the utility in which Service is provided. The Holdover Price shall apply for Service provided by Supplier after the Initial Term if Supplier and Customer do not enter into a new or renewal agreement and Supplier continues to provide Service.

PAYMENTS: Customer shall pay the total monthly charge for Service ("Supplier Electricity Charge") as billed during the term of this Agreement. The Supplier Electricity Charge is the sum of (i) the product of Customer's total metered energy usage for the Accounts during an EDU billing cycle and the Price or Holdover Price, whichever is applicable, (ii) any Pass-Through Charges, and (iii) Taxes, if applicable.

Customer	Supplier
Authorized Signature: _____	Authorized Signature: _____
Print Name: _____	Print Name: _____
Title: _____	Title: _____
Date: _____	Date: _____

Term. This Agreement shall be effective upon the date it has been executed by both parties ("Effective Date"). Notwithstanding the "Estimated Start Month," if Customer is switching to Supplier, service from Supplier shall commence upon the date the EDU switches each Account to Supplier and continue through expiration of the Initial Term, and if Customer is renewing, then service hereunder shall commence with the first billing cycle following expiration of the term of the prior agreement. If Customer is not a Mercantile Customer, prior to expiration of the Initial Term we will send a notice to Customer explaining what will happen upon expiration of the Initial Term. After the Initial Term expires, this Agreement shall continue on a month-to-month basis at the variable Holdover Price without Customer's affirmative consent even when there is a change in the price or other terms and conditions unless and until either Party terminates this Agreement upon at least thirty (30) days written notice to the other, in which event such termination shall be effective on the date following the date of such notice on which the EDU successfully switches Customer's Account(s) to another competitive electricity supplier or to the EDU's electric supply. Supplier is permitted in its sole discretion to change the Holdover Price to a different price determined in its sole discretion without prior notice.

Special Termination. If, prior to expiration of the Initial Term, Customer withdraws from membership in the Northeast Ohio Public Energy Council ("NOPEC") or from NOPEC's electricity program, then this Agreement shall terminate as of the first EDU meter read date immediately following any such withdrawal or termination, and Customer shall pay Liquidated Damages to Supplier.

Rescission. The EDU will send a written notice to Customer confirming Customer's decision to enroll with Supplier. If Customer is not a Mercantile Customer, it will have the right to rescind this Agreement without penalty within seven (7) calendar days of receiving the confirmation letter from the EDU by contacting the EDU according to the instructions contained in the letter. If Customer is not a Mercantile Customer and does not rescind, or if it is a Mercantile Customer, Customer's acceptance of electricity from Supplier constitutes Customer's further acceptance of these Terms of Service.

Switch of Service. Supplier will work with the EDU to switch Service to each Account to Supplier in accordance with the applicable EDU tariff. Because of EDU processing, Supplier cannot guarantee the date by which switching of any Account may be completed. The EDU may charge switching fees to the Customer.

Customer's Service. Customer shall receive Service for each Account in accordance with the terms of this Agreement and authorizes Supplier to cause the EDU to transfer the Accounts to Supplier. Customer hereby provides Supplier with all necessary authority to obtain Customer's current and historical electricity cost and usage data from the EDU, and Customer's payment and credit history and other information reasonably requested by Supplier. Customer agrees, upon request, to provide Supplier with facility descriptions, operating information, Account numbers and service locations, and such other information available to Customer and reasonably requested by Supplier. Customer represents and warrants that Customer is not a residential customer as defined by Ohio law. To the extent allowable under PUCO rules and applicable law, Customer hereby waives Customer's rights under the PUCO rules applicable to electricity supply by CRES providers except as otherwise provided in this Agreement.

Mercantile Customer. "Mercantile Customer" means a commercial or industrial customer if the electricity consumed is for nonresidential use and the customer consumes more than seven hundred thousand kilowatt hours per year or is part of a national account involving multiple facilities in one or more states.

Adjustments. "Pass-Through Charges" means new or increased costs and charges with respect to the purchase, sale, acquisition, delivery, transmission and/or distribution of electricity including, without limitation, those arising from MCU Events, or any event under the Legal Changes and Compliance section below, all of which shall be passed through to Customer by Supplier. Depending on the bill format, Pass-Through Charges may appear on Customer's bill as a line item or Price adjustment.

Taxes. "Taxes" means all federal, state, municipal or other governmental taxes, duties, fees, levies, premiums, assessments, surcharges, withholdings, or any other charges of any kind, if applicable, to Customer, any or all of which relate to the sale, purchase or delivery of electricity, together with all interest, penalties or other additional amounts imposed thereon, but excluding taxes on net income. If Customer is exempt from any Taxes, it is responsible for timely requesting an exemption by filing with Supplier and or the Utility all required documentation as such was filed with the Ohio Department of Taxation. If Customer fails to do so, Customer will be billed as if it is not exempt.

Billing. Customer consents to billing through one of the following options, as permitted by law, at Supplier's discretion: (i) Customer will receive one invoice from the EDU that includes the Supplier Electricity Charge, the EDU Delivery Charges and applicable Taxes (the "Consolidated Billing Option"); or (ii) Customer will receive two invoices, one from Supplier for the Supplier Electricity Charge and one from the EDU for the EDU delivery charges, each with applicable Taxes (the "Dual Billing Option"). Under the Consolidated Billing Option, Customer shall submit payment of the Supplier Electricity Charge directly to the EDU pursuant to the applicable EDU tariff. Under the Dual Billing Option, Customer shall pay the Supplier Electricity Charge directly to Supplier on or before sixteen (16) days after the billing date on Customer's invoice or the postmark date, whichever is later. If the EDU fails to timely obtain or transmit a meter reading, Supplier may issue or cause to be issued a bill to Customer based on its estimated energy usage and charges. In the event of a billing error, Supplier may issue a corrective invoice which Customer shall pay. Customer has the right to request from Supplier, twice within a twelve month period, up to twenty-four months of Customer's payment history without charge. If Customer fails to pay any amount when due, it shall pay a late fee for all past due amounts equal to the lesser of 1.5% per month or the maximum charge allowed by law.

Credit Support. If at any time Supplier determines in its reasonable discretion that Customer cannot demonstrate satisfactory creditworthiness, there has been a material adverse change in Customer's creditworthiness, or Customer fails to timely pay amounts when due or is otherwise in default of its obligations under this Agreement, then Supplier may require Customer to provide Supplier with a cash deposit or other credit support in an amount and form reasonably acceptable to Supplier. Credit review will typically be performed using credit agency reports (e.g. Dun & Bradstreet, Standard & Poor's and/or Moody's), if available, and deposits will typically not exceed 2 months of expected Customer billings. If utilized, any deposit balance remaining will be returned to Customer.

Material Change in Usage ("MCU"). Customer shall provide Supplier at least thirty (30) days advance notice whenever Customer has reason to believe that, for reasons other than weather, Customer's estimated monthly aggregate usage will increase or decrease by more than 25% (each such material change being an "MCU Event"), and shall provide good faith estimates of such usage changes. For each MCU Event, regardless of whether notice is provided, Customer shall pay Supplier for any losses, or new or increased costs and charges, reasonably associated with such MCU Event and incurred by Supplier. Such losses, and/or costs and charges may be charged to Customer by Supplier as Pass-Through Charges.

Legal Changes and Compliance. "Change in Law" means a change in Applicable Law. "Applicable Law" means any law, regulation, rule, ordinance, order or decree by a governmental authority or the Regional Transmission Operator ("RTO")/Independent System Operator ("ISO"), including, without limitation, EDU tariffs (including, without limitation, rate class definitions and/or delivery voltage/service level requirements), RTO/ISO rules or protocols (including, without limitation, those affecting any fees, costs, or charges imposed by the RTO/ISO), market rules, load profiles, methods by which the EDU or the RTO/ISO calculates usage, nodal and zonal definitions, and/or ISO boundaries. A "change" includes, without limitation, any amendment, modification, nullification, suspension, repeal, finding of unconstitutionality or unlawfulness or any change in construction, interpretation or outcome. Notwithstanding any provision in this Agreement to the contrary, if there is a Change in Law and such Change in Law results in Supplier incurring material new or increased costs or charges in providing the Services contemplated herein, or if there are any material new or increased costs or charges incurred by Supplier, including costs or charges for renewable energy credits, capacity and/or network

integrated transmission service, to comply with Applicable Law, such new or increased costs or charges shall be paid by Customer as Pass-Through Charges.

Title. Title to and risk of loss of the electric energy, ancillary services, renewable energy credits, and every other component of the Service provided hereunder shall pass to Customer at the point at which Supplier provides such component to the EDU.

Force Majeure. Neither Party will be in breach or liable for any delay or failure in its performance under this Agreement (except with respect to any payment obligations under this Agreement) to the extent such performance is prevented or delayed due to a Force Majeure Event. For purposes of this Agreement, a "Force Majeure Event" shall mean any act or event that (i) renders it impossible or impractical for the affected Party to perform its obligations under the Agreement, and (ii) is beyond the reasonable control of the affected Party, including, but not limited to, storms or floods, lightning, earthquakes and other acts of God, wars, civil disturbances, revolts, terrorist activity, sabotage, theft, vandalism or other actions by third parties, fires, explosions, failures of suppliers, utility action or inaction and actions of a governmental authority. In no event shall Supplier's ability to sell electricity at a higher price, or Customer's ability to purchase electricity at a lower price, constitute a Force Majeure Event under this Agreement.

Limits on Liability; Disclaimer. EACH PARTY'S LIABILITY TO THE OTHER UNDER THIS AGREEMENT SHALL BE LIMITED TO DIRECT ACTUAL DAMAGES AS THE SOLE AND EXCLUSIVE REMEDY, AND ALL OTHER REMEDIES AND DAMAGES AT LAW OR IN EQUITY ARE WAIVED. NEITHER PARTY SHALL BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, SPECIAL, PUNITIVE, EXEMPLARY OR INDIRECT DAMAGES, INCLUDING LOST PROFITS OR OTHER BUSINESS INTERRUPTION DAMAGES, WHETHER IN TORT OR CONTRACT, OR OTHERWISE IN CONNECTION WITH THIS AGREEMENT OR SERVICE. SUPPLIER EXPRESSLY DISCLAIMS ALL WARRANTIES, WHETHER WRITTEN OR ORAL, OR EXPRESSED OR IMPLIED.

Liquidated Damages. Liquidated Damages means, as to each terminated Account(s), an amount equal to the product of: (i) the excess, if any, of the Price over the market price that is commercially available to Supplier for the same electricity usage which would have been supplied hereunder for the remainder of the Initial Term, all as reasonably determined by Supplier, and (ii) the estimated electricity usage which would have been supplied hereunder for the remainder of the Initial Term. To determine the "market price that is commercially available to Supplier," as used above, Supplier may consider, among other things, settlement prices of applicable NYMEX futures contracts, quotations from leading dealers in energy swap contracts and other bona fide offers from parties participating in the wholesale and/or retail power markets, which may include Supplier and/or its affiliates, all as commercially available to Supplier and all as adjusted for the length of the remaining Initial Term and otherwise as is commercially reasonable. Supplier will not be required to enter into any replacement transaction in order to determine such market price or actual damages.

Termination by Customer. Subject to the Special Termination provisions above, Customer may terminate this Agreement, in whole or as relating to any Account(s), without liability for Liquidated Damages so long as Customer is not in default of any material obligation under this Agreement, but Customer shall be obligated to pay for the electricity and related services provided to Customer pursuant to this Agreement prior to the date that such termination becomes effective, including applicable late payment fees.

Termination by Supplier. Supplier reserves the right to terminate this Agreement if Customer: (i) fails to make timely payment of all amounts due Supplier; or (ii) fails to post a security deposit under the provisions of the Credit Support section within ten (10) days of a written request for deposit; or (iii) breaches any warranty or representation to Supplier; or (iv) defaults on any material other obligation under this Agreement; or (v)(A) makes an assignment for the benefit of creditors, (B) files a petition or otherwise

authorizes the commencement of a proceeding under the Bankruptcy Code or similar law for protection of creditors, or has such petition filed against it, (C) otherwise becomes bankrupt or insolvent, or (D) is unable to pay its debts as they fall due. In the event Service is terminated in accordance with this Section prior to expiration of the Initial Term, Customer shall pay Supplier the Liquidated Damages.

Assignment. Supplier may assign its rights and obligations under this Agreement to a third party. Customer may not assign its rights and obligations under this Agreement to a third party without the prior written consent of Supplier, which consent shall not be unreasonably withheld. Supplier may deny such assignment based on the creditworthiness of the assignee, as determined by Supplier in its reasonable discretion. Any attempted assignment in violation of this Agreement shall be null and void.

Confidentiality. Supplier will not release your account number(s), social security number, or any of your information without your express written consent except in accordance with Rules of Ohio Administrative Code. The Parties agree to keep all terms and provisions of this Agreement and the Service confidential and not to disclose its terms to any third parties without the prior written consent of the other Party; provided, however, each Party shall have the right to make any such disclosures to (i) a third party service provider who has a need to know such confidential information to provide services to the disclosing Party and is prohibited from disclosing to another party such Party's confidential information, (ii) governmental agencies, (iii) its own agents, attorneys, auditors, accountants and shareholders or members. If disclosure is sought through process of a court, or a state or federal regulatory agency, the Party from whom the disclosure is sought shall provide reasonable notice thereof to the other Party, and (iv) comply with applicable Ohio open records laws. If disclosure is sought through process of a court, a state or federal regulatory agency or open records law, the Party from whom the disclosure is sought shall provide reasonable notice thereof to the other Party.

~~**Collection Costs.** To the fullest extent permitted under Ohio law, Customer agrees to pay Supplier its reasonable attorneys' fees, expenses, and any other collection costs related to Customer's past due amounts.~~

Complaints. If your complaint is not resolved after you have called your electric supplier and/or your electric utility, or for general utility information, residential and business customers may contact the public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) from eight a.m. to five p.m. weekdays, or at <http://www.puco.ohio.gov>. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service).

Governing Law and Venue. This Agreement shall be governed by and construed, enforced and performed in accordance with the laws of the State of Ohio. The exclusive venue for any suit, claim, action or other proceedings, whether at law or in equity, relating to this Agreement, shall be in the state or federal courts of competent jurisdiction sitting in Cleveland, Ohio.

Misc. Entire Agreement. This Agreement embodies the entire Agreement and understanding between the Parties, and supersedes all prior agreements and understandings between the Parties, whether written or oral, with respect to the subject matter hereof.

Forward Contract. The Parties agree that this Agreement is a "forward contract" and that Supplier is a "forward contract merchant" for purposes of the United States Bankruptcy Code, as amended, and any payment related hereto will constitute a "settlement payment" as defined in Section 101 (51A) thereof.

Environmental Disclosure. Customer agrees that Supplier may make the required annual and quarterly environmental disclosures electronically by making such disclosures available for viewing at the Supplier's website: <https://www.nexteraenergyservices.com/legal-notices-and-terms/> and, under "Environmental Disclosures," clicking on "Ohio."

NextEra Energy Services Ohio, LLC
CRES Certificate Number 08-145E

JLE

**Addendum A to
Competitive Retail Electric Service Contract**

ACCOUNTS INCLUDED IN AGREEMENT

Customer Name:
Electric Distribution Utility:

EDU Account No.	Service Address City, State and Zip	Billing Address City, State and Zip	New Account or Renewal?

Customer Initials: _____

Date: _____

NextEra Energy Services Ohio Initials: _____

Date: _____

	Retail Supplier	\$/	Rate Type	Renewable Content	Introductory Price	Term Length (Months)	Early Termination Fee	Monthly Fee	Promotional Offers
✓	New Wave Energy Corp 410 Main Street Buffalo, NY 14202 (855) 998-9283 Company Url Offer Terms of Service Sign Up	0.0500	 Fixed	0%	No	36 mo.	\$199	\$0	No
✓	AEP Energy Inc 303 Marconi Blvd Suite 400 Columbus, OH 43215 (877) 648-1936 Company Url Offer Terms of Service Sign Up	0.0510	 Fixed	0%	No	36 mo.	\$10	\$0	No
✓	Public Power LLC P.O. Box 660823 Dallas, TX 75266-0823 (888) 354-4415 Company Url Offer Terms of Service Sign Up	0.0609	 Fixed	30%	No	36 mo.	\$150	\$0	No
✓	Statewise Energy Ohio, LLC 5005 Rockside Road, Suite 600 Independence, OH 44131 (855) 862-1185 Company Url Offer Terms of Service Sign Up	0.0938	 Fixed	0%	Yes 1 mo.	36 mo.	\$7.5	\$4.98	Yes
✓	Statewise Energy Ohio, LLC 5005 Rockside Road, Suite 600 Independence, OH 44131 (855) 862-1185 Company Url Offer Terms of Service Sign Up	0.0739	 Fixed	0%	Yes 1 mo.	36 mo.	\$5	\$4.98	Yes
✓	AEP Energy Inc 303 Marconi Blvd Suite 400 Columbus, OH 43215 (877) 648-1936 Company Url Offer Terms of Service Sign Up	0.0539	 Fixed	100%	No	36 mo.	\$10	\$0	No

2/9/2021

WWW.ENERGYCHOICE.OHIO.GOV/APPLESTOAPPLESCOMPARISON

	Retail Supplier	\$/	Rate Type	Renewable Content	Introductory Price	Term Length (Months)	Early Termination Fee	Monthly Fee	Promotional Offers
☒	Energy Service Providers Inc P.O. Box 660403 Dallas, TX 75266-0433 (888) 947-7880 Company Url Offer Terms of Service Sign Up	0.0759	 Fixed	0%	No	36 mo.	\$150	\$0	No
☒	Energy Service Providers Inc P.O. Box 660403 Dallas, TX 75266-0433 (888) 947-7880 Company Url Offer Terms of Service Sign Up	0.0799	 Fixed	100%	No	36 mo.	\$150	\$0	No

PROPOSED LEGISLATION



DATE: 2/22/2021

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

FROM: Carl S. DeForest, City Manager
Todd Fischer

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 22-2021** - An emergency ordinance establishing Section 258.14 of the City of Brunswick Codified Ordinances Military Service Leave of Absence as Attached in Exhibit A. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Todd Fischer*)

BACKGROUND: The City does not currently have a Codified Ordinance Section pertaining to Military Service Leave of Absence. The City Administration has conducted a Military Service Leave of Absence policy and related practice, however, that policy and practice was never previously formalized through the Codified Ordinances adopted by City Council.

PURPOSE AND EXPLANATION: See background section.

IMPLEMENTATION SCHEDULE: Consideration for passage on February 22, 2021 as an emergency with suspension of the rules..

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: No change

RECOMMENDED ACTION:

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

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

In order to formalize the City's Military Leave of Absence Policy and practice through City Council and to maintain consistency and application of the Administration practice for the past 20+ years, it is recommended that this piece of legislation be considered for emergency with suspension of the rules.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 22-2021

BY: Committee-of-the-Whole

AN EMERGENCY ORDINANCE ESTABLISHING SECTION 258.14 OF THE
CITY OF BRUNSWICK CODIFIED ORDINANCES BY ESTABLISHING A
MILITARY SERVICE LEAVE OF ABSENCE/BENEFITS POLICY.

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

SECTION 1: That Section 258.14 of the Codified Ordinances is hereby established to read as follows:

“258.14 MILITARY SERVICE LEAVE OF ABSENCE; BENEFITS
DURING SERVICE.

(a) Full-Time employees of the City who serve in the National Guard, U.S. Air Force Reserve, U.S. Army Reserve, U.S. Marine Corps Reserve, U.S. Coast Guard Reserve or U.S. Naval Reserve are entitled to a leave of absence from their respective positions without loss of pay for when ordered to temporary active duty, inactive duty training or when ordered to military training exercises conducted in the field, for periods of up to one (1) month, for each federal fiscal year in which they are performing service in the uniformed services.

(b) As used in this section:

(1) "Year" means federal fiscal year (October 1st – September 30th).

(2) "Month" means twenty-two (22) eight (8) hour work days or one hundred seventy-six (176) hours within one (1) federal fiscal year.

(3) "Full-Time employee" means any person holding a position of employment with the City with an average of 40 hours or more per week on a regular schedule of twenty-six (26) consecutive biweekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. "Full-Time employee" does not include student help; intermittent, seasonal, or external interim employees; part-time employees, individuals covered by personal services contracts, or employees not meeting the definition of a “Full-Time employee”.

(4) "Without Loss of Pay" means a full-time employee is entitled to an amount equal to his/her gross monthly base wage less the sum of his/her gross military pay and allowances received during that

same month. No full-time employee shall receive payment if the sum of his/her gross military pay and allowances received in the month exceeds his/her gross monthly base wage in the month for any leave granted in this section.

- (c) Any full-time employee of the City, who is entitled to the leave provided under division (a) of this section, and who is called or ordered to military duty for longer than a month, for each federal fiscal year in which military duty is performed, because of an executive order issued by the President of the United States or an act of Congress, or because of an order to perform duty issued by the governor pursuant to RC 5919.29 is entitled, during the period designated in the order or act, to a leave of absence and paid leave, during each monthly pay period of that leave of absence: The amount of leave payment during each month for this additional leave of absence shall be the lesser of: (1) the difference between the full-time employee's gross monthly base wage and the sum of his/her military pay and allowances received that month or (2) five hundred dollars (\$500).
- (d) Each full-time employee who is entitled to leave provided under division (a) or (c) of this section shall submit both (1) their military leave and earnings statement covering the military duty period and (2) the published order authorizing the military duty or a written statement from the appropriate military commander authorizing that service, prior to being credited with paid leave as defined in this section. The full-time employee shall submit the military leave earnings statement and the published order/statement to his/her supervisor and the City's Payroll Department no later than forty-five days (45) from returning from military duty.
- (e) A full-time employee on a military leave of absence shall be deemed to be in the service of the City. Employee cost share for any required benefit remains the employee's responsibility during any military leave of absence."

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to immediately formalize the City's military leave of absence policy and to maintain consistency of application of the such policy per the City's prior practices. 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 _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST:

Clerk of Council
Fijabi Julien-Gallam, CMC

EXHIBIT A

258.14 Military Service Leave of Absence; Benefits During Service

(a) Full-Time employees of the City who serve in the National Guard, U.S. Air Force Reserve, U.S. Army Reserve, U.S. Marine Corps Reserve, U.S. Coast Guard Reserve or U.S. Naval Reserve are entitled to a leave of absence from their respective positions without loss of pay for when ordered to temporary active duty, inactive duty training or when ordered to military training exercises conducted in the field, for periods of up to one (1) month, for each federal fiscal year in which they are performing service in the uniformed services.

(b) As used in this section:

(1) "Year" means federal fiscal year (October 1st – September 30th).

(2) "Month" means twenty-two (22) eight (8) hour work days or one hundred seventy-six (176) hours within one (1) federal fiscal year.

(3) "Full-Time employee" means any person holding a position of employment with the City with an average of 40 hours or more per week on a regular schedule of twenty-six (26) consecutive biweekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. "Full-Time employee" does not include student help; intermittent, seasonal, or external interim employees; part-time employees, individuals covered by personal services contracts, or employees not meeting the definition of a "Full-Time employee".

(4) "Without Loss of Pay" means a full-time employee is entitled to an amount equal to his/her gross monthly base wage less the sum of his/her gross military pay and allowances received during that same month. No full-time employee shall receive payment if the sum of his/her gross military pay and allowances received in the month exceeds his/her gross monthly base wage in the month for any leave granted in this section.

(c) Any full-time employee of the City, who is entitled to the leave provided under division (a) of this section, and who is called or ordered to military duty for longer than a month, for each federal fiscal year in which military duty is performed, because of an executive order issued by the President of the United States or an act of Congress, or because of an order to perform duty issued by the governor pursuant to RC 5919.29 is entitled, during the period designated in the order or act, to a leave of absence and paid leave, during each monthly pay period of that leave of absence: The amount of leave payment during each month for this additional leave of absence shall be the lesser of: (1) the difference between the full-time employee's gross monthly base wage and the sum of his/her military pay and allowances received that month or (2) five hundred dollars (\$500).

(d) Each full-time employee who is entitled to leave provided under division (a) or (c) of this section shall submit both (1) their military leave and earnings statement covering the military duty period and (2) the published order authorizing the military duty or a written statement from the appropriate military commander authorizing that service, prior to being credited with paid leave as defined in this section. The full-time employee shall submit the military leave earnings statement and the published order/statement to his/her supervisor and the City's Payroll Department no later than forty-five days (45) from returning from military duty.

(e) A full-time employee on a military leave of absence shall be deemed to be in the service of the City. Employee cost share for any required benefit remains the employee's responsibility during any military leave of absence.

PROPOSED LEGISLATION



DATE: 2/22/2021

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. 23-2021** - An ordinance repealing Section 1266.04(d) of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: In accordance with the Advance Brunswick Comprehensive Plan Update, City Council has determined that retail uses are not appropriate in the I-L Light Industrial District.

PURPOSE AND EXPLANATION: Section 1266.04(d) of the City of Brunswick Codified Ordinances authorizes the Planning Commission to issue conditional zoning certificates for single-user, retail businesses with a minimum gross floor area of 40,000 sq. ft. in the I-L Light Industrial District. As recommended by the Advance Brunswick Comprehensive Plan Update, retail uses are not appropriate in the I-L District.

IMPLEMENTATION

SCHEDULE: First reading on February 22, 2021, then refer back to the Planning Commission for a public hearing.

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 adoption of the legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 23-2021

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

AN ORDINANCE REPEALING SECTION 1266.04(d) OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES.

WHEREAS: Codified Ordinance Section 1266.04(d) authorizes the Planning Commission to issue conditional zoning certificates for retail use in the I-L Light Industrial District; and

WHEREAS: This Council has determined that retail uses are not appropriate in the I-L Light Industrial District.

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

SECTION 1: That Section 1266.04(d) of the City of Brunswick Codified Ordinances is hereby repealed in its entirety.

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