



BRUNSWICK CITY COUNCIL AGENDA

Brandon Lambert Ward 3	Kristy Piper At-Large	Tim Smith At-Large	Kenneth Fisher Law Director	Carl S. DeForest City Manager	Ron Falconi Mayor	Laura Timura Clerk of Council	Nicholas Hanek Ward 2	Michael Abella Jr. Ward 1	Jospeh Delsanter At-Large	Anthony Capretta Ward 4
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Administration Representatives

OCTOBER 10, 2022
In Council Chambers
At 7:00 P.M.

REVISED

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of regular Council Meeting Minutes dated September 26, 2022.
5. Mayor's Report:
 - (a) Mayor's Court Financial Report for the month ending September 2022 will be posted on the website and added to the minutes for the record;
 - (b) Mayor's recommendation to reappoint Steven Girard to the Ethics Board.
6. Clerk of Council's Report
7. Council Committee Reports:

Economic Development Committee.....Mr. Lambert

Services, Utilities, Technology & Cable Committee.....Mr. Smith

Services Committee Meeting Minutes dated September 26, 2022

Finance Committee.....Mr. Hanek

Finance Committee Meeting Minutes dated September 26, 2022

Safety & Environment Committee.....Mr. Capretta

Safety Committee Meeting Minutes dated September 26, 2022

Planning & Zoning Committee.....Mr. Delsanter

Planning & Zoning Committee Meeting Minutes dated September 26, 2022

Parks, Recreation & Community Committee.....Mrs. Piper

Parks & Rec Committee Meeting Minutes dated September 26, 2022

Building & Building Code Committee.....Mr. Abella

8. Other Committees, Boards and Commissions

(a) Committee of the Whole Meeting Minutes dated September 22, 2022

9. Petitions from the Public on Legislation

10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

RES. NO. 69-2022 - An emergency resolution authorizing the purchase of real property for municipal purposes in an amount not to exceed \$20,000.00. -

3rd Reading (Committee-of-the-Whole, *Administration/Ken Fisher*)

ORD. NO. 70-2022 - An ordinance approving the final plat for the Oak Ridge Preserve Special Planning District No. 7, subject to final engineering approval and any other conditions imposed by Council. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 71-2022 - An ordinance authorizing the City Manager to forward a petition for detachment to the Medina County Commissioner's Office for the purpose of adjusting the City boundary lines to include an annexation into the City of Brunswick. - **3rd Reading** (Committee-of-the-Whole, *Administration/Ken Fisher*)

RES. NO. 72-2022 - A resolution authorizing the City Manager to enter into an agreement with W.B. Mason for the provision of office supplies for a period of one (1) year from January 1, 2023 through December 31, 2023, with two (2) separate one (1) year renewal options. - **3rd Reading** (Committee-of-the-Whole, *Administration/Jim Foster*)

ORD. NO. 79-2022 - An ordinance amending Section 1443.04 of the Codified Ordinances of the City of Brunswick by increasing the new construction permit fee schedule for Type F and Type S permits - **3rd Reading** (Building & Building Code Committee, *Administration/Grant Aungst*)

b. 2nd Reading(s)

RES. NO. 82-2022 - An emergency resolution authorizing the City Manager to enter into a maintenance agreement with Medina County. - **2nd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

ORD. NO. 83-2022 - An ordinance establishing the Market 42 Special Planning District No. 8 conceptual development plan and amending the Zoning Map by designating PPNs 003-18D-19-008 and 003-18D-24-001 located on Pearl Road consisting of approximately 8.1934 total acres as SPD-8. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

c. 1st Reading(s)

ORD. NO. 92-2022 - An emergency ordinance to approve the editing and inclusion of certain ordinances as components of the Codified Ordinances; to provide for the adoption of new legislation in the updated revised Codified Ordinances; and to repeal ordinances in conflict therewith. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Laura Timura*)

RES. NO. 93-2022 - A resolution authorizing the donation of municipal personal property no longer needed for municipal purposes. - **1st Reading** (To be brought from Parks, Recreation & Community Committee, *Administration/Taylor Petkovsek*)

RES. NO. 94-2022 - An emergency resolution accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the County Auditor. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

11. City Manager's Report
12. Open Forum
13. Unfinished Business
14. New Business
15. Adjournment

SERVICES, UTILITIES, TECHNOLOGY & CABLE COMMITTEE

September 26, 2022

IN ATTENDANCE: Chairman Timothy Smith, Committee Member Michael Abella Jr., Committee Member Anthony Capretta, Nicholas Hanek, Kristy Piper, Brandon Lampert, Joseph Delsanter, City Manager Carl DeForest, Law Director Kenneth Fisher, Engineer Matt Jones, Finance Director Todd Fischer, Community & Economic Development Director Grant Aungst, Service Director Paul Barnett, Clerk of Council Laura Timura, News Media.

The meeting convened at 5:51p.m.

DISCUSSION ITEMS:

RES. NO. 82-2022 – An emergency resolution authorizing the City Manager to enter into a maintenance agreement with Medina County.

Mr. Barnett advised a maintenance agreement between Medina County and the City of Brunswick was entered into in 1996. This new agreement modifies the maintenance of the roadways and the snow and ice removal. He noted when major costs are involved the City pays a share for those resident's frontage and the county pays the share for Brunswick Hills Township portion.

Mr. Capretta inquired as to why the legislation was written as an emergency, to which Mr. Barnett stated the administration wanted to get this agreement in place before snow and ice starts.

Mr. Capretta moved this resolution to tonight's Council Agenda of September 26, 2022 as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

RES. NO. 84-2022 – An emergency resolution repealing Resolution No. 10-2022.

Mr. Barnett indicated this resolution is to repeal legislation that was adopted earlier this year to purchase an eight-ton truck cab and chassis from Northern Ohio Peterbilt. Upon adoption Peterbilt placed the order in the production schedule, however recently the administration was informed the truck was taken out of production. By repealing resolution no.10-2022 the money is freed up to purchase the F550. Hence the reason for Resolution No. 85-2022 and Resolution No. 86-2022.

RES. NO. 85-2022 – An emergency resolution authorizing the City Manager to purchase a new Ford F 550 4WD cab and chassis for the Service Department from Liberty Ford in an amount not to exceed \$55,000.00.

Mr. Barnett advised the pricing for the F550 through Liberty Ford was not yet available, however the administration was comfortable with \$55,000.00. The City belongs to the Sourcewell Procurement Program and will get the pricing on October 17, and if it comes in \$55,000.00 or less the order for the F550 will be done at that point.

RES. NO. 86-2022 – An emergency resolution authorizing the City Manager to purchase a new Ford F550 truck body from Henderson Products for the Service Department in an amount not to exceed \$39,987.00.

Mr. Barnett noted this legislation is for the dump body for the F550 from Henderson Products, which is also a Sourcewell price. He mentioned if the price comes in more than \$39,987.00, the administration would come back before Council.

Mr. Capretta moved Resolution No. 84-2022, Resolution No. 85-2022, and Resolution No. 86-2022 to tonight's Council Agenda of September 26, 2022 as emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

RES. NO. 89-2022 - An emergency resolution amending Resolution No. 1-2021 by increasing the City of Brunswick's local share for the Sleepy Hollow Road Resurfacing Project by an additional \$783.14.

Mr. Jones explained this legislation amends the agreement that the City entered into with Medina County Engineer regarding the Sleepy Hollow Resurfacing Project which was completed last year. When the final invoice was received it exceeded the amount allocated by \$783.14. He noted this project was mostly funded with an Ohio Public Works grant that was shared with the county. This amount reflects the balance from the City's local share.

Mr. Capretta moved this resolution to tonight's Council Agenda of September 26, 2022 as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mr. Capretta moved to adjourn at 6:02 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Tim Smith", is written over a faint, light blue rectangular background.

Tim Smith
Chairman

FINANCE COMMITTEE MEETING

September 26, 2022

IN ATTENDANCE: Chairman Nicholas Hanek, Committee Member Joseph Delsanter, Committee Member Michael Abella, Brandon Lambert, Tim Smith, Kristy Piper, Anthony Capretta, Finance Director Todd Fischer, City Manager/Safety Director Carl DeForest, Engineer Matt Jones, Law Director Kenneth Fisher, Community & Economic Development Director Grant Aungst, Service Director Paul Barnett, Police Chief Brian Ohlin, Clerk of Council Laura Timura, John Robinson, News Media

The meeting convened at 6:26 p.m.

DISCUSSION ITEMS:

ORD. NO. 88-2022- -An emergency ordinance amending ordinances #110-2021, #15-2022, #37-2022, #53-2022 and #66-2022 to include amendments to the Appropriation Budget for the year ending December 31, 2022, as incorporated in Exhibit “A” attached hereto.

Mr. Fischer noted the recommended increase to the budget was approximately \$581,000.00, he pointed out the large majority was a transfer of income taxes from one fund to another. Additionally, there was an increase for future capital set asides for various department, and the only true large expenditure was an increase in expectations associated with the Plum Creek Trail Phase II project.

Mr. Smith requested clarification on the project, he was under the impression Plum Creek Trail was completed. It was noted there were three phases to the project, phase 1 was completed.

Mr. Delsanter moved this ordinance to tonight’s Council Agenda of September 26, 2022 as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

RES. NO. 90-2022 – An emergency resolution authorizing the City Manager to enter into a five-year contract to engage James G. Zupka, CPA, Inc., to audit the City of Brunswick for the fiscal years ending December 31, 2022.

Mr. Fischer noted this legislation authorizes the City Manger to enter into a five - year contract with the audit firm of James G. Zupka, CPA. He noted they are a quality firm, and preformed the City audit six years ago.

Mr. Abella moved this resolution to tonight’s Council Agenda of September 26, 2022 as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSON:

Mr. Delsanter asked about income taxes and working from home and the effects on the City. Mr. Fischer noted there are businesses switching over employer withholdings to the workplace site, and if it is the home it was switched to the home. If it switches back around there could be significant changes in income taxes.

ADJOURNMENT:

Being no further business, Mr. Delsanter moved to adjourn at 6:35 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'N Hanek', written in a cursive style.

Nicholas Hanek
Chairman

SAFETY & ENVIRONMENT COMMITTEE MEETING

September 26, 2022

IN ATTENDANCE: Chairman Anthony Capretta, Committee Member Kristy Piper, Committee Member Brandon Lambert, Tim Smith, Michael Abella, Joseph Delsanter, Nicholas Hanek, City Manager/Safety Director Carl DeForest, Finance Director Todd Fischer, Service Director Paul Barnett, Law Director Kenneth Fisher, Engineer Matt Jones, Community & Economic Development Director Grant Aungst, Police Chief Brian Ohlin, Animal Control Officer Mike Kellums, Clerk of Council Laura Timura, News Media

The meeting convened at 6:05 p.m.

DISCUSSION ITEMS:

Codified Ordinances Revisions – Chief Ohlin presented requested changes to Codified Ordinance specifically to language updates relating to the Division of Police. Chief Ohlin reviewed the change requests with the law director who indicated the change requests should be handled through City Council.

Chief Ohlin referenced Codified Ordinance Section 248.01 Composition of the Division of Police, he requested language be updated to change the word Lieutenant to plural Lieutenants, to reflect the current structure as there are two Lieutenants in the Department. Additionally, the current language structure references Police Officers and Radio Dispatchers, he suggested adding Administrative Assistants and Animal Control Officers, since those are two oppositions within the Division currently.

Chief Ohlin also referenced the residency requirement, he pointed out the language was changed and no longer reads 25 mile residency requirement, it reads Medina County or any County adjacent to Medina County for Police Officers to reside. Additionally, Chief Ohlin indicated the age range has already been changed under Codified Ordinance Section 248.02.

The last section being addressed was Codified Ordinance Section 248.07, Chief Ohlin noted this section addresses Part-Time Police Unit. The two provisions being requested for consideration to change was the residency requirement to be consistent with the Full-Time Police Officers, the recommendation is for Medina County or any County adjacent to Medina County, additionally he request change for the maximum age of Part-Time Police Officers, by removing the current maximum age of fifty-five years old. Chief Ohlin commented current part time officers were retired full time officers with thirty plus years of full time and are in their mid to late sixties.

Mr. Hanek recommended the committee make a motion to refer to the law department for further action based upon the discussion.

Mr. Lambert moved the codified ordinance revisions discussed to the law department for further discussion. Vote – 3 Ayes, 0 Nays.

Animal Control – Officer Kellums – Officer Kellums indicated there was an issue brought up about farrow cats in the City from a group that would like the City to fund their project regarding trap, neuter, release, he mentioned Medina, Wadsworth and Rittman were going along with the program. Officer Kellums noted to see any type of positive results takes four to five years and his suggestion was to wait and see how it works out in the southern part of the county.

Mr. Lambert indicated a resident reached out to him about this program, he asked officer Kellums what the cost would be to the City.

Mr. Hanek asked about the severity of the problem and how it should be addressed.

Mr. Capretta did not think it was a severe problem at this time, and Officer Kellums concurred.

Mrs. Piper spoke with the individual who was asking for the City to help and the information she received was 150 cats were helped through the organization in Brunswick, 44 percent go on to be adopted, and the cost was \$55.00 per cat to get spay and neutered, shots, worming, and flea treatment.

Officer Kellums noted the issue begins when a homeowner feeding cats, more cats come around, he noted there is a City ordinance not to feed strays, and it is an ongoing issue.

Mrs. Piper mentioned the organization tries to help the people that feed the cats by providing funding and assistance for supplying food for the cats.

Officer Kellums interjected, a project like that violates several of the City ordinances.

Mr. Hanek suggested this issue be vetted with Officer Kellums who was widely respected throughout the county and community, additionally, Mr. Hanek mentioned he and Mr. Capretta worked in conjunction with Officer Kellums when the original feeding of animal ordinance was put into place.

At this time Mr. DeForest stated to use discretionary funding on this type of a project was not advisable at this time. He noted the organization was looking for ten thousand dollars, and their work was similar to what the SPCA does voluntarily.

Mr. Delsanter commented on an experience with a cat shelter from another city that was not a responsible program. As pointed out by Officer Kellums this can get out of control by imposing large cat populations., and having a low percentage of re homing the cats.

Mr. Hanek mentioned the ordinance that was put into place and asked if it was working in the City, to which Officer Kellums indicated most people are respecting the ordinance that is in place. Mr. Hanek thought the City ordinance would be a good model for surrounding communities.

Mrs. Piper asked if this was something that the committee could visit next year, Mr. Capretta stated right now what was in place was working.

GENERAL DISCUSISON:

Mr. Smith mentioned some surrounding cities were having challenges with the deer population, and he asked Officer Kellums how the City was doing on the deer population.

To that Officer Kellums noted the City was doing well, he noted the deer were not a safety issue other than complaints coming in about landscaping issues. Information was provided from the Division of Wildlife as to what a homeowner can do to keep the deer away.

ADJOURNEMNT:

Being no further business, Mr. Lambert moved to adjourn at 6:20 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in cursive script that reads "Anthony P. Capretta".

Anthony Capretta
Chairman

PLANNING AND ZONING COMMITTEE

September 26, 2022

IN ATTENDANCE: Chairman Joseph Delsanter, Committee Member Brandon Lambert, Committee Member Kristy Piper, Tim Smith, Michael Abella, Nicholas Hanek, Anthony Capretta, City Manager/Safety Director Carl DeForest, Law Director Kenneth Fisher, Finance Director Todd Fischer, Community & Economic Development Director Grant Aungst, Engineer Matt Jones, Service Director Paul Barnett, Police Chief Brian Ohlin, Clerk of Council Laura Timura, News Media

The meeting convened at 6:20 p.m.

DISCUSSION ITEMS:

ORD. NO. 83-2022 – An ordinance establishing the Market 42 Special Planning District No. 8 conceptual development plan and amending the Zoning Map by designating PPNs 003-18D-19-008 and 003-18D-24-001 located on Pearl Road consisting of approximately 8.1934 total acres as SPD-8.

As a point of order Mr. Delsanter advised this legislation may affect a member of the committee, and will recuse them self during the conversation.

Mr. Aungst advised at their last Planning Commission recommendation was made to City Council moving the Market 42 Special Planning District for approval, this is an opportunity for commercial and residential mixed - use facility.

Mr. Aungst explained Market 42 was a specialty market 26,000 square feet, the residential units would be developed by a local individual. Mr. Aungst commented it was a beautiful plan, with high quality living, trails and pathways, protection of wetlands, along with multiple vendors, fresh foods, and ability for entertainment.

Mr. Delsanter commented on a well laid out plan for the residential development.

Mr. Smith commented over the past eighteen years everyone asked why development was not being done on Pearl Road, and this was a perfect project for developing Pearl Road, and enhancing that part of the City. Mr. Smith was in favor of the project.

Mr. Aungst commented on the massive investments from the north end to the south end of Pearl Road, over the past six years.

Mrs. Piper moved this ordinance to tonight's Council Agenda of September 26, 2022 for three readings in thirty days, and refer back to Planning Commission. Vote – 2 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mrs. Piper moved to adjourn at 6:26 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Joseph Delsanter".

Joseph Delsanter
Chairman

PARKS, RECREATION & COMMUNITY COMMITTEE

September 26, 2022

IN ATTENDANCE: Chairwoman Kristy Piper, Committee Member Anthony Capretta, Committee Member Tim Smith, Michael Abella, Joseph Delsanter, Nicholas Hanek, Brandon Lambert, City Manager/Safety Director Carl DeForest, Finance Director Todd Fischer, Service Director Paul Barnett, Law Director Kenneth Fisher, Engineer Matt Jones, Community & Economic Development Director Grant Aungst, Police Chief Brian Ohlin, Animal Control Officer Mike Kellums, Clerk of Council Laura Timura, News Media

The meeting convened at 6:02 p.m.

DISCUSSION ITEMS:

All Inclusive Playground Update – Mr. DeForest attended a tour of the facility last week, all the equipment has been installed, as well as the zip line, concrete will be poured soon and once that cures the rubber surface will be poured. The playground should be completed by the middle of October.

Mrs. Piper asked about a ribbon cutting, to which Mr. DeForest indicated once an approximate date of completion is known that will be determined.

Mr. DeForest also noted surveillance cameras were being put in, and being paid by the City's capital budget. Additionally, updating the bathrooms are being looked into, if not this year early next year.

Mrs. Piper mentioned donations are still being accepted, and Mr. DeForest indicated the donations go through the schools.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mr. Smith moved to adjourn at 6:05 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,



Kristy Piper
Chairwoman

COMMITTEE OF THE WHOLE MEETING

September 26, 2022

IN ATTENDANCE: Vice Mayor Nicholas Hanek, Joseph Delsanter, Anthony Capretta, Brandon Lambert, Timothy Smith, Kristy Piper, Michael Abella, City Manager/Safety Director Carl DeForest, Finance Director Todd Fischer, Community & Economic Development Director Grant Aungst, Law Director Kenneth Fisher, Fire Chief Greg Glauner, Service Director Paul Barnett, Engineer Matt Jones, Mayor Ron Falconi, Executive Director Cathy's House Jon Robinson, Clerk of Council Laura Timura, News Media.

The meeting convened at 6:35 p.m.

DISCUSSION ITEMS:

Cathy's House – Mr. DeForest introduced Mr. Robinson Executive Director of Cathy's House. Mr. DeForest explained the City was a recipient of opioid settlement funds to be disbursed over the next 18 years. He noted the City did not have programs that qualified for the funding, therefore, the Administration located an organization that had programs in place that would be beneficial to those in need, and in turn beneficial to the community. Cathy's House is a non-profit organization, and Mr. Robinson was here this evening to present information to Council. Mr. Deforest stated Cathy's House has a facility in the City of Brunswick.

Mr. Jon Robinson – Executive Director Cathy's House - Mr. Robinson informed the committee he was a person in long term recovery, he has not used drug or alcohol since 2011.

Cathy's house is the only certified recovery house for men in Medina County, they provide an affordable structured living environment for individuals with substance use disorders or alcoholism. They come to the house from inpatient treatment with thirty days of sobriety, and come into the program to live long term, obtain goals, set recovery plans, insure they obtain employment, pay rent, and help them to obtain personal goals.

Mr. Hanek inquired if there were any other organization in the City of Brunswick that was doing the same.

To which Mr. Robinson answered in the negative on the recovery housing side, Cathy's House was the only recovery house in Brunswick, which opened up earlier this year. Mr. Robinson mentioned another organization Hope Recovery Community which was a recovery community organization operating out of Brunswick Church of the Nazarene. He advised their main location was in Medina, and Cathy's House works in conjunction with them.

Mr. Hanek asked about the number of residents currently in the Brunswick location, to which Mr. Robinson indicated there were five residents in the Brunswick location, and twenty-eight total within all of their housing locations. There was a waiting list to get in, which continues to grow, monthly there was approximately thirty requests for beds. Additionally, Mr. Hanek asked for Mr. Robinsons perception for the need in Brunswick for this type of program.

Mr. Robinson advised that the State of Ohio was the fourth worst state in the country for opioid related deaths, and in Medina County the City of Brunswick has the highest overdose death rate. Also, with no other recovery programming there was a huge need in the community. Recovery housing was one piece of the program., he stated there was a definite need in the City of Brunswick.

Mr. Delsanter asked for clarification on the staff running the house, and asked how they obtain funding.

Mr. Robinson clarified the staff is certified through Ohio Recovery Housing, which ensures their program is inspected twice per year. Staff are all certified peer supporters meaning they are in recovery but have obtained a state level certification, he stated they meet and exceed the standards. As far as funding, he noted Medina County ADAMH (Alcohol, Drug Addiction, and Mental Health Board) has been a huge supporter, they also receive grant dollars, county support, donations, and rent from the residents.

MOTIONS:

Motion authorizing Change order #2 in the amount of \$115,000.00 to Set in Stone Contracting, LLC for the 2022 Concrete Repair Program.

This motion is to increase the contract amount for the concrete repair program, Mr. Jones, noted this opportunity came about as a result of the closeout of the West 130th Street Resurfacing project, which came in significantly under the original contract amount. The additional funds will be used for work on Fireside Drive and Harris Court. Also, additional funds will be allocated for work being done at the Judita/Hilltop intersection, Salem Drive, Monte Vista Drive, and some additional smaller areas.

Mr. Lambert moved to authorize Change Order #2 in the amount of \$115,000.00 to Set in Stone Contracting, LLC, for the 2022 Concrete Repair Program. Vote – 7 Ayes, 0 Nays.

REVIEW LEGISLAITON:

RES. NO. 87-2022 – An emergency resolution authorizing the City Manager to negotiate and enter into an agreement with App Architecture for professional architectural and engineering services for the new fire station headquarters in an amount not to exceed \$30,725.00.

Chief Glauner explained eight architectural firms responded and submitted proposals for conceptual drawings and needs assessment. From those eight the committee narrowed down to four architectural firms. Chief Glauner and Assistant Chief Merhaut traveled to fire stations completed or underway, and narrowed it down to App Architecture for a conceptual design of a new fire station headquarters to be located at 1094 Hadcock Road.

The proposed fee from App Architecture is \$29,975.00, with an additional \$750.00 for incidentals, for a total of \$30,725.00.

Mr. Capretta moved this resolution to tonight's Council Agenda of September 26, 2022 as an emergency with suspension of the rules. Vote – 7 Ayes, 0 Nays.

RES. NO. 91-2022 – An emergency resolution opposing the proposed interchange on Interstate 71 at Boston Road.

Mr. Barnett distributed a handout on the proposed interchange on Interstate 71 at Boston Road. (A copy of that handout is attached to these minutes.)

Mr. Barnett noted there have been many studies over many years on a possible interchange at Boston Road and Interstate 71. The latest study was done in 2017, the handout showed the top recommendation from that study. Four recommendations were provided, the top priority was to add a partial exchange at Boston Road for southbound traffic only, the second recommendation was adding an additional lane southbound on Interstate 71 between I-80 and the westbound exit ramp onto Route 82, the third recommendation from that study was for the widening of Howe Road and adding an auxiliary lane, and the fourth was to widen Howe Road.

Further explaining the first option, Mr. Barnett pointed out was to cul de sac North Carpenter Road before getting to Boston, with all the traffic going down Sturbridge and Weathervane, putting all the traffic into a residential area. Mr. Barnett clarified the proposal was for a southbound exit ramp onto Boston Road, and a southbound entrance ramp from Boston Road onto Interstate 71.

Mr. Barnett noted the purpose of the current study was to mitigate the problems on Route 82 at the evening rush hour with the traffic going southbound.

The second and third page of the handout showed Foltz Parkway, and Boston Road and the commercial and industrial area in Strongsville. Mr. Barnett pointed out the truck traffic would have a choice to drive down Boston Road or Route 82 to get to Interstate 71, which was a major concern. Boston Road was not designed to handle truck traffic, Mr. Barnett stated Boston Road would have to be torn out, rebuilt and widened. It would be a major rebuild costing about 30 million dollars with major truck traffic.

With all the improvements that would have to be made, Mr. Jones concurred that 30 million was a possibility.

Mr. Abella mentioned the pipe line on Boston Road and cost to move that, however, Mr. Barnett indicated the pipe line would remain. Mr. Barnett stated the pipe line transfers jet fuel.

Mr. Delsanter commented on the pipe line, he was told at one time the pipe line would have to be moved and it would be a cost to the City. He also mentioned the homeowners living on Boston Road and the difficulties they have now getting out of their driveways, and with increased traffic it would become more severe.

Mr. Hanek asked if this project would help Route 303 traffic in any way, to which Mr. Barnett noted there was no evidence of that, the majority of the studies indicated it would not do anything significant to help traffic on Route 303.

Mr. Hanek stated the City of Strongsville looked at other solutions that their residents did not want, to which Mr. Barnett elaborated the residents did not want the slip ramp onto Howe Road, or the widening of Howe Road.

Further, Mr. Hanek asked if there was ever in the State of Ohio a highway interchange placed in the middle of a residential neighborhood. Mr. Barnett was not aware of any, and if there was it would be due to a commercial reason.

Mr. Hanek looked at the master plan of Strongsville, and also the City of Brunswick, he pointed out the Master Plan of Brunswick does not contemplate in any way any kind of commercial corridor on Boston Road, nor did it contemplate changing residential to commercial. Further, Mr. Hanek reviewed the Comprehensive Plan from the City of Strongsville which stated they would explore the idea with other communities including Brunswick. Mr. Hanek asked Mr. Barnett if he had any knowledge of anyone from the City of Strongsville reaching out to the City of Brunswick to even attempt to try and coordinate to look at the project. To that, Mr. Barnett stated not since 2017.

Mr. Hanek expressed, the City of Strongsville has not reached out to anyone in the City of Brunswick, and they were unilaterally trying to force this upon the City of Brunswick.

Mayor Falconi commented on the cost of being around 30 million dollars, he wanted to know if that was something the City would have to pay or if there were grants involved.

Mr. Barnett explained, the cost to redo Boston Road would be about 30 million dollars, and that would be on the City unless some type of grant money was available, however grant money would not be available until after the interchange was built.

Mayor Falconi wanted to know if Mr. Barnett had a copy of the report that indicated the interchange would not alleviate the traffic on route 303. He expressed ever since he has been at City Hall people have complained about the traffic on route 303, and the conventional thought was creating an interchange at Boston Road would help alleviate the traffic.

Mr. Barnett stated the studies did not indicate that there would be any improved service on route 303. Mr. Barnett reiterated the City of Strongsville has not reached out to the City.

Mr. Capretta stated the proposal looks to be advantageous to the City of Strongsville and insulting to the residents of Brunswick.

During a meeting with NOACA, Mr. Delsanter brought up the option of Drake Road as a possible solution, he noted Drake Road was level and tied directly into the City of Strongsville Industrial Park, and West 130th. Further there was more setback on the residential properties along Drake Road.

Mr. Barnett did not have any evidence that Drake Road was looked at, he noted the impacts along Interstate 71 were being looked at, and he hoped that Drake Road would be looked at by the consultants.

Mr. Jones noted the consultants would be tasked to do an alternative analysis, potentially Drake Road would be looked at as an alternative by the consultant, however he could not be sure.

In closing, Mr. Barnett mentioned previously when NOACA approached the City of Brunswick, and the Council that was present at that time made it extremely clear under no uncertain terms did they want to see that interchange. Mr. Barnett noted Tom Patton got a \$100,000.00 dollar grant from the state to start looking at this, and it went to NOACA, and they had to approve the use of the money. During that meeting Mr. Barnett pushed the opinion of City Council to the board, and the board made it clear that unless the City of Brunswick City Council wanted to move forward the board would not approve it. The board would never approve the building of an interchange if the community that it was being put in said they did not want it.

Mr. Smith commented the history he had from being on Economic Development, he put meetings together between the two cities in order to look at the interchange at Boston Road, and the hang up was the money. Mr. Smith expressed having an issue with passing the legislation as an emergency, he felt the citizens should have time to voice their opinion.

Mr. Hanek understood the opinion of Mr. Smith, however he noted this was a resolution expressing the feeling based on a rapid action from the City of Strongsville which did not come to the attention of the City of Brunswick, until last week when he read it in the newspaper. He expressed if the City of Strongsville would have done what Mr. Smith did previously by having meetings and

discussion, it might have been a different conversation. Mr. Hanek recommends passing the legislation as an emergency, and further discussion and meetings with the residents can be held at a later time.

Mr. Fisher explained suspension of the rules and emergency legislation.

Mr. Delsanter moved this resolution to tonight's Council Agenda of September 26, 2022 as an emergency with suspension of the rules. Vote – 7 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mrs. Piper moved to adjourn the Committee of the Whole Meeting at 7:08 p.m. Vote – 7 Ayes, 0 Nays.

Respectfully submitted,

Valerie Zak

Valerie Zak
Assistant Clerk of Council

PROPOSED LEGISLATION



DATE: 10/10/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Ken Fisher

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 69-2022** - An emergency resolution authorizing the purchase of real property for municipal purposes in an amount not to exceed \$20,000.00. - **3rd Reading** (Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: The City entered into a Purchase Agreement with the Mesa Grande Property Owners' Association for property located on El Dorado Boulevard, PPN 003-18D-10-068, a portion of which is to be used for construction of Phase 3 of the Plum Creek Greenway Trail Project. City Council approval is now necessary through legislation to authorize the City Manager to execute all necessary documents to purchase the subject property.

PURPOSE AND EXPLANATION: It has been determined that a portion of land currently owned by the Mesa Grande Property Owners' Association is needed to complete the Plum Creek Greenway Trail project which is a multi-year project in conjunction with the Medina County Park District. Phase 3 is the final phase to complete the project which eventually connects Plum Creek Park to Brunswick Lake Park. This phase involves construction from Laurel Road, north to Brunswick Lake, and involves construction through the Mesa Grande Subdivision.

IMPLEMENTATION SCHEDULE: As soon as allowed by law

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The Purchase Agreement lists a purchase price of \$15,000 plus additional costs and expenses as identified therein. Total costs are not to exceed \$20,000. This purchase is part of the Plum Creek Trail Phase 3 project and will be charged to acct# 360-0812-56882.

RECOMMENDED ACTION:

One Reading	No
-------------	----

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

If emergency or suspension of the rules, why the request?
To proceed with closing as soon as possible

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 69-2022

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AUTHORIZING THE PURCHASE OF
REAL PROPERTY FOR MUNICIPAL PURPOSES IN AN AMOUNT NOT TO
EXCEED \$20,000.00.

WHEREAS: Upon prior approval of City Council, the City Manager entered into a Purchase Agreement relative to an approximate seven (7) acre portion of the vacant real property located on El Dorado Boulevard, Brunswick, Ohio and further identified as PPN 003-18D-10-068 (the "Property") for a purchase price of \$15,000.00, subject to such additional costs and expenses as identified therein.

WHEREAS: The purchase price of \$15,000.00 is supported by an Appraisal obtained by the City.

WHEREAS: The purchase of the subject Property is for municipal purposes.

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

SECTION 1: That the City Manager, upon approval of the Law Director, is authorized to execute all necessary documents to effectuate the purchase of the subject Property.

SECTION 2: That the Finance Director is authorized to remit payment for the purchase of the subject Property in an amount not to exceed \$20,000.00.

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

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura Timura

PROPOSED LEGISLATION



DATE: 10/10/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 70-2022** - An ordinance approving the final plat for the Oak Ridge Preserve Special Planning District No. 7, subject to final engineering approval and any other conditions imposed by Council. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: The Planning Commission, at their meeting on September 1, 2022, voted to recommend approval to City Council of the Oak Ridge Preserve SPD-7 final plat, attached hereto as Exhibit "A".

PURPOSE AND EXPLANATION: Final plat approval is subject to engineering and City Council approval, pursuant to Sections 1224.04(a)(3) and 1226.04 of the Subdivision Regulations.

IMPLEMENTATION

SCHEDULE: Immediately.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

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

Recommend approval.

**ADDITIONAL
INFORMATION:**

APPROVALS

This Plat was duly accepted by the Brunswick City Council at its regular meeting held on the _____ day of _____, 20____.

Ordinance No. _____.

Clerk of Council

This Plat was duly accepted by the Brunswick City Planning Commission at its regular meeting held on the _____ day of _____, 20____.

Secretary

This Plat was duly accepted by the Brunswick City Engineer this ____ day of _____, 20____.

City Engineer

This Plat was duly accepted by the Medina County Commissioners on this ____ day of _____, 20____.

Commissioner

Commissioner

Commissioner

All required central wastewater disposal facilities have been satisfactorily installed or financial guarantees have been approved by the Medina County Sanitary Engineer on this ____ day of _____, 20____.

Sanitary Engineer

Approved for transfer this ____ day of _____, 20____.

Tax Map Draftsman

Received for transfer this ____ day of _____, 20____.

Medina County Auditor

Received and recorded this ____ day of _____, 20____.

At _____ A.M./P.M recorded in Plat Document No. _____.

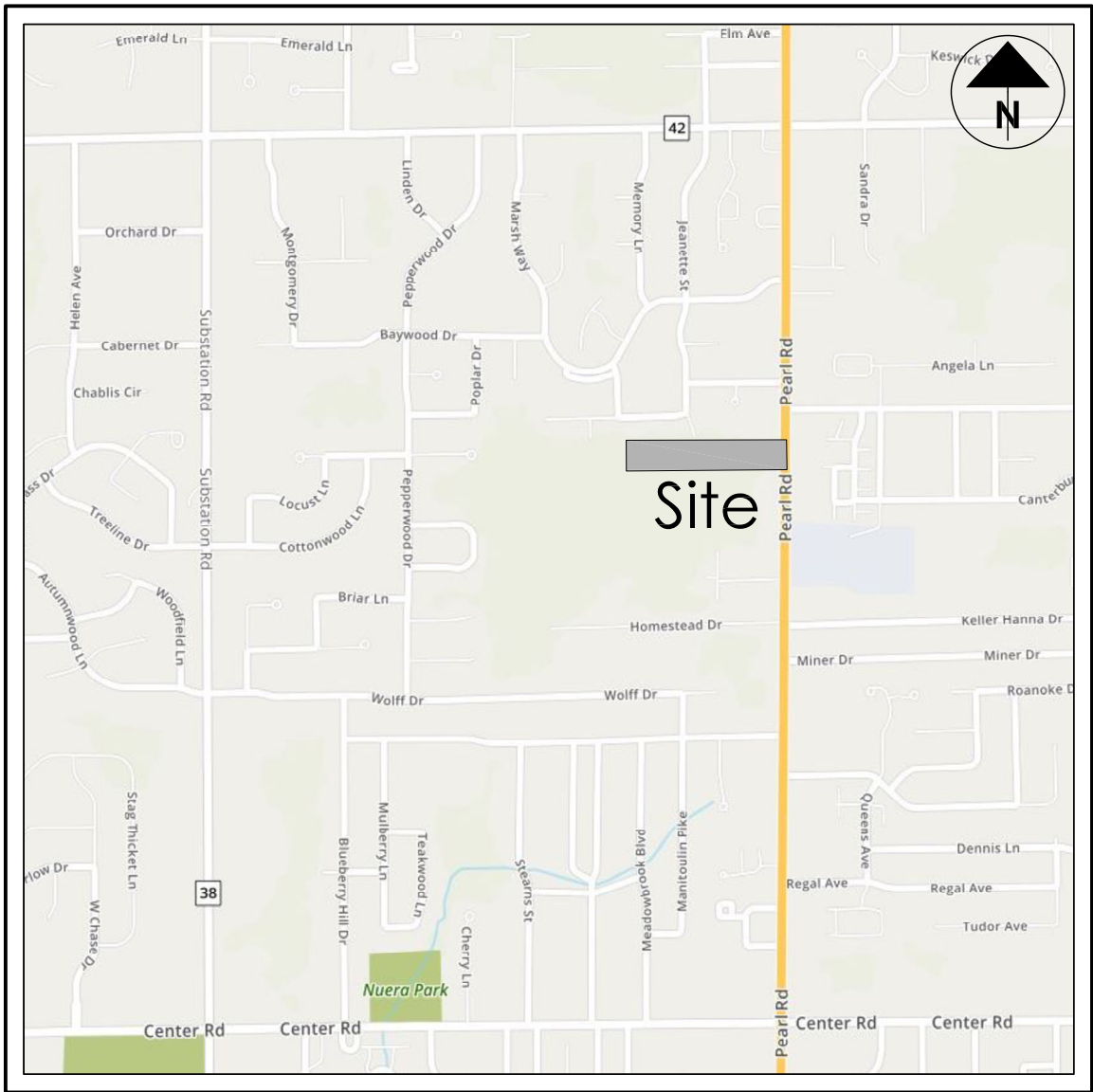
Fee: _____.

Medina County Recorder

Oak Ridge Preserve

Creating Sublot Nos. 1 through 34 and Blocks 'A' through 'D'

Situated in the City of Brunswick, County of Medina and State of Ohio and being part of Original Brunswick Township Lot 7, Tract 1 and further known as being all of a 12.9258 acre parcel of land conveyed to Oak Ridge Preserve LLC by deed dated January 26, 2022 and recorded in Document No. 2022OR002096 of the Medina County Recorder's Records.



LOCATION MAP

LATITUDE: 41°15'08.4" LONGITUDE: 81°50'45.0"

NOTES

REFERENCES:

"Replat of Blocks "E", "F" & "G" in the Timbers Subdivision - Phase 2" by Michael R. Elewski, P.S. 7252 as recorded in Plat Book 27, Page 125 of Medina County Recorder's Records.

Deed & Plat documents of Medina County's Recorder's Records as referenced by survey.

BASIS OF BEARINGS:

Centerline bearing of Pearl Road (S.R. 42) was calculated to be South 00°01'28" East, based upon Ohio State Plane Coordinate System, North Zone, NAD 1983, Ground.

NOTE:

All 5/8" x 30" iron pins set are affixed with a plastic cap bearing the inscription "DRG ENG 7631-8557"

AREA TABLE	
Sublots (34)	4.9104 Acres
Dedicated Right of Way	1.6209 Acres
Open Space Block 'A'	4.4899 Acres
Open Space Block 'B'	0.2055 Acres
Open Space Block 'C'	1.5765 Acres
Open Space Block 'D'	0.1222 Acres
Total	12.9254 Acres

ACCEPTANCE & DEDICATION

Know all men by these presents that _____ (Print Name), owner/agent of Oak Ridge Preserve LLC, owner of the lands embraced within this plat, and do hereby dedicate to public use forever the streets as shown hereon. All Storm Water Management, Storm Sewer, and Sanitary Sewer easements shown hereon are dedicated to the City of Brunswick, the Cleveland Division of Water, the Medina County Sanitary Engineer or the relevant utility providers. It is expressly acknowledged the maintenance and repair of the storm water retention basins and their associated outlet structures are the sole responsibility of the Homeowner's Association as detailed in the covenants, restrictions and easement documents referenced below. The maintenance and repair of the storm sewer is the sole responsibility of the City of Brunswick. The City of Brunswick, however, is granted access to the retention basins to perform whatever services it deems necessary.

Owner/Agent (Sign) _____ Date _____

County of Medina

State of Ohio

Before me a notary public in and for said county and state, personally appeared the above named _____ and _____, owners/ agents of Oak Ridge Preserve LLC, who acknowledged the making of the foregoing instrument and the signing of this plat to be their own free act and deed. In testimony whereof I have hereunto set my hand and official seal at _____, Ohio this ____ day of _____, 20____.

Notary public

My commission expires _____

Witness

Witness

LEGEND

DESCRIPTION	FOUND	SET
MAG NAIL	○ M.N.F.	✕
MONUMENT BOX	Ⓜ	Ⓜ
IRON PIN	○ I.P.F.	●
IRON PIPE	⊙ P.F.	
LIMITED ACCESS R/W	--- Ex LA --- Ex LA	
CENTERLINE	_____	
PROPERTY LINE	_____	
RIGHT-OF-WAY LINE	--- Ex R/W ---	
EASEMENT LINE	-----	
ORIGINAL PROP. LINE	 Z	
ORIGINAL LOT LINE	_____	

COVENANTS, RESTRICTIONS & EASEMENTS

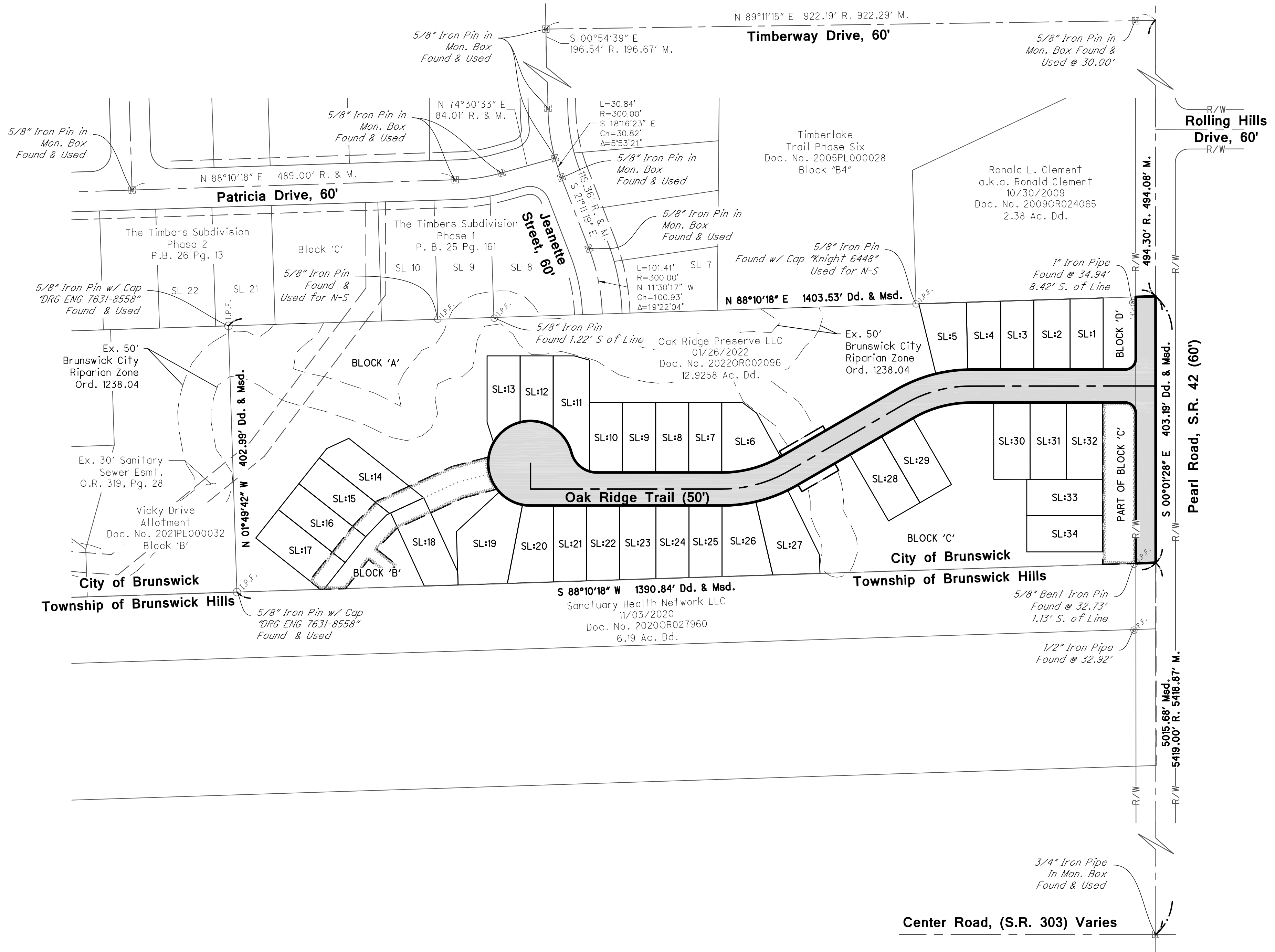
The Subdivision shown on this plat is subject to the covenants, restrictions and easements contained in the declaration or restrictions, covenants and easements, filed for record on the ____ day of _____ and recorded in Doc. No. _____ in the Medina County Recorders Records, State of Ohio.

SURVEYOR CERTIFICATION

This Plat was prepared from analysis of recorded plats, recorded deeds, and survey records, as applicable. Distances are given in feet and decimal parts thereof. All dimensional and geodetic details are correct and the survey balances and closes to the best of my knowledge. All monuments shown hereon exist or shall be set as shown.

Jeremy M. Sack P.S. No. S-8557 Date _____

Sheet List Table	
Sheet Number	Sheet Title
1	TITLE
2	OVERALL
3	EAST
4	WEST



The Timbers Subdivision Phase 1
P. B. 25 Pg. 161

SL 7

Timberlake
Trail Phase Six
Doc. No.
2005PL000028
Block "B4"

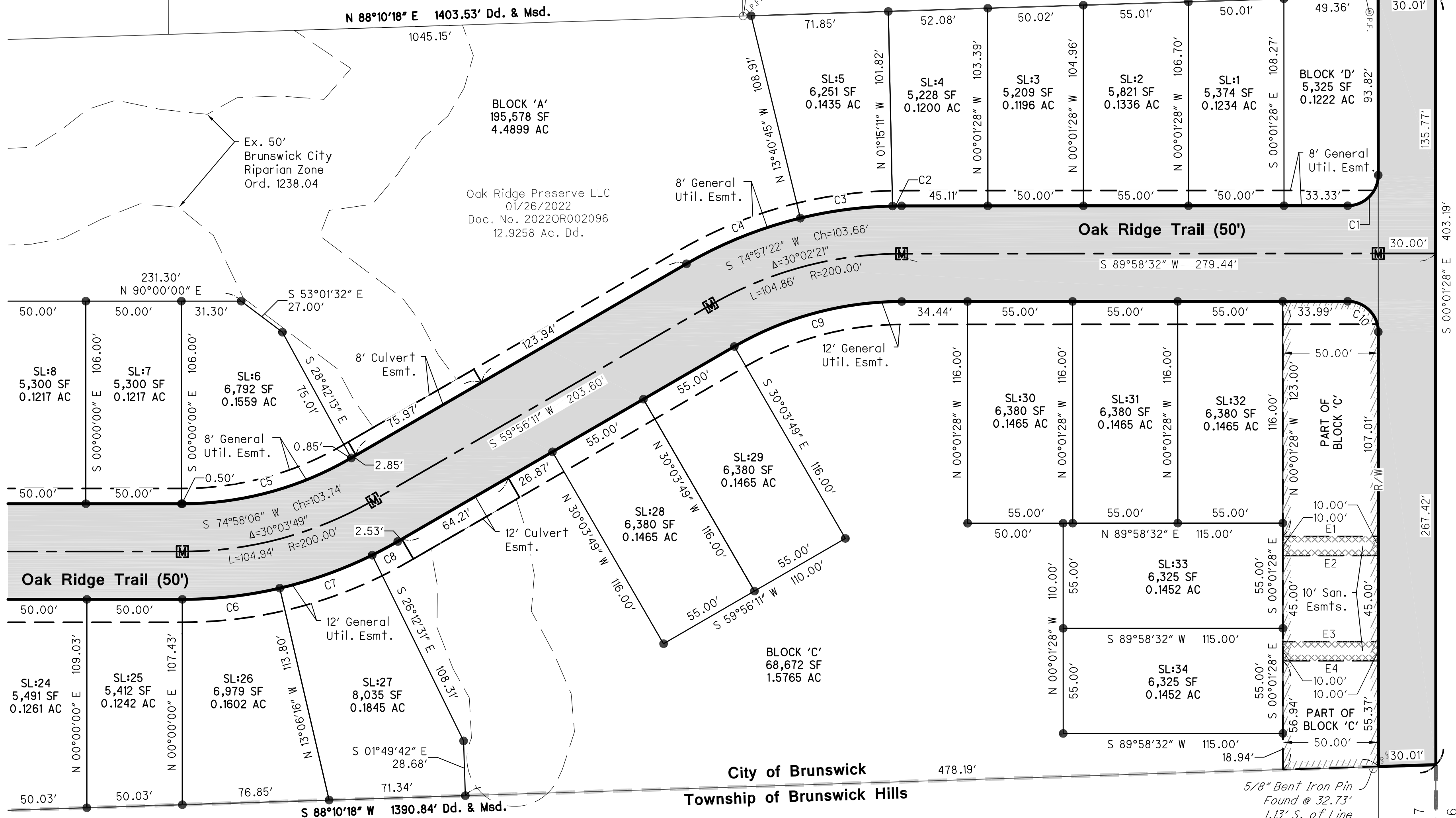
Ronald L. Clement
a.k.a. Ronald Clement
10/30/2009
Doc. No. 2009OR024065
2.38 Ac. Dd.

5/8" Iron Pin
Found w/ Cap "Knight 6448"
Used for N-S

1" Iron Pipe
Found @ 34.94'
8.42' S. of Line

See Sheet 4 of 4

See Sheet 4 of 4



Pearl Road, (S.R. 42) 60'

GENERAL CURVE TABLE

SEGMENT	LENGTH	RADIUS	CHORD	CHORD BEARING	DELTA
C1	25.14'	16.00'	22.63'	S 44°58'07" W	90°00'26"
C2	4.76'	225.00'	4.76'	N 89°22'09" E	1°12'47"
C3	48.79'	225.00'	48.70'	N 82°33'01" E	12°25'28"
C4	64.41'	225.00'	64.19'	S 68°08'14" W	16°24'06"
C5	91.82'	175.00'	90.77'	S 74°58'06" W	30°03'49"
C6	51.46'	225.00'	51.35'	N 83°26'52" E	13°06'16"
C7	51.46'	225.00'	51.35'	N 70°20'37" E	13°06'16"
C8	15.14'	225.00'	15.14'	N 61°51'50" E	3°51'17"
C9	91.75'	175.00'	90.70'	N 74°57'22" E	30°02'21"
C10	25.13'	16.00'	22.63'	S 45°03'42" E	90°00'19"

LINE TABLE

SEGMENT	LENGTH	DIRECTION
E1	50.00'	N 89°58'32" E
E2	50.00'	S 89°58'32" W
E3	50.00'	N 89°58'32" E
E4	50.00'	S 89°58'32" W

Sanctuary Health Network LLC
11/03/2020
Doc. No. 2020OR027960
6.19 Ac. Dd.

50' Access &
Utility Esmt.



CITY OF BRUNSWICK

MAYOR
RON FALCONI

CITY MANAGER / SAFETY DIRECTOR
CARL S. DEFOREST

COUNCIL
MICHAEL J. ABELLA, JR
ANTHONY P. CAPRETTA
JOSEPH P. DELSANTER
NICHOLAS HANEK
BRANDON LAMBERT
KRISTY PIPER
TIM SMITH

September 2, 2022

Kim and Ryan Harrington
Brownstone Building & Redevelopment
3660 Center Road, Suite #117
Brunswick, OH 44212

RE: Oak Ridge Preserve SPD-7 final plat
834 Pearl Road, Brunswick

Dear Mr. and Mrs. Harrington:

The Brunswick City Planning Commission, at their meeting on September 1, 2022, voted to **recommend approval** to City Council of the Oak Ridge Preserve Special Planning District No. 7 (SPD-7) final plat, 834 Pearl Road, Brunswick, subject to the following:

1. Final plat approval is subject to engineering and City Council approval, pursuant to Sections 1224.04(a)(3) and 1226.04 of the Subdivision Regulations.
2. The first reading on the final plat is scheduled for City Council's meeting on Monday, September 12, 2022. Please contact Laura Timura, Clerk of Council, at (330) 558-6845 regarding the meeting time.

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

Sincerely,



Pamela Plavecski,
Planning & Zoning Coordinator

Enc.

c: Carl DeForest, City Manager/Safety Director
Laura Timura, Clerk of Council
Grant Aungst, Community & Economic Dev. Director
Matt Jones, Consulting City Engineer
Cliff Calaway, Chief Building Official
Travis Crane, TGC Engineering



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>

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 70-2022

BY: Mr. Delsanter, Mr. Lambert, Mrs. Piper

AN ORDINANCE APPROVING THE FINAL PLAT FOR THE OAK RIDGE PRESERVE SPECIAL PLANNING DISTRICT NO. 7, SUBJECT TO FINAL ENGINEERING APPROVAL AND ANY OTHER CONDITIONS IMPOSED BY COUNCIL.

WHEREAS: On September 1, 2022, the Brunswick City Planning Commission recommended approval to City Council of the Final Plat for the Oak Ridge Preserve SPD-7, subject to final engineering approval.

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

SECTION 1: That the Final Plat for the Oak Ridge Preserve SPD-7, as attached hereto as Exhibit "A", is hereby approved subject to final engineering approval and any other conditions imposed by this Council.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Laura E. Timura
Clerk of Council

PROPOSED LEGISLATION



DATE: 10/10/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Ken Fisher

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 71-2022** - An ordinance authorizing the City Manager to forward a petition for detachment to the Medina County Commissioner's Office for the purpose of adjusting the City boundary lines to include an annexation into the City of Brunswick. - **3rd Reading** (Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: The City of Brunswick has been notified that a Petition for Regular Annexation on Application of Owners (the "Petition") was presented to the Medina County Commissioners requesting a parcel of land be annexed from Brunswick Hills Township to the City of Brunswick.

PURPOSE AND EXPLANATION: The approved legislation must be filed with the Medina County Commissioners' Office.

IMPLEMENTATION SCHEDULE:

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

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

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 71-2022

BY: Committee-of-the-Whole

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

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

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

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

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

WHEREAS: The City of Brunswick passed legislation accepting the proposed annexation per Resolution No. 59-2022 adopted on August 8, 2022;

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

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

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

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

SECTION 2: The annexation to be included in the boundary adjustment is contained in Resolution No. 59-2022. A copy of said Resolution is attached hereto as Exhibit "B".

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

PASSED: 1st Reading_____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES __ NAYS __

ATTEST: _____
Clerk of Council
Laura Timura

REGULAR MEETING – TUESDAY, MAY 10, 2022

The Board of County Commissioners of Medina County, Ohio, met in regular session on this date with the following members present:

Colleen M. Swedyk

William F. Hutson

Stephen D. Hambley

Mrs. Swedyk offered the following resolution and moved the adoption of same, which was duly seconded by Mr. Hutson

RESOLUTION NO. 22-0378

**APPROVING THE PETITION FOR THE REGULAR ANNEXATION OF
0.4417 ACRES OF LAND KNOWN AS BEING PART OF
BRUNSWICK HILLS TOWNSHIP
TO THE CITY OF BRUNSWICK, MEDINA COUNTY, OHIO**

WHEREAS, a petition for annexation of 0.4417 acres of land known as being part of Brunswick Hills Township to the City of Brunswick, Medina County, Ohio was filed with the Clerk of the Board of Medina County Commissioners on February 18, 2022 in accordance with Ohio Revised Code Section 709.02, and

WHEREAS, the day and hour and has come for the rendering of a decision by the Board of County Commissioners on said petition for annexation, and

WHEREAS, the State of Ohio has provided landowners a number of legal methods for annexations of property to municipal corporations to occur that balance the desires, needs and benefits of the petitioners, municipality and townships, and

WHEREAS, proper procedures were followed and notices given, and a public hearing commenced on May 3, 2022 in accordance with Section 709.032 of the Ohio Revised Code, and

WHEREAS, the Board of County Commissioners now finds that based on the preponderance of the substantial, reliable, and probative evidence on the entire record that said petition meets the following requirements and conditions:

1. The petition meets all of the requirements set forth in, and was filed in the manner provided in Section 709.02 of the Ohio Revised Code:
 - a. the territory proposed to be annexed is contiguous to the City of Brunswick;
 - b. the petition was signed by a majority of the authorized owners of real estate within the territory to be annexed;
 - c. each petition's signature includes the date it was obtained and no signature was obtained more than 180 days before the date of filing;
 - d. the petition contains an accurate legal description of the perimeter and an accurate map/plat of the territory to be annexed;
 - e. the petition states the person who would act as agent for the petitioner; and
 - f. the agent filed with the petition a list of all tract, lots or parcels within and adjacent to the territory to be annexed, including names, addresses of owners, and permanent parcel numbers.
2. The petition meets the following requirements set forth in Section 709.03 of the Ohio Revised Code:
 - a. The Clerk of the Board of County Commissioners notified the agent of the date, time, and place of the hearing;
 - b. the agent provided proof the required notices to: (1) the clerk of the municipality; (2) the fiscal officer of the township involved; and (3) the clerk of the board of commissioners;
 - c. the agent provided the required notices to: (1) all property owners within the territory proposed for annexation, and (2) adjacent property owners;
 - d. the agent has provided proof of the required notice published in a newspaper of general circulation;
 - e. the legislative authority of the municipality has adopted a statement by ordinance/resolution relative to services the municipality will provide with an approximate date by which it will provide said services upon annexation; and

The Clerk of the Board of County Commissioners
of Medina County, Ohio does hereby certify
that the foregoing is a true and correct copy
of the resolution adopted by said board
on 5/10/22
Rhonda J. Back



**REGULAR MEETING – TUESDAY, MAY 10, 2022
RESOLUTION NO. 22-0378 (CONT'D.)**

- f. the municipality filed its statement of municipal services with the board of county commissioners at least 20 days before the date of the annexation hearing.
- 3. The petition meets all of the requirements set forth in Section 709.033 of the Ohio Revised Code:
 - a. the petition meets all of the requires set forth in and was filed in the manner provided in Section 709.02 of the Ohio Revised Code;
 - b. the persons signing the petition are owners of real estate located in the territory proposed to be annexed and at the time the petition was filed, the number of valid signatures on the petition constitutes a majority of the owners of the real estate in that territory;
 - c. the municipal corporation to which the territory is proposed to be annexed has complied with Division (D) of Section 709.03 of the Ohio Revised Code;
 - d. the territory proposed to be annexed is not unreasonably large;
 - e. on balance, the general good the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the annexation petition is granted; and
 - f. no street or highway will be divided or segmented by the boundary line between the township and the municipal corporation as to create a road maintenance problem.

The Board of Medina County Commissioners, upon review of substantive, reliable and probative evidence, finds that:

- 1) The annexation involves a 0.4417 (T.H. 138) in Brunswick Hills Township, identified as PPN(s) 001-02A-25-040, 001-02A-25-041, 001-02A-25-042 owned by 966 Pearl LLC located at 366 Center Road, Suite 117, Brunswick, OH 44212; and 976 Pearl LLC located at 366 Center Road, Suite 117, Brunswick, Ohio 44212. It is not unreasonably large and is adjacent and contiguous to the land of the municipal corporation of the City of Brunswick;
- 2) Two entities own the property and the all owners signed the petition; therefore, the petition contains signatures of the majority (51%) of owners;
- 3) The City of Brunswick Resolution No. 19-2022 adopted March 28, 2022 declared intention by the City of Brunswick to provide municipal services to the subject property; the landowner is in agreement the annexed territory would receive adequate services sufficient to establish the general good of the territory being annexed;
- 4) The petitioner has proven that the land after annexation will enjoy a level of services comparable or adequate to that enjoyed prior to the annexation;
- 5) No street or highway will be divided or segmented by the boundary line between a township and the municipality as to create a road maintenance problem.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Medina County, Ohio that having found that the conditions of the Ohio Revised Code have been met, the Petition to Annex 0.4417 acres of land from Brunswick Hills Township to the City of Brunswick, Medina County, Ohio, attached as Exhibit A, is hereby approved and granted in accordance with the law.

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to the agent for the petitioners, fiscal of the township, and clerk of the municipality, and that a complete record of the annexation proceeding be sent to the clerk of the municipality after the expiration of 30 days after journalization if no appeal has been timely filed under Section 709.07 of the Revised Code.

Voting AYE thereon: Mrs. Swedyk, Mr. Hutson and Mr. Hambley

Adopted: May 10, 2022

Prepared by: Commissioners' Office

**BEFORE THE MEDINA COUNTY, OHIO COMMISSIONERS
PETITION FOR ANNEXATION
(ORC §709.02)**

REC'D MEDINA COUNTY CO
FEB 15 2022 AM 8:19

The undersigned, being all (100%) of the owners of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory located in Brunswick Hills Township, Medina County, Ohio:

Petitioner: 966 Pearl LLC
PPN 001-02A-25-041, 001-02A-25-042
Mailing Address: 366 Center Road, Suite 117, Brunswick, Ohio 44212

And

Petitioner: 976 Pearl LLC (Both entities have identical ownership)
PPN 001-02A-25-040
Mailing Address: 366 Center Road, Suite 117, Brunswick, Ohio 44212

This petition is being filed under Section 709.02 of the Revised Code of Ohio.

The described territory is contiguous with the City of Brunswick, Ohio and is less than five hundred (500) acres. Annexation will not create an unincorporated area.

Petitioner has attached hereto and made a part of this petition a legal description of the perimeter of the territory sought to be annexed, marked as Exhibit "A".

Petitioner has attached hereto and made a part of this petition, an accurate map or plat of the territory sought to be annexed, marked Exhibit "B".

Kimberly Harrington, whose address is 366 Center Road, Suite 117, Brunswick, Ohio 44212 is hereby appointed agent for the Petitioner as required by Revised Code Section 709.02(C)(3), with full power and authority hereby granted to said agent to amend, alter, change, correct, withdraw, refile, substitute, compromise, increase or delete the area, to do any and all things essential thereto, and to take any action necessary for obtaining the granting of this Petition. Said amendment, alteration, change, correction, withdrawal, refiling, substitution,

compromise, increase or deletion or other things or action for granting of this Petition shall be made in the Petition, description and plat by said agent without further expressed consent of the Petitioners.

" ANY OWNER WHO SIGNED THE PETITION MAY HAVE THE SIGNATURE REMOVED BEFORE THE DOCUMENT IS FILED BY DELIVERING A SIGNED STATEMENT TO THE AGENT FOR THE PETITIONERS EXPRESSING THE OWNER'S WISH TO HAVE THE SIGNATURE REMOVED. UPON RECEIVING A SIGNED STATEMENT, THE AGENT FOR THE PETITIONERS SHALL STRIKE THROUGH THE SIGNATURE, CAUSING THE SIGNATURE TO BE DELETED FROM THE PETITION. "



Kimberly Harrington, Authorized Member of
Both 966 Pearl LLC and 976 Pearl LLC, Petitioners
366 Center Road, Suite 117
Brunswick, Ohio 44212
(781) 367-5378
kimh@brownstonerg.com

2-18-22
Date

Boundary Description
Township of Brunswick Hills, County of Medina, State of Ohio
Area to be Annexed by Regular Annexation
0.4417 Acres

Situated in the Township of Brunswick Hills, County of Medina and State of Ohio and known as being part of Original Brunswick Township Lot No. 7, Tract No. 1, further known as being all of two parcels of land conveyed to 966 Pearl LLC by deed dated July 1, 2020 and recorded in Document No. 2020OR015203 of the Medina County Recorder's Records and all of a parcel of land conveyed to 976 Pearl LLC by deed dated September 25, 2019 and recorded in Document No. 2019OR019666 of the Medina County Recorder's Records and is bounded and described as follows: Beginning at a northeasterly corner of Sublot 2B as shown on North Brunswick Allotment Replat No. 2, recorded in Document No. 2019PL000026 of the Medina County Recorder's Records and is the PRINCIPAL PLACE OF BEGINNING of the easement herein to be described, said point also being on the westerly right of way line of Pearl Road, S.R. 42, 60 feet in width:

thence South 88°02'21" West, along a northerly line of Sublot 2B, 220.00 feet to a northeasterly interior point thereof;

thence North 00°05'19" West, along an easterly line of Sublot 2B, 87.50 feet to a point on the southerly right of way line of Kimmich Drive, 30 feet in width;

thence North 88°02'21" East, along the southerly right of way line of Kimmich Drive, 220.00 feet to its intersection with the westerly right of way line of Pearl Road, as aforementioned;

thence South 00°05'19" East, along the westerly right of way line of Pearl Road, 87.50 feet to the principal place of beginning, containing 19,240 square feet or 0.4417 acres of land.

This description is based on record information only and does not constitute an actual boundary survey as outlined in Ohio Revised Code 4733-37.



Corporate Headquarters
295 South Water Street, Suite 300
Kent, OH 44240
800-828-8312

Page 1 of 1
1972-A ANNEX DESC 2022.docx

Local Office
1310 Sharon Copley Rd
PO Box 37
Sharon Center, OH 44274
330-590-8004

APPROVALS

This Plot was duly accepted by the Brunswick City Council at its regular meeting held on the _____ day of _____, 20____.

Clerk of Council _____

President of Council _____

This Plot was duly accepted by the Medina County Commissioners on this

day of _____, 20____.

Commissioner _____

Commissioner _____

Commissioner _____

Approved for transfer this _____ day of _____, 20____.

For Map Draftsman _____

Received for transfer this _____ day of _____, 20____.

Medina County Auditor _____

Recorded and recorded this _____ day of _____, 20____.
At _____ A.M./P.M. recorded in Plot Document No. _____
Fee: _____.

Medina County Recorder _____

LEGEND

DESCRIPTION	SYMBOL	SET
PLAT LINE	---	1
BOUNDARY LINE	---	2
PLAT-OR-PAV LINE	---	3
EXISTING LOT LINE	---	4
ORIGINAL MAP LINE	---	5
CRITICAL LOT LINE	---	6
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PLAT OF ANNEXATION
for Regular Annexation
of 0.4417 Acres in Brunswick Hills
Township to the City of Brunswick
situated in the Township of Brunswick Hills, County of Medina and State of
Ohio and being part of Original Brunswick Township Tract No. 1, Lot 7

ACCEPTANCE

Know all men by these presents that _____ (print name) _____
owner/agent of the lands embraced within this plat, have caused the same to
be plotted and annexed to the City of Brunswick.

Owner/Agent _____ Date _____

County of Medina
State of Ohio
Before me a notary public in and for said county and state, personally appeared
the above named _____
who acknowledged the making of the foregoing instrument and the signing of
this plat to be their own free act and deed in testimony whereof I
have hereunto set my hand and official seal at _____ Ohio this
day of _____, 20____.

Notary Public _____

By Commission Expires _____

Witness _____

Witness _____

Witness _____



SURVEYOR CERTIFICATION

This Plat was prepared from analysis of recorded plat, recorded deeds, and
survey records, as applicable. Distances are given in feet and decimal parts
thereof. All dimensional and angular data are correct and the survey
balances and closes to the beat of my knowledge. All requirements shown herein
shall be set on shown.

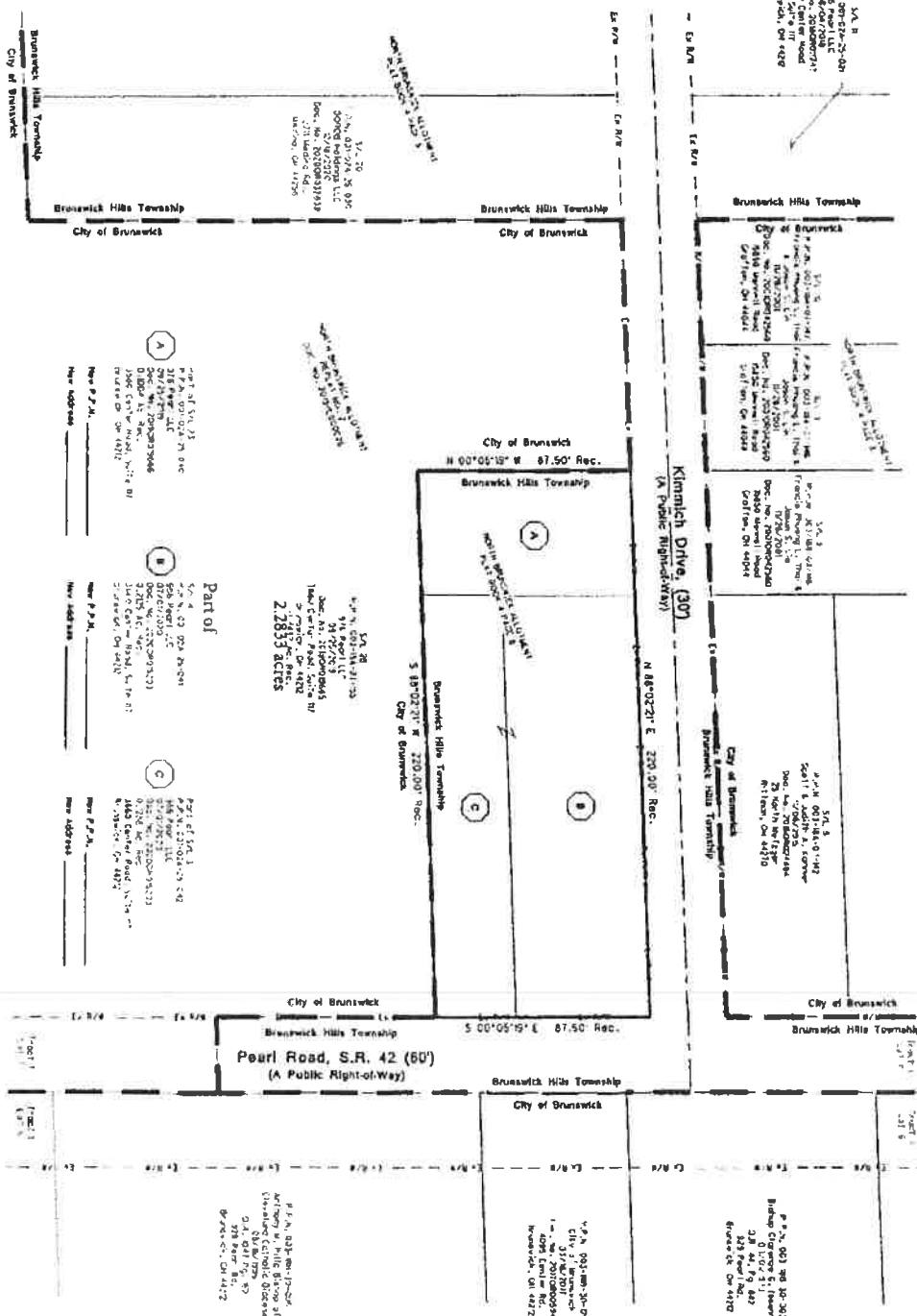
By P. Henry P.S. No. 5-1831 Date _____



This plot was prepared from a field survey, analysis of recorded plots, recorded snails and survey records, as applicable. Data are given in text and several parts thereof. All descriptions and graphic details are correct and the survey balances and agrees to the best of my knowledge. All measurements were taken with or without the aid of a compass.

* ACIF:
All meetings on the rolling
order basis will be on a rolling

Buyer's Name: _____ P. S. No.: 5-7821 Date: _____



			
---	---	---	---

0.4417 acres – Brunswick Hills Township to the City of Brunswick

Commissioner Hambley called the meeting to order at 10:30 a.m. with William F. Hutson and Colleen M. Swedyk present. The hearing was for the consideration of a regular annexation of 0.4417 acres of land from Brunswick Hills Township to the City of Brunswick, Medina County, Ohio. Mr. Hambley noted that the petition was filed with the Commissioners' office on February 18, 2022 in accordance with Ohio Revised-Code Section 709.02. All parties providing statements were sworn in prior to providing their testimony and a court reporter was present for the proceedings.

Petitioner Kim Harrington stated that she is the owner of the parcels they are requesting to be annexed. The request is being made so that they can receive city water/services. They own a parcel directly next to this one, so they are basically trying to square off the city block and bring this in for potential phase 2. There is a building they built after the annexation of the previous parcel, Ambrose Crossing. They are very active members of St. Ambrose Church and School, so they were able to bring the CYO Program by creating a gym space there and they have a couple of other offices they rent out to be able to fill the building. They would like to bring this smaller parcel over as well.

Mr. Hutson stated that he understands that this is surrounded by the City of Brunswick; Mrs. Harrington confirmed. Mr. Hambley added that this is one of the many islands that were created back in 1960.

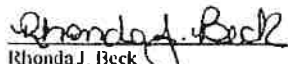
Mr. Hambley confirmed with the Clerk of the Board there have been no challenges to the validity of petition signatures, the petition contains signatures of the majority of owners, no signature were obtained more than 180 days before filing of the petition with the Clerk, an accurate legal description of the perimeter and accurate plat of the territory proposed for annexation were filed, and the agent was listed in the petition and a list of adjacent property owners was attached. The Clerk of the Board confirmed all required procedures were followed.

There was no one else in attendance wishing to provide testimony.

Mr. Hambley stated that the board will enter its decision on the journal within thirty (30) days of this hearing. He adjourned the hearing at 10:34 a.m.

All deliberations concerning official business and formal actions by this Board of Commissioners were conducted in an open public meeting this twenty-sixth day of April, 2022.

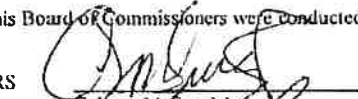
Respectfully submitted,

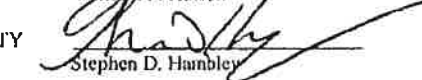

Rhonda J. Beck
Clerk to the Commissioners

COMMISSIONERS

OF

MEDINA COUNTY


Colleen M. Swedyk

William F. Hutson

Stephen D. Hambley

PETITION FOR BOUNDARY LINE ADJUSTMENT
Ohio Revised Code Section 503.07

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

1. The undersigned is the City Manager for the City of Brunswick and has been authorized by the Brunswick City Council to forward this Petition to the Board of County Commissioners for the purpose of adjusting the boundary lines of the City of Brunswick and Brunswick Hills Township to reflect an annexation of real property to the City of Brunswick in accordance with Ohio Revised Code Chapters 503 and 709.
- 2) A copy of the Ordinance No. 71-2022 authorizing the City Manager to forward this Petition to the Board of County Commissioners is attached hereto as Exhibit "A" and incorporated herein by reference.
- 3) The annexation of the subject property is as detailed in Resolution No. 59-2022, as attached hereto as Exhibit "B" and incorporated herein by reference.
- 4) A copy of a map of the City of Brunswick indicating the annexation and change in boundary lines is attached hereto as Exhibit "C" and incorporated herein by reference.
- 5) Ohio Revised Code Section 503.07 states that:

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

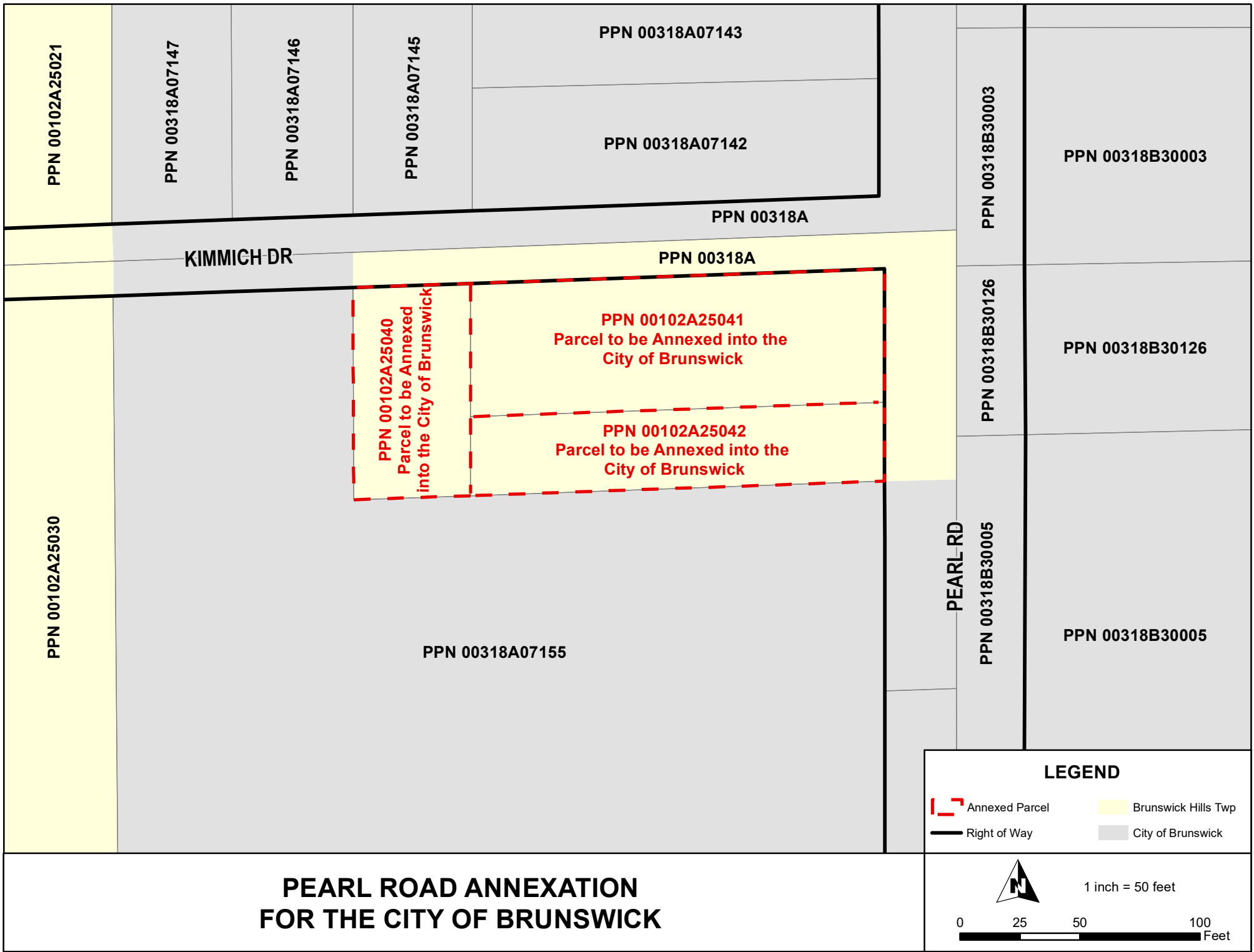
WHEREFORE, the undersigned respectfully requests that this Board change the boundary lines of the City of Brunswick and Brunswick Hills Township to reflect the annexation detailed herein.

Carl S. DeForest, City Manager

STATE OF OHIO)
) SS:
COUNTY OF MEDINA)

SWORN TO BEFORE ME and subscribed in my presence this ____ day of _____,
2022.

NOTARY PUBLIC



**PEARL ROAD ANNEXATION
FOR THE CITY OF BRUNSWICK**

PROPOSED LEGISLATION



DATE: 10/10/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Jim Foster

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 72-2022** - A resolution authorizing the City Manager to enter into an agreement with W.B. Mason for the provision of office supplies for a period of one (1) year from January 1, 2023 through December 31, 2023, with two (2) separate one (1) year renewal options. - **3rd Reading** (Committee-of-the-Whole, *Administration/Jim Foster*)

BACKGROUND: Public bids were received and opened on August 9, 2022. The city received one (1) bid from W. B. Mason, Inc., who was selected as the lowest and best vendor.

**PURPOSE AND
EXPLANATION:**

**IMPLEMENTATION
SCHEDULE:**

Each department orders their own office supplies. Ordering and related expenses for office supplies by Department are limited to the Council adopted appropriations for each Department.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

Each Department has a budget adopted by Council, which includes office supplies. All Departments must adhere to the budgets as established and adopted by Council pursuant to the Section 5705 of the Ohio Revised Code. The submitted bid would lock in pricing for office supply items.

**RECOMMENDED
ACTION:**

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

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

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 72-2022

BY: Committee-of-the-Whole

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH W.B. MASON FOR THE PROVISION OF OFFICE SUPPLIES FOR A PERIOD OF ONE (1) YEAR FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2023, WITH TWO (2) SEPARATE ONE (1) YEAR RENEWAL OPTIONS.

WHEREAS: The City of Brunswick received one (1) bid for provision of office supplies in accordance with public bidding requirements; and

WHEREAS: The one (1) received public bid was opened on August 9, 2022, with W.B. Mason determined to be the lowest and best bidder.

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 W.B. Mason for the provision of office supplies for a period of one (1) year from January 1, 2023 through December 31, 2023, with two (2) separate one (1) year renewal options, in an amount not to exceed submitted bid prices.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 10/10/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 79-2022** - An ordinance amending Section 1443.04 of the Codified Ordinances of the City of Brunswick by increasing the new construction permit fee schedule for Type F and Type S permits - **3rd Reading** (Building & Building Code Committee, *Administration/Grant Aungst*)

BACKGROUND: In order to be consistent with the latest fee schedule increase for new construction, Type F (Factory) and Type S (Storage) fees are being raised.

PURPOSE AND EXPLANATION: Type F (Factory) and Type S (Storage) fees are being raised to be consistent with the latest new construction fees.

IMPLEMENTATION SCHEDULE: First reading on September 12, 2022; 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 approval.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 79-2022

BY: Mr. Abella, Mr. Hanek, Mr. Smith

AN ORDINANCE AMENDING SECTION 1443.04 OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY INCREASING THE NEW CONSTRUCTION PERMIT FEE SCHEDULE FOR TYPE F AND TYPE S PERMITS.

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

SECTION 1: That Section 1443.04 of the Codified Ordinances is hereby amended to read as follows:

“ TYPE F Floor Area x \$.~~80~~1.15/SF

TYPE S Floor Area x \$.~~80~~1.15/SF”

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
Laura E. Timura

PROPOSED LEGISLATION



DATE: 10/10/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Barnett

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 82-2022** - An emergency resolution authorizing the City Manager to enter into a maintenance agreement with Medina County. - **2nd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

BACKGROUND: The City of Brunswick currently has a maintenance agreement with Medina County Commissioners that was entered into in 1996. That document defines responsibilities for each entity. With the expansion of Brunswick with annexations since 1996, the maintenance requirements of that agreement are not equal for both parties.

PURPOSE AND EXPLANATION: The purpose of this new agreement is to equalize the maintenance responsibilities for both parties.

IMPLEMENTATION SCHEDULE: The proposed agreement is to be in place prior to the upcoming winter season.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: N/A

RECOMMENDED ACTION:

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

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

Once Brunswick passes and signs this agreement, the Medina County Commissioners need time to authorize the agreement and the intent is to have this agreement finalized prior to November 15th, 2022.

**ADDITIONAL
INFORMATION:**

MAINTENANCE AGREEMENT
BETWEEN
MEDINA COUNTY AND THE CITY OF BRUNSWICK
FOR BOUNDARY ROADS

WHEREAS, Section 307.15 of the Ohio Revised Code provides that the Board of County Commissioners may enter into an agreement with the legislative authority of any municipal corporation and such legislative authority of the Municipal Corporation may enter into agreements with the Board of County Commissioners whereby the Board undertakes and is authorized by the contracting subdivision, to exercise any power, perform any function or render any service, on behalf of the contracting subdivision or its legislative authority which it could exercise, perform or render on its own behalf or whereby the legislative authority of any municipal corporation undertakes, and is authorized by the Board of County Commissioners, to exercise any power, perform any function, or render any service, on behalf of the County or Board, that the County or the Board could exercise, perform or render on its own behalf; and

WHEREAS, the County of Medina (“Medina”) and the City of Brunswick (“City”) agree that the efficient maintenance of boundary roads requires a formal Maintenance Agreement (the “Agreement”); and

WHEREAS, it is agreed that the general maintenance responsibility should be defined for the full width of the road rights-of-way for each section of roadway maintained; and

WHEREAS, it is agreed that winter maintenance responsibility of said boundary roads by the removal of ice and snow and/or the application of salt or abrasives should be defined; and

WHEREAS, it is agreed that a policy and system for the issuance of highway-related permits is in the best interest of public health and welfare; and

WHEREAS, the County of Medina and the City of Brunswick mutually agree that a formal agreement regarding the maintenance of portions of said roads by the other, constitutes adequate consideration for entering into this Agreement; and

WHEREAS, this Agreement replaces the Maintenance Agreement entered into by and between the Parties hereto dated as of July 22, 1996.

NOW, THEREFORE, the parties in consideration of the following terms and agreement, each to the other, enter into this formal Agreement:

SECTION I. - DEFINITION - GENERAL MAINTENANCE RESPONSIBILITY:

- a. Pavement maintenance, including minor surface treatment, and/or resurfacing not exceeding two-inch (2") thickness.
- b. Vegetation control, including weeds, brush and trees.
- c. Application of pavement markings, except there shall be no changes in existing Street Marking Patterns on the above roads without prior written agreement of both parties.
- d. Guardrail repair and installation.
- e. Erection and repair of all uniform traffic control devices, except that the maintaining agency shall not be responsible for erection of additional regulatory signing or additional regulatory devices required as a result of the other party's legislative actions.
- f. Public health and welfare (dirt, obstacles, liquid spills, etc.).
- g. Minor pavement base repair.
- h. Repair of berms and roadside ditches.
- i. Cleaning, repairing and replacing of culverts and drainage systems.

SECTION II. - DEFINITION - WINTER MAINTENANCE OPERATIONS:

- a. Snow and ice removal.
- b. Application of abrasives.

SECTION III. - ROADWAY MAINTENANCE SECTIONS:

Upon the completion of the signing of this Agreement, the jurisdiction having responsibility for General Maintenance Operations and/or Winter Maintenance Operations on boundary line roads as defined in SECTION I. and SECTION II., shall be as follows:

A. MEDINA COUNTY GENERAL Maintenance Sections:

- (1) Grafton Road between Substation Road and Pearl Road.
- (2) Substation Road between Center Road and Grafton Road.
- (3) Sleepy Hollow Road between Pearl Road and West 130th Street.
- (4) West 130th Street from Laurel Road to Babcock Road/Benjamin Drive.

B. Medina County Winter Maintenance Sections:

- (1) Grafton Road between Substation Road and Pearl Road.
- (2) Substation Road between Center Road and Grafton Road.
- (3) Sleepy Hollow Road between Pearl Road and West 130th Street.
- (4) West 130th Street from Laurel Road to Center Road.

C. City of Brunswick General Maintenance Sections:

- (1) North Carpenter Road from Center Road to Boston Road.
- (2) Grafton Road from Carpenter Road to West 130th Street.
- (3) West 130th Street from Babcock Road/Benjamin Drive to Boston Road.

D. City of Brunswick Winter Maintenance Sections:

- (1) North Carpenter Road from Center Road to Boston Road.
- (2) Grafton Road from Carpenter Road to West 130th Street.
- (3) West 130th Street from Center Road to Boston Road.

SECTION IV. - ISSUANCE OF HIGHWAY PERMITS:

A. Overweight and Oversize Permits:

- (1) Overweight and oversize permits shall be issued by and in accordance with adopted rules and regulations of the subdivision having maintenance responsibility as designated by SECTION III., A. and C.

(2) The subdivision issuing the permit will set the amount of the bond required of the applicant based on the possible damage by the proposed move to the roadway, structures and utilities occupying the highway.

(3) Overweight and oversize permit fees and inspection costs will be charged and collected by the subdivision having maintenance responsibility as designated by SECTION III, A. and C. and these fees and costs will be compatible with those fees and costs established by the subdivision in which the move will actually take place. If the proposed move will occur in both subdivisions, the applicant will be charged amounts based on fees and costs established by the subdivision that charges the greater amount.

B. Utility Permits:

Permits issued to utilities, companies or individuals for the installation of pipes, conduits, sewers, power lines and poles, telephone lines and poles, television cables and poles shall be issued as follows:

(1) Utility permits shall be issued by and in accordance with adopted rules and regulations of the subdivision having maintenance responsibility as designated by SECTION III., A. and C.

(2) The subdivision issuing the permit will set the amount of the bond required of the applicant based on the possible damage by the installation of the utility to the roadway, structures and other utilities occupying the highway.

(3) Utility permit fees and inspection fees will be charged and collected by the subdivision having maintenance responsibility as designated by SECTION III., A. and C. and these fees will be compatible with the fees established by the subdivision in which the installation will occur, or if the installation crosses from one subdivision to the other, in the subdivision in which the main utility line exists.

(4) The subdivision that issues the permit will forward a copy to the other subdivision if the installation occurs wholly or in part within the latter's jurisdiction.

(5) It is the intention of the parties herein to permit the subdivision having maintenance responsibility, as designated by Section III., A. and C. to issue service connection permits for utilities, without any intent of the parties to convey authority for the increase or addition of primary service facilities not previously provided.

C. Driveway Permits:

- (1) Driveway permits, including replacement of drive pipes and restoration, for properties located wholly or partially within the municipal limits of the City shall be issued by the City and in accordance with the duly adopted rules and regulations of the City, as same may be amended from time to time.
- (2) Driveway permits, including replacement of drive pipes and restoration, for properties located wholly outside the municipal limits of the City shall be issued by the County and in accordance with the duly adopted rules and regulations of the County, as same may be amended from time to time.

SECTION V.

The County of Medina and the City of Brunswick further agree that, in the event it is believed necessary and desirable that more extensive or unusual maintenance, repair, reconstruction or improvement should be performed, which is of such magnitude as to be beyond the scope of work considered in this Agreement to be general maintenance, then such work may be performed by contract or by one or the other political subdivision upon the following conditions:

- A. Upon mutual written agreement of the parties hereto, as to the necessity, either Medina County or the City of Brunswick shall proceed to do the work by contract, or by means of their own work forces.
- B. After completion of the work, the entire cost shall be prorated to each subdivision.

SECTION VI.

This Agreement shall be in effect for an indefinite term following ratification by the Medina County Commissioners and the City of Brunswick Council. It may be revised by mutual agreement between the parties. It may be rescinded by either party giving sixty (60) days written notice to the other.

SECTION VII.

No later than ninety (90) days after any annexation or detachment involving a County highway is recorded, the County of Medina and the City of Brunswick will meet and review

SECTION III. of this Agreement. Any necessary adjustments to balance the miles of maintenance responsibility will be made at that time. Confirming legislation will be passed by both jurisdictions and copies attached to the Agreement until such time as the Agreement is revised.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the COUNTY OF MEDINA and the CITY OF BRUNSWICK have caused this Maintenance Agreement to be executed in duplicate as of the dates written below:

COUNTY OF MEDINA

CITY OF BRUNSWICK

Andrew Conrad, P.E., P.S., County Engineer

Date: _____

Carl S. DeForest, City Manager

Date: _____

BOARD OF COMMISSIONERS
MEDINA COUNTY, OHIO

Steven D. Hambley

Date: _____

William F. Hutson

Date: _____

Colleen M. Swedyk

Date: _____

Approved as to legal form:

Approved as to legal form:

Brian M. Richter, Assistant County Prosecutor

Kenneth J. Fisher, Law Director

MAINTENANCE AGREEMENT
BETWEEN
MEDINA COUNTY AND THE CITY OF BRUNSWICK
FOR BOUNDARY ROADS

WHEREAS, Section 307.15 of the Ohio Revised Code provides that the Board of County Commissioners may enter into an agreement with the legislative authority of any municipal corporation to exercise any power, perform any function or render any service, on behalf of the contracting subdivision or its legislative authority which it could exercise on its own behalf; and

WHEREAS, the County of Medina and the City of Brunswick agree that the efficient maintenance of boundary roads requires a formal maintenance agreement; and

WHEREAS, it is agreed that the general maintenance responsibility should be defined for the full width of the road rights-of-way for each section of roadway maintained; and

WHEREAS, it is agreed that winter maintenance responsibility of said boundary roads by the removal of ice and snow and/or the application of salt or abrasives should be defined; and

WHEREAS, it is agreed that a policy and system for the issuance of highway-related permits is in the best interest of public health and welfare; and

WHEREAS, the County of Medina and the City of Brunswick mutually agree that a formal agreement regarding the maintenance of portions of said roads by the other, constitutes adequate consideration for entering into this agreement.

NOW, THEREFORE, the parties in exchange for the following terms and agreement, each to the other, enter into this formal agreement:

SECTION I. - DEFINITION - GENERAL MAINTENANCE RESPONSIBILITY:

- a. Pavement maintenance, including minor surface treatment, and/or resurfacing not exceeding two-inch (2") thickness
- b. Vegetation control, including weeds, brush and trees
- c. Application of pavement markings, except there shall be no changes in existing Street Marking Patterns on the above roads without prior written agreement of both parties
- d. Guardrail repair and installation
- e. Erection and repair of all uniform traffic control devices, except that the maintaining agency shall not be responsible for erection of additional regulatory signing or additional regulatory devices required as a result of the other party's legislative actions.
- f. Public health and welfare (dirt, obstacles, liquid spills, etc.)
- g. Minor pavement base repair
- h. Repair of berms and roadside ditches
- i. Cleaning, repairing and replacing of culverts and drainage systems

SECTION II. - DEFINITION - WINTER MAINTENANCE OPERATIONS:

- a. Snow and ice removal
- b. Application of abrasives

SECTION III. - ROADWAY MAINTENANCE SECTIONS:

Upon the completion of the signing of this agreement, the jurisdiction having responsibility for General Maintenance Operations and/or Winter Maintenance Operations on boundary line roads as defined in SECTION I. and SECTION II., shall be as follows:

A. MEDINA COUNTY GENERAL Maintenance Sections:

- (1) Grafton Road between Substation Road and Pearl Road
- (2) Substation Road between Center Road and Grafton Road
- (3) Sleepy Hollow Road between Pearl Road and West 130th Street
- (4) West 130th Street from Laurel Road to Boston Road

B. Medina County Winter Maintenance Sections:

- (1) Grafton Road between Substation Road and Pearl Road
- (2) Substation Road between Center Road and Grafton Road
- (3) Sleepy Hollow Road between Pearl Road and West 130th Street
- (4) West 130th Street from Laurel Road to Center Road

C. City of Brunswick General Maintenance Sections:

- (1) Carpenter Road from Center Road to Boston Road
- (2) Grafton Road from Carpenter Road to West 130th Street

D. City of Brunswick Winter Maintenance Sections:

- (1) Carpenter Road from Center Road to Boston Road
- (2) Grafton Road from Carpenter Road to West 130th Street
- (3) West 130th Street from Center Road to Boston Road

SECTION IV. - ISSUANCE OF HIGHWAY USE PERMITS:

A. Overweight and Oversize Permits:

- (1) Overweight and oversize permits shall be issued by and in accordance with adopted rules and regulations of the subdivision having maintenance responsibility as designated by SECTION III., A. and C.
- (2) The subdivision issuing the permit will set the amount of the bond required of the applicant based on the possible damage by the proposed move to the roadway, structures and utilities occupying the highway.
- (3) Overweight and oversize permit fees and inspection costs will be charged and collected by the subdivision having maintenance responsibility as designated by SECTION III, A. and C. and these fees and costs will be compatible with those fees and costs established by the subdivision in which the move will actually

Section IV - Issuance of Highway Use Permits (cont'd.)

take place. If the proposed move will occur in both subdivisions, the applicant will be charged amounts based on fees and costs established by the subdivision that charges the greater amount.

B. Utility Permits:

Permits issued to utilities, companies or individuals for the installation of pipes, conduits, sewers, power lines and poles, telephone lines and poles, television cables and poles shall be issued as follows:

- (1) Utility permits shall be issued by and in accordance with adopted rules and regulations of the subdivision having maintenance responsibility as designated by SECTION III., A. and C.
- (2) The subdivision issuing the permit will set the amount of the bond required of the applicant based on the possible damage by the installation of the utility to the roadway, structures and other utilities occupying the highway.
- (3) Utility permit fees and inspection fees will be charged and collected by the subdivision having maintenance responsibility as designated by SECTION III., A. and C. and these fees will be compatible with the fees established by the subdivision in which the installation will occur, or if the installation crosses from one subdivision to the other, in the subdivision in which the main utility line exists.
- (4) The subdivision that issues the permit will forward a copy to the other subdivision if the installation occurs wholly or in part within the latter's jurisdiction.
- (5) It is the intention of the parties herein to permit the subdivision having maintenance responsibility, as designated by Section III., A. and C. to issue service connection permits for utilities, without any intent of the parties to convey authority for the increase or addition of primary service facilities not previously provided.

C. Driveway Permits:

- (1) Driveway permits shall be issued by and in accordance with adopted rules and regulations of the subdivision having maintenance responsibility as designated by SECTION III., A and C.
- (2) Driveway permit fees will be charged and collected by the subdivision having maintenance responsibility as designated by SECTION III, A. and C. and these fees will be compatible with the fees established by the subdivision in which the driveway installation shall take place.

- (3) The subdivision that issues the permit will forward a copy to the other subdivision if the driveway installation occurs within the latter's jurisdiction.

SECTION V.

The County of Medina and the City of Brunswick further agree that, in the event it is believed necessary and desirable that more extensive or unusual maintenance, repair, reconstruction or improvement should be performed, which is of such magnitude as to be beyond the scope of work considered in this agreement to be general maintenance, then such work may be performed by contract or by one or the other political subdivision upon the following conditions:

- A. Upon mutual written agreement of the parties hereto, as to the necessity, either Medina County or the City of Brunswick shall proceed to do the work by contract, or by means of their own work forces.
- B. After completion of the work, the entire cost shall be prorated to each subdivision.

SECTION VI.

- A. The COUNTY OF MEDINA agrees to hold harmless, indemnify, and defend the City of Brunswick, its council, officers, employees, and agents against any and all claims, losses, damages, or lawsuits for damages, arising from, allegedly arising from, or related to activities undertaken or failed to be undertaken by the County on Brunswick City's portion of any of the roads listed in SECTION III., A. of this agreement.
- B. The CITY OF BRUNSWICK agrees to hold harmless, indemnify and defend the County of Medina, its commissioners, officers, employees, and agents against any and all claims, losses, damages, or lawsuits

for damages arising from, allegedly arising from, or related to activities undertaken or failed to be undertaken by the CITY on MEDINA COUNTY'S portion of any of the roads listed in SECTION III., C. of this agreement.

SECTION VII.

This agreement shall be in effect for an indefinite term following ratification by the MEDINA COUNTY Commissioners and the City of BRUNSWICK Council. It may be revised by mutual agreement between the parties. It may be rescinded by either party giving sixty (60) days written notice to the other.

SECTION VIII.

No later than ninety (90) days after any annexation or detachment involving a County highway is recorded, the COUNTY OF MEDINA and the CITY OF BRUNSWICK will meet and review SECTION III. of this agreement. Any necessary adjustments to balance the miles of maintenance responsibility will be made at that time. Confirming legislation will be passed by both jurisdictions and copies attached to the agreement until such time as the agreement is revised.

IN WITNESS WHEREOF, the COUNTY OF MEDINA and the CITY OF BRUNSWICK
have caused this agreement to be executed in duplicate as of the dates
written below:

Attest:

Antoine M. Davis

Date:

May 10, 1996

Attest:

COUNTY OF MEDINA

David L. Miller
David L. Miller, P.E., P.S.
Medina County Engineer

BOARD OF MEDINA COUNTY COMMISSIONERS
MEDINA COUNTY, OHIO

Sara L. Pavlovicz

Date:

Patricia G. Geissman

Ferris W. Brown

CITY OF BRUNSWICK

Attest:

Barbara J. Franz

Date: July 10 1996

DA Humble

Approved as to form and correctness:

William L. Thorne
William L. Thorne
Assistant County Prosecutor

MEDINA COUNTY ENGINEER

MEDINA COUNTY ENGINEERING CENTER
1 W. SMITH ROAD
O. BOX 825
MEDINA, OHIO 44256-0825
(216) 723-8581

David L. Miller, P.E., P.S.

MEDINA COUNTY HIGHWAY GARAGE
801 W. SMITH ROAD
MEDINA, OHIO 44256
Ph. (216) 722-8357

10/6/95

MEDINA Co. / BRUNSWICK CITY MAINTENANCE AGREEMENT

MAINTENANCE IN LANE MILES

BRUNSWICK CITY JURISDICTION MAINTAINED BY MEDINA Co.

	<u>1988 AGREEMENT</u>	<u>1995</u>	<u>WINTER</u>
C.H. 17	3.42	3.42	0.80
C.H. 38	0.38	0.38	0.38
C.H. 42 ^①	0.19	0.21	0.21
C.H. 103	—	—	—
C.H. 136	<u>1.31</u>	<u>1.39</u>	<u>1.39</u>
Total	5.30	5.40	2.78

① West of U.S. 42

8.18 Total

MEDINA Co. JURISDICTION MAINTAINED BY BRUNSWICK CITY

	<u>1988 AGREEMENT</u>	<u>1995</u>	<u>WINTER</u>
C.H. 17	—	—	2.62
C.H. 38	—	—	—
C.H. 42 ^②	0.50	0.37	0.37
C.H. 103 ^③	1.91	1.67	1.67
C.H. 136	—	—	—
Total	2.41	2.04	4.66

② East of U.S. 42

③ From S.R. 303 to C.H. 13

6.70 Total

Above changes are the result of annexations to the City of Brunswick.

File

INTER-OFFICE MEMO

DATE: MAY 16, 1996
TO: CITY COUNCIL
FROM: SAFETY SERVICE DIRECTOR
RE: MAINTENANCE AGREEMENT WITH MEDINA COUNTY ON BOUNDARY ROADS

Please find the enclosed agreement with Medina County in regards to the maintenance of common boundary roads. The County has proposed this agreement and it is based on the enclosed breakdown of roads we commonly share.

The main difference between this agreement and the existing agreement that was entered into pursuant to Resolution Number 73-88 is that we are now responsible for snow and ice control on W. 130, from Center to Boston.

Based on recent annexations and the current breakdown of road miles shared between the City and the County, I believe this is a fair agreement. For these reasons I would recommend that Council approve this agreement.

I have prepared a resolution and have sent it to the Law Director for his approval.



Gregory L. Crane

c: City Mgr
Street Superintendant
City Engineer
Chief Building Official

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 82-2022

BY: Mr. Smith, Mr. Abella, Mr. Capretta

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO A MAINTENANCE AGREEMENT WITH MEDINA
COUNTY.

WHEREAS: On or about July 22, 1996, the City of Brunswick and Medina County entered into a Maintenance Agreement relative to the maintenance of boundary roads and issuance of highway, utility and driveway permits; and

WHEREAS: The parties thereto desire to enter into a new Maintenance Agreement updating each party's respective responsibilities relative to the maintenance of boundary roads and issuance of highway, utility and driveway permits, which will replace the July 22, 1996 Maintenance Agreement in full.

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

SECTION 1: That the City Manager is hereby authorized, upon approval of the Law Director, to enter into a Maintenance Agreement with Medina County, as attached hereto as Exhibit A, relative to the maintenance of boundary roads and issuance of highway, utility and driveway permits.

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 allow same to be in effect prior to November 15, 2022. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 10/10/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 83-2022** - An ordinance establishing the Market 42 Special Planning District No. 8 conceptual development plan and amending the Zoning Map by designating PPNs 003-18D-19-008 and 003-18D-24-001 located on Pearl Road consisting of approximately 8.1934 total acres as SPD-8. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: The Planning Commission held a public hearing on July 21, 2022 and recommended approval to City Council on September 15, 2022 of the rezoning, conceptual plan and revised development guidelines, pursuant to Section 1268.02 of the Codified Ordinances of the City of Brunswick, as per attached Exhibit "A".

PURPOSE AND EXPLANATION: The Planning Commission, at their meeting on September 15, 2022, recommended approval to City Council to rezone existing Permanent Parcel Nos. 003-18D-19-008 consisting of 7.229 acres in the C-G General Commercial District and R-L Low Density Residential District (2099 Pearl Road), and 003-18D-24-001 measuring approximately one acre in the GW-C Gateway Commercial District (2105 Pearl Road), for a total of 8.1934 acres, to create Special Planning District No. 8. This will be a mixed-use development consisting of a 25,610 sq. ft. commercial marketplace building and eighteen residential paired (attached/detached 2-unit) villas.

IMPLEMENTATION SCHEDULE: Immediately.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

If emergency or suspension of the rules, why the request?
Recommend approval.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK

MAYOR
RON FALCONI

CITY MANAGER / SAFETY DIRECTOR
CARL S. DEFOREST

COUNCIL
MICHAEL J. ABELLA, JR
ANTHONY P. CAPRETTA
JOSEPH P. DELSANTER
NICHOLAS HANEK
BRANDON LAMBERT
KRISTY PIPER
TIM SMITH

September 16, 2022

Nicholas Kyriazis
Ergotech Development Group
2185 Southpointe Trail
Brunswick Hills, OH 44212

RE: Market 42 SPD-8
2099 and 2105 Pearl Road, Brunswick

Dear Mr. Kyriazis:

The Brunswick City Planning Commission, at their meeting on September 15, 2022, voted to **recommend approval** to City Council of the Market 42 Special Planning District No. 8 rezoning, conceptual plan, and development guidelines, 2099 and 2105 Pearl Road, Brunswick, subject to the following:

1. Section 1268.05(a) requires a minimum site of ten acres; 8.1934 acres are provided. However, the Planning Commission and City Council may consider areas of less than ten acres if they determine the proposed SPD is necessary to achieve the purposes in Section 1268.01(a) through (e), which the Commission has determined has been met.
2. The Planning Commission, pursuant to Section 1268.01, as stated above, has determined the purpose of a Special Planning District has been met, and that the conditions listed in Section 1268.05(c)(1) and (3) exist within the proposed SPD.
3. The cul-de-sac length is 672 linear feet on the Glenmont Drive extension; Section 1228.02(d) of the Subdivision Regulations states streets designed to be permanently dead ended shall not be longer than 600 feet, unless a greater length is approved by the Planning Commission, and shall be provided at the closed end with a turnaround having an outside pavement diameter of at least 100 feet and a street property line diameter of at least 120 feet. As these conditions have been met, the Planning Commission has approved the 672 linear ft. cul-de-sac length.



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>

4. The Planning Commission requested the following revisions to the development guidelines:
 - (a) Add to Section 1.5(3)(d): "Natural stone shall be present up to the **bottom of the first floor** windows on all street facing primary elevations."
 - (b) Add to Section 2.1(2)(c): "Professional offices shall occupy no more than 15% of the enclosed building space."
 - (c) Add to Section 2.2(4)(a): "The parking setback from the side and rear property lines shall be a minimum of 5 feet."
5. Upon approval of the detailed site plan, a financial guarantee, as required by Section 1278.04(b), shall be submitted concurrently for the residential and commercial portions of the project.
6. Pursuant to Section 1268.02, City Council approval of Special Planning District No. 8 is required. Council will hold their first reading on the proposed legislation on September 26, 2022. Please contact Clerk of Council Laura Timura at (330) 558-6845 for the scheduled meeting time.

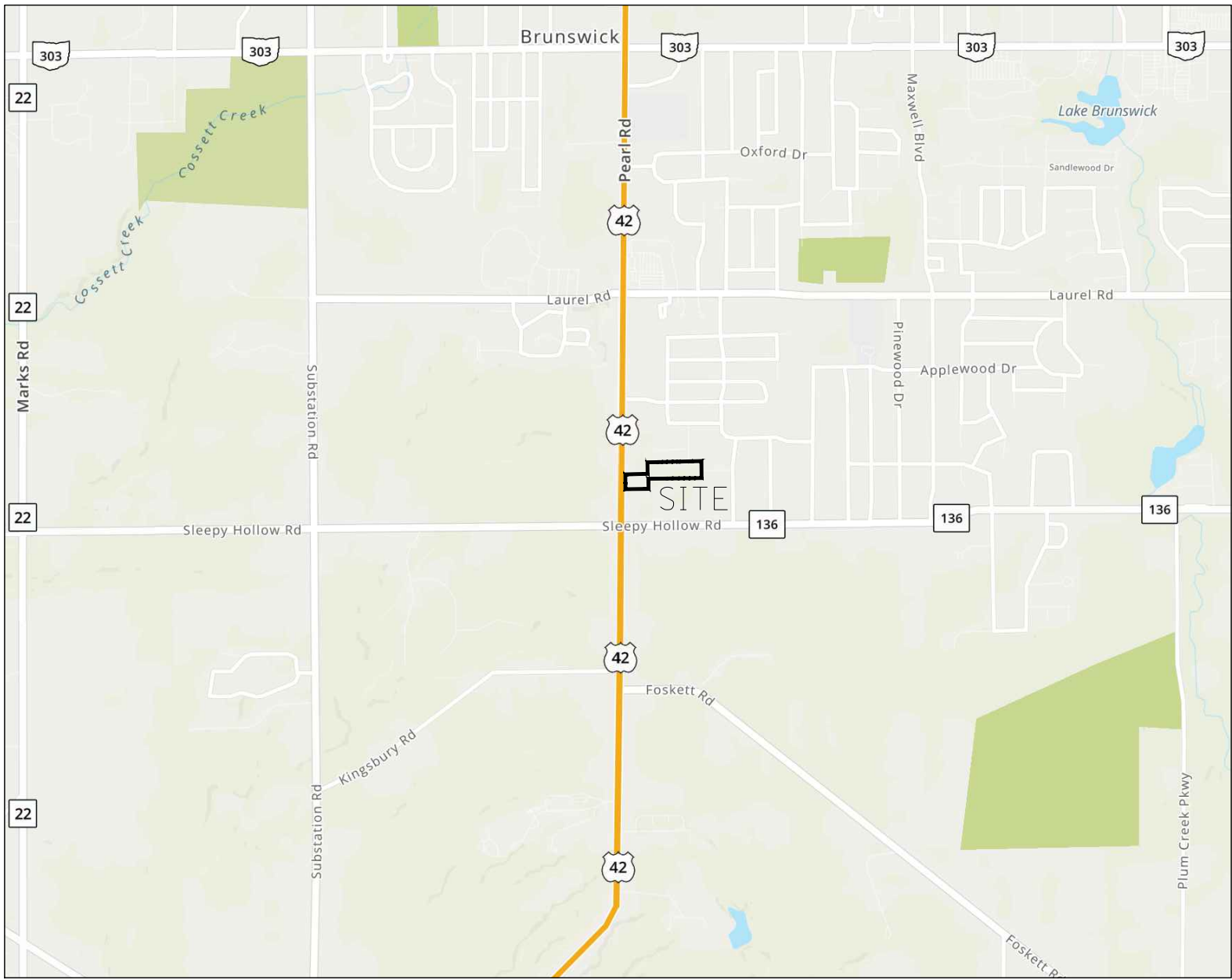
If you have any questions, please contact me at (330) 558-6865.

Sincerely,

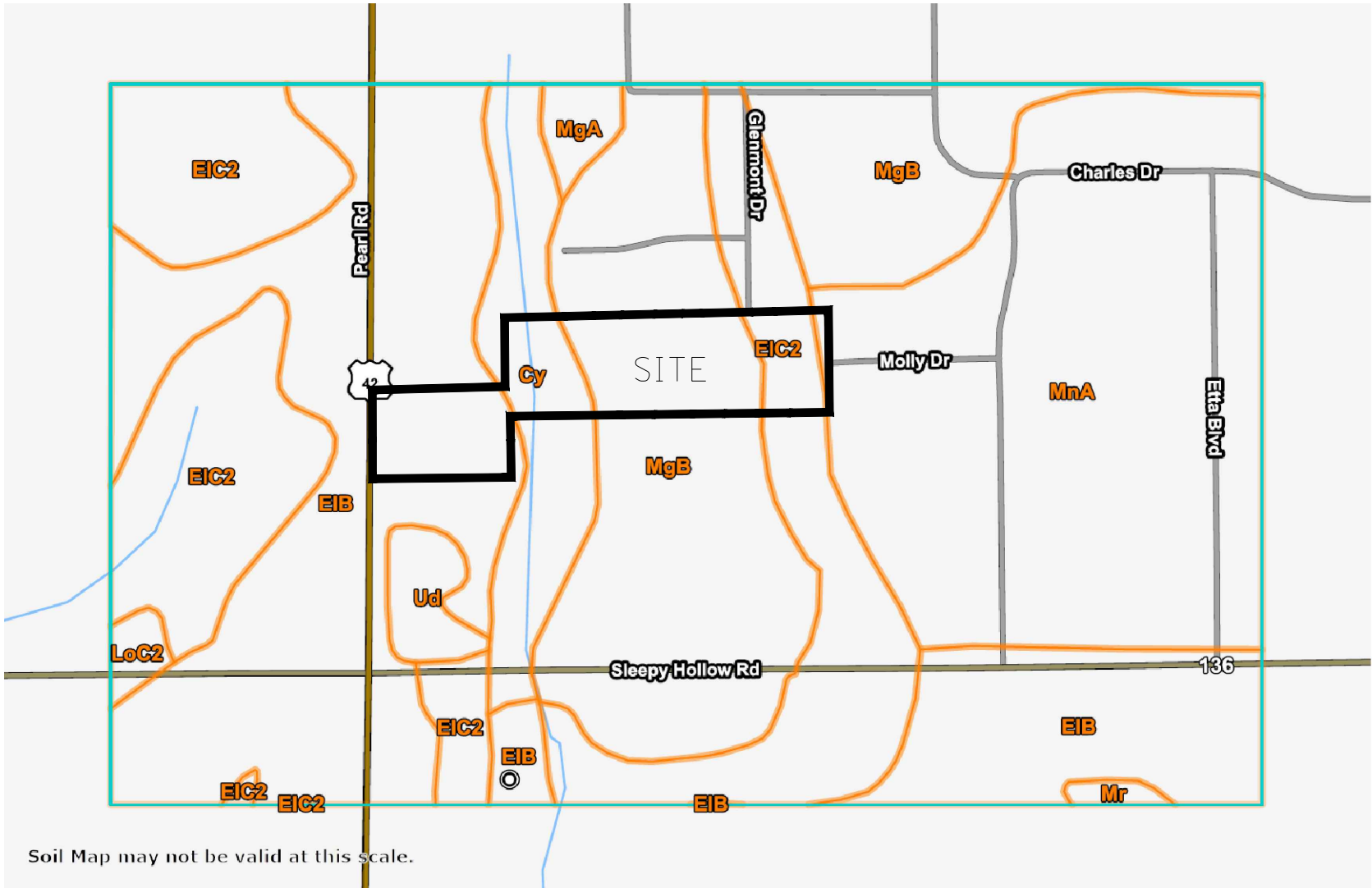
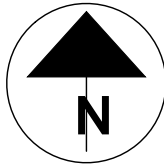


Pamela Plavecski,
Planning & Zoning Coordinator

- c: Carl DeForest, City Manager/Safety Director
City Council
Grant Aungst, Community & Economic Dev. Director
Ken Fisher, Law Director
Matt Jones, Consulting City Engineer
Cliff Calaway, Chief Building Official
Thom Sutcliffe, Drees Homes
Travis Crane, Davey Resource Group



LOCATION MAP
NO SCALE



SOILS MAP

DISCUSSION PLAN

FOR
MARKET 42

CITY OF BRUNSWICK, COUNTY OF MEDINA
STATE OF OHIO

SITE DATA

PPN: 00318D24001

PPN: 00318D19008

AREA: 8.1934 AC

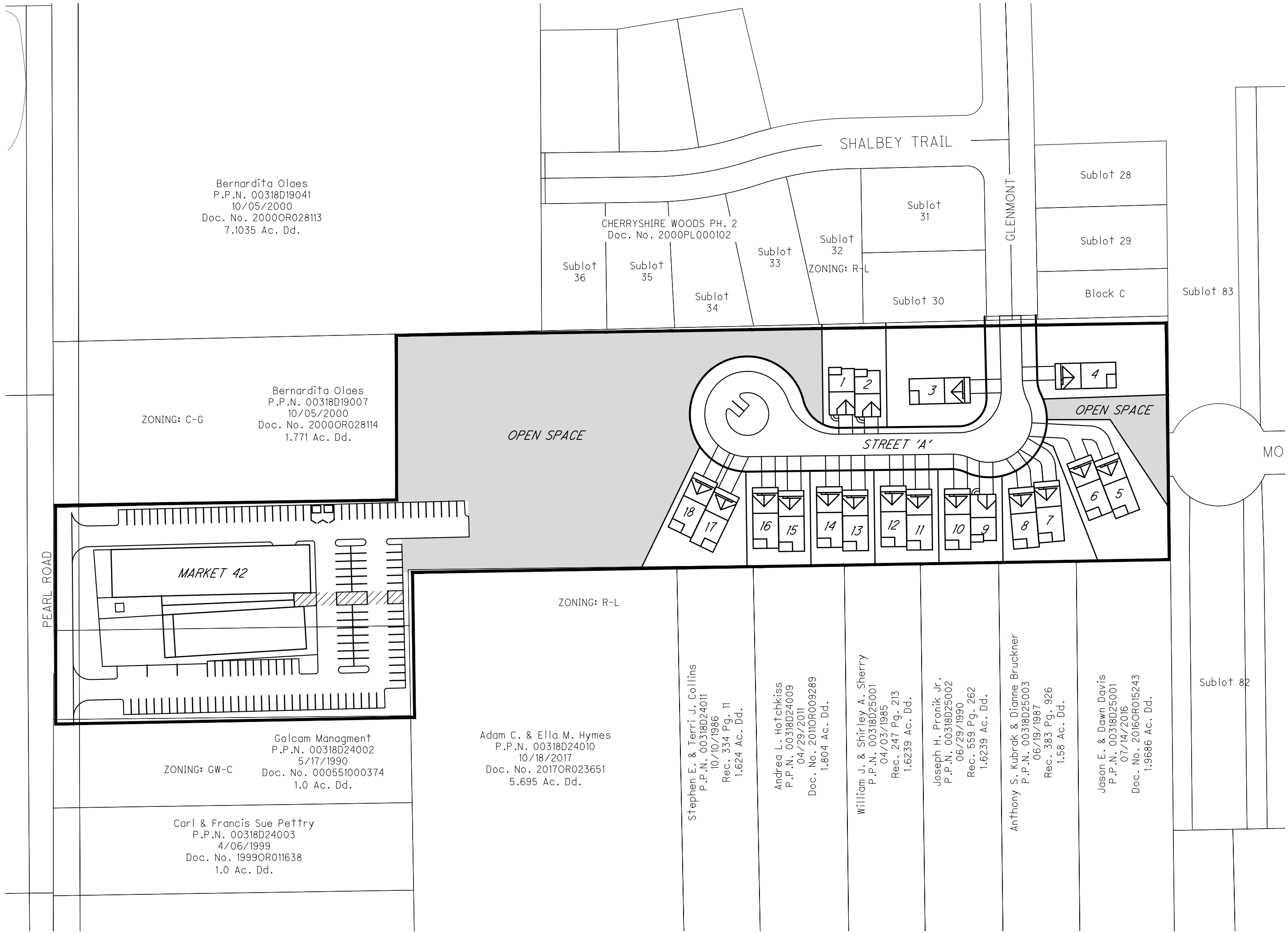
ZONING: SPECIAL PLANNING DISTRICT-8 (SPD-8)

	SHOWN
MIN. SETBACK FROM PEARL ROW:	30'
MIN. SEPARATION BETWEEN BUILDINGS:	15'
SIDE TO SIDE:	15'
MIN. BOUNDARY SETBACKS	
FROM RESIDENTIAL:	15'
FROM COMMERCIAL:	50'
MAX. BOUNDARY SETBACK FROM RESIDENTIAL	45'
MIN. BUILDING SETBACK FROM ROAD	20'

COMMERCIAL SPACE: 2.55 ACRES
RESIDENTIAL SPACE: 5.64 ACRES
OPEN SPACE: 2.4 AC (30%)

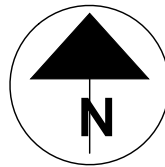
PROPOSED UNIT TOTAL:	18
DENSITY (UNITS PER TOTAL AC):	2.2
DENSITY (UNITS PER AC RESIDENTIAL AREA):	3.2

60' ROW TO CURB DISTANCE:	17.5'
50' ROW TO CURB DISTANCE:	17.5' & 7.5'
ROW TO BACK OF SIDEWALK DISTANCE:	1'
CUL-DE-SAC LENGTH:	672 LF



SITE

0 50 100 200
SCALE (IN FEET)
1 inch = 100 ft.



SHEET INDEX:

SHEET 1 TITLE SHEET
SHEET 2 PLAN SHEET

OWNERS:

ERGOTECH DEVELOPMENT GROUP LLC
2185 SOUTHPONTE TRAIL, BRUNSWICK,
OH, 44212

DESIGN ENGINEER:

DAVEY RESOURCE GROUP
1310 SHARON COPLEY ROAD, P.O. BOX 37
SHARON CENTER, OHIO 44274
TRAVIS G. CRANE, P.E.
330-590-8004

SUBMITTAL INDEX

SUBMITTAL	DATE
1	01/13/2022
2	6/14/2022
3	8/26/2022



DRAWN BY:	TJL	2022-08-19
CHECKED BY:	XXX	2022-01-11

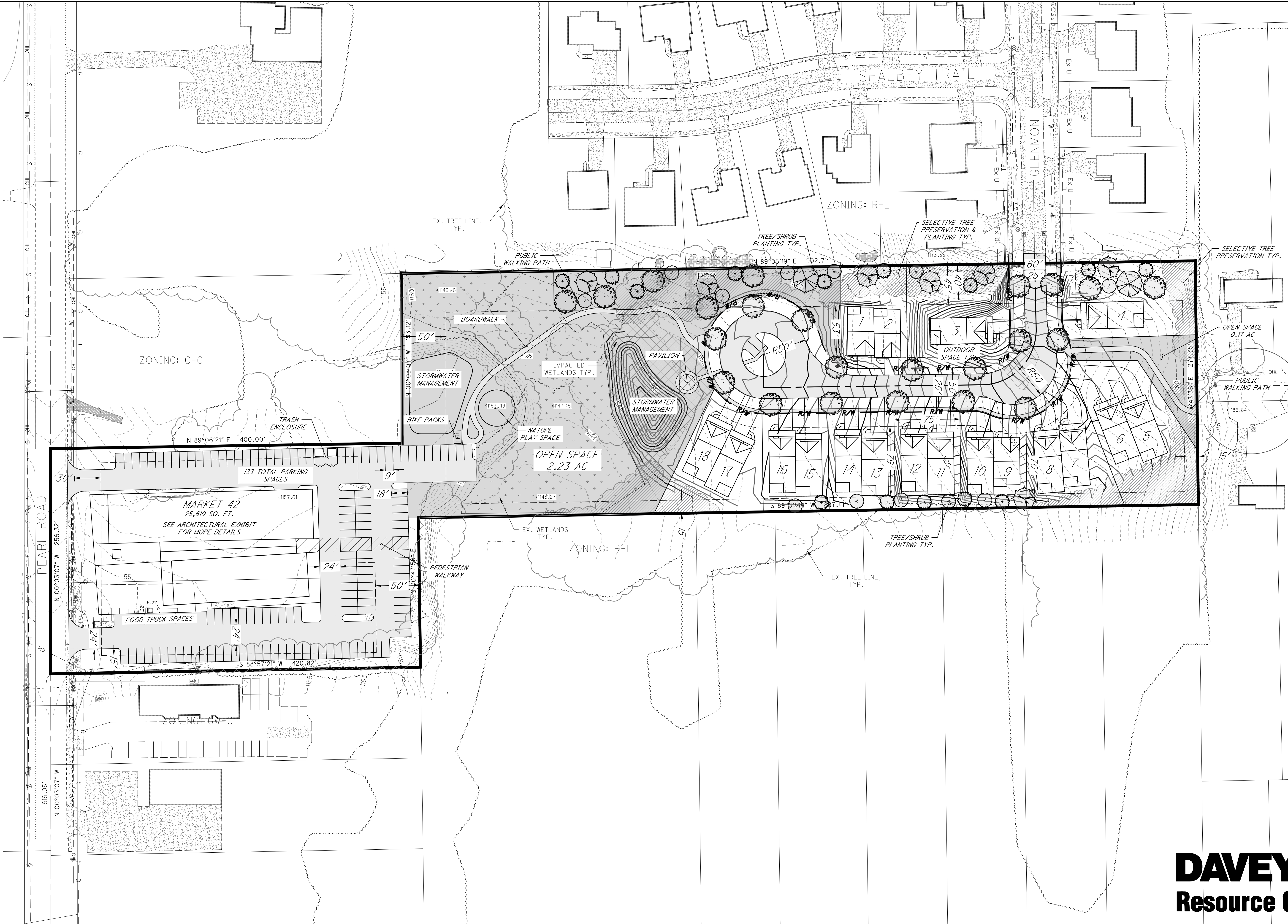


Table of Contents

CHAPTER 1 – RESIDENTIAL GUIDELINES	2
Section 1.1 - Overview.....	2
Section 1.2 - Purpose.....	2
Section 1.3 – Residential Uses.....	3
Section 1.4 – Residential Density, Separation & Floor Area Requirements.....	3
Section 1.5 – Residential Development Standards	4
CHAPTER 2 – COMMERCIAL GUIDELINES.....	6
Section 2.1 – Commercial Uses	6
Section 2.2 – Yard and Height Requirements.....	7
Section 2.3 – Commercial Development Standards.....	7
CHAPTER 3 – GENERALLY APPLICABLE GUIDELINES.....	9
Section 3.1 - Common Open Space	9
Section 3.2 - Common Open Space Disposition	9
Section 3.3 - Supplemental Requirements.....	10
Section 3.4 - Definitions	10

APPENDIX to ZONING CODE - DRAFT
MARKET 42 - SPECIAL PLANNING DISTRICT NUMBER #8

CHAPTER 1 – RESIDENTIAL GUIDELINES

Section 1.1 - Overview

These development guidelines, together with the concept plan, comprise the conceptual development plan required by Chapter [1268](#) for Market 42. As such, the conceptual development plan is the zoning and development requirements for the 8.1934-acre SPD-8 area. All provisions of [Part Twelve](#) of the Brunswick Codified ordinances remain applicable to SPD-8, unless clearly indicated to the contrary in the development guidelines below.

Section 1.2 - Purpose

The purpose of the Market 42 Special Planning District is to create a zoning district designed for a mixed-use project for this unique parcel which is positioned in both commercial and residential zoning districts. SPD-8 is intended to create an opportunity for flexible and innovative site design due to very challenging topography and shape of the parcel. SPD-8 would provide needed connectivity between existing residential neighborhoods through creative design of Paired Villa living in the very limited space adjacent to current residential properties while also bringing a new Market District style of shopping and dining to the Pearl Road commercial entry corridor. This mixed-use project would provide common architectural Farmhouse features throughout, while preserving the protected natural environmental features of the parcel. The Paired Villas would be dedicated parcels with fee simple ownership, with density minimized and open space maximized. More particular purposes for creating SPD-8 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 to accommodate this mixed-use development.
- (3) To allow more creative and flexible design of the built environment than possible with existing zoning, to allow an integrated connectivity and range of compatible use between the residential and commercial components of the development. This flexibility will further harmonize the transition between residential and commercial zones of adjacent parcels.

- (4) To allow creative use of the clustering and density averaging concepts to concentrate both Paired Villas and commercial interactivity on the site in order to maximize common open space and to protect and preserve the unique natural features of the site. By clustering homes in the manner described, more of these unique features, including trees, natural buffers and wetlands will be preserved than would be under traditional zoning.

Section 1.3 – Residential Uses

- (1) Permitted Accessory Uses. Residential signs as regulated by Chapter [1270](#) and any use or structure which is accessory and incidental to an SPD-8 permitted use.
- (2) Permitted Uses – Residential. Fee Simple Lots supporting attached two-story Paired Villa dwellings with option of patios and/or raised decks subject to the SPD development guidelines and the site plan review procedures in Chapter 1278.

Section 1.4 – Residential Density, Separation & Floor Area Requirements

- (1) Density.

Maximum anticipated density shall be 3.2 units per acre, which shall be calculated based upon the developable net acreage of the District, less the areas designated for commercial use.

 - (a) Such areas shall include the Principal Commercial structure and associated parking for patrons of the commercial aspect of the District.
- (2) Minimum Front Yard Widths.

Public Street with 50' ROW: 19 feet from front of structure to right of way line, Back of Sidewalk will be 1' inside R/W. Allowing for 20' from back of sidewalk to front of building envelope.
- (3) Minimum Building Separation.
 - (a) Building envelopes shall be located a minimum of 15 feet from the SPD-8 boundary on all sides with the exception the northern boundary, which shall require a minimum of 45', as per the attached exhibit of the preliminary subdivision plan. Building Envelopes shall be at a minimum 15 feet from any other Building Envelopes, Structures shall by rule also be a minimum of 15 feet 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.
 - (b) Any Decks or Patios either on grade or raised must also fit inside of the Building Envelope provided.
 - (c) A Minimum of 50' of separation shall be maintained between residential units and principally permitted commercial structures within and adjacent to the District.

- (4) Maximum Building Height.
 - a) Principally permitted building: 35 feet.
- (5) Minimum floor area.
 - a) Minimum Living Area – Single Floor (Ranch) Building Type – 1,600 Square Feet
 - b) Minimum Living Area – Multiple Floor Building Type (Two Story) Up or Down – 1,800 Square Feet
 - c) Lower Level Finished Space Area for Buildings Constructed with Daylight Windows of 36” Height or greater or Walk Out-Doors shall not be considered Living Area for Square Footage calculation of Total Living Area.
 - d) Outdoor Living Area – Each unit will be provided with a minimum 200’ of outdoor living immediately to the rear of each Paired Villa, and within the Building Envelope of same unit. This Outdoor Living Area will have no measure less than 10’.

Section 1.5 – Residential Development Standards

- (1) Unit Types. Unit types shall be Paired Villas containing 1 and/or 2 dwelling units per building. All dwelling units shall have direct access to the outdoors without use of a common walkway. Units shall be individually owned as fee simple lots as defined in these development guidelines.
- (2) Landscaping. Landscaping shall comply with the requirements of Chapter 1282. To the extent possible, the existing trees on the site will be preserved where possible and integrated with new plantings to maintain the natural look and feel of the site and to provide and maintain natural buffers with surrounding properties.
- (3) Design Standards:
 - a) Overall Design - of all residential units will be the ‘modern farmhouse’ conceptual design, as presented with all SPD-8 entitlement submittals.
 - b) Primary Entryways (Front Door) - shall be compatible with the building as a whole and with the door themselves.
 - c) All Structures - shall have Architectural Continuity of Design, using the ‘modern farmhouse’ as the overriding design standard.
 - d) Elevations - Natural stone shall be present up to the bottom of the first floor windows on all street facing primary elevations; stamped brick to grade shall be permitted on all other non-street facing elevations. the balance of the Structure shall be Vinyl Vertical Board & Batten Siding and Horizontal Vinyl Siding with dark windows. On all street facing elevations, structures shall use offsets, projections, recesses and other comparable design elements to avoid long, uninterrupted wall or roof planes, and Modern Farmhouse textures and materials will be used to enhance the overall Farmer’s Market styling.
 - e) Garage Doors – shall be white and gridded or textured to conform to the Modern Farmhouse concept. Garage 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 covered with a roof and has a concrete frost depth foundation. In no instance shall the garage door be more than 6' in front of the main living area.

- f) 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 and connectivity to both neighboring residential properties and the commercial corridor shall be given priority in site design.
- g) 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.
- h) Parking - for each dwelling 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.
- i) Street parking - will be limited to one side of the street, opposite of hydrants, and will not be permitted within the cul-de-sacs. This will allow for the reasonable accommodation and clear path of entry and egress for fire and other emergency vehicles to and from the site.
- j) Exposed Foundation Walls - Exposed foundation walls shall be covered with brick, stone, masonry or vinyl siding on primary street facing elevations. Exposed formed-in-place concrete is acceptable no more than 4 inches above grade on front elevations and 16 inches above grade on side and rear elevations.

(4) Street Lighting:

- a) Shall be installed as Required by City of Brunswick Guidelines at Intersections and Cul De Sacs.
 - a. Such street lighting shall be appropriately sized and downward directional lighting shall be Selected.
- b) Lighting will be provided by each dwelling unit in the form of an Electric Lamp Post installed in a uniform location. Lamp Posts shall be installed 24" to the house side of the sidewalk for homes with a sidewalk. For homes without a sidewalk, Lamp Posts shall be installed in the same location as if a sidewalk existed.
- c) Said lights and location shall be uniform in design and location throughout the Market 42 neighborhood.
- d) Post light to be selected and designed to limit light pollution upwards and focus light downward.
- e) Light bulbs and colors shall remain uniform as approved by the Market 42 Homeowner's Association.

APPENDIX to ZONING CODE - DRAFT
MARKET 42 - SPECIAL PLANNING DISTRICT NUMBER #8

CHAPTER 2 – COMMERCIAL GUIDELINES

Section 2.1 – Commercial Uses

- (1) Permitted Accessory Uses. Commercial signage in accordance with this SPD-8 and any use or structure which is accessory and incidental to an SPD-8 permitted use. Such permitted commercial signage shall include those as defined in Ordinance 1270.15 (b) as;
 - a. Free-standing signs;
 - b. Ground signs;
 - c. Illuminated signs;
 - d. Indirectly illuminated signs;
 - e. Murals;
 - f. Electronic Moving Message/Digital Display Signs; and
 - g. Monuments.
- (2) Principally Permitted Uses – Commercial. Commercial space shall be limited in its principal use to activities involving the following;
 - a. Retail businesses;
 - i. Retail uses shall principally include those pertaining to the preparation, sale, and service of food and other consumable items.
 - ii. The sale of wine, beer and spirits shall be permitted in accordance with the laws of the State of Ohio.
 - iii. Other Ancillary Retail enterprises are permitted, so long as they are complimentary to the principal use of the District and conform to these SPD guidelines.
 - i. Such Ancillary Retail enterprises include, but are not limited to florists, merchandisers, beauty products, etc.
 - b. Restaurants, taverns;
 - c. Professional offices, not to exceed 15% of the enclosed building space;
 - d. Event Space;
 - i. General common use Event Space is not to exceed 35% of the indoor area and outdoor terrace.
- (3) Conditionally Permitted Uses – Commercial. Conditionally Permitted Uses shall be permitted in the District, so long as these activities do not comprise more than a maximum of 30% of the Commercial space in the District. Such Conditionally Permitted Uses include;
 - a. Financial institutions;
 - i. Freestanding exterior ATMs shall not be permitted
 - b. Personal services;
- (4) Use Restrictions – Commercial. In no event shall any business in the SPD-8 District consist of the following, as defined by the codified ordinances of City of Brunswick;

- a. Payday Lenders;
- b. Automobile filling stations;
- c. Automobile service or repair stations;
- d. Sexually-oriented or 'adult-themed' businesses;
- e. Any other use not specifically listed.

Section 2.2 – Yard and Height Requirements

- (1) Front Yard Setback for commercial properties shall be a minimum of 30 feet from the Pearl Road Right of Way.
- (2) Side Yard Setback for commercial properties shall be a minimum of 15 feet from any adjacent commercial use.
- (3) Maximum Building Height for commercial structures shall be no greater than 35 feet.
- (4) Rear Yard Setback for commercial properties shall be a minimum of 20 feet from any adjacent commercial or residential property line.
 - a) In no event shall any commercial structure encroach within these defined setbacks, however, such Side and Rear Yard Setbacks shall not apply to designated parking areas designed to maximize patronage to such commercial businesses within the structure.
 - b) The parking setback from the side and rear property lines shall be a minimum of 5 feet.
- (5) Front Yard Zone. No part of the primary commercial structure shall exist within the Front Yard Setback. Designated commercial signage in conformance with this SPD-8, patio and recreational areas, as well as ingress and egress areas to and from the property are however principally permitted to exist within such Front Yard Zone.
- (6) Use Separation. A Minimum of 50' of separation shall be maintained between residential units and principally permitted commercial structures within and adjacent to the District.

Section 2.3 – Commercial Development Standards

Exterior building materials are permitted to match the material design palette.

This will include:

- 1. Pre-finished standing seam metal roof
- 2. Aluminum storefront window/door glazing
- 3. Pre-finished vertical ribbed metal siding
- 4. Pre-finished smooth panel metal siding
- 5. Masonry brick veneer
- 6. Stained wood or composite trim boards
- 7. Break metal trim

8. Formed concrete consistent with the design intent

Exposed foundations min. 4" above grade will be finished with parge coat for consistent finish or covered with brick, stone, painted or integral color masonry, or metal siding.

DRAFT

APPENDIX to ZONING CODE - DRAFT
MARKET 42 - SPECIAL PLANNING DISTRICT NUMBER #8

CHAPTER 3 – GENERALLY APPLICABLE GUIDELINES

Section 3.1 - Common Open Space

- (1) Common open space shall be a minimum of 30 percent of the net acreage (excluding right of ways) of the SPD-8 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 within these SPD-8 Guidelines.
- (2) Open space shall be available and accessible to all residents of the City of Brunswick 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 may 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.
 - (a) Retention basins present on the property shall be both functional and recreational in nature and will be designed for the use and enjoyment of pedestrians and residents of the City of Brunswick.
 - (b) Delineated Wetlands Areas shall be accounted for as part of the Common Open Space but shall not be disturbed or accessible to pedestrian traffic other than the use of designated trails and/or boardwalks throughout the Delineated Wetlands Area. This shall ensure that these environmentally beneficial and significant natural features are preserved for the benefit of the residents of the City of Brunswick.
- (5) Common open space shall be designed as to accommodate a network of spaces offering pedestrian access throughout SPD-8 and to maximize the number of homes which are adjacent to the open space.

Section 3.2 - 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-8 area.
- (2) Common Open Space. The development in the SPD-8 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 of the residents, and their guests, of the SPD-8 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) Public Recreational Space. The SPD will include recreational trails and amenities linking both the commercial and residential portions of the District with adjacent residential properties. These trails and amenities will be publicly accessible and will contribute to the enhancement of pedestrian activity in the City of Brunswick. The Public Recreational Space however will be screened from private residences so as to ensure a buffer between public and private uses. The maintenance costs for the Public Recreational Space shall be split between the commercial and residential entities encompassing the District in an agreement satisfactory to both parties involved.
- (4) Private Outdoor (Open) Space. Each Building Envelope shall contain private outdoor space in the fee simple lot. Private open space shall not occupy any portion of the common open space or recreation space required in subsections (1) and (2) above. Private Outdoor Space shall be contained within the Building Envelope for each Paired Villa residence. 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 dwelling unit. The Designated Private Open Space area of the Building Envelope can be built on and used as outdoor living area.
- (5) Exclusions. Stormwater Management areas may receive full credit towards the common open space requirement.

Section 3.3 - 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-8, nor shall the Commission increase the maximum allowable density permitted in SPD-8.
- (2) Site Plan Review. Each development phase of SPD-8 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 Market 42 SPD-8 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 3.4 - Definitions

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

(1) Paired Villa 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. A Paired Villa may be a detached structure or may be attached to other dwelling units within the same structure.

(Ord. 118-03. Passed 11-10-03.)

DRAFT

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 83-2022

BY: Mr. Delsanter, Mr. Lambert, Mrs. Piper

AN ORDINANCE ESTABLISHING THE MARKET 42 SPECIAL PLANNING DISTRICT NO. 8 CONCEPTUAL DEVELOPMENT PLAN AND AMENDING THE ZONING MAP BY DESIGNATING PPNs 003-18D-19-008 AND 003-18D-24-001 LOCATED ON PEARL ROAD CONSISTING OF APPROXIMATELY 8.1934 TOTAL ACRES AS SPD-8.

WHEREAS: Ergotech Development Group, LLC has requested that the properties located on Pearl Road consisting of approximately 8.1934 total acres and further identified as PPNs 003-18D-19-008 and 003-18D-24-001 (collectively the "Property"), which Property is presently located in the C-G General Commercial, R-L Low-Density Residential and GW-C Gateway Commercial Zoning Districts, be rezoned to allow for mixed-use development consisting of a 25,610 square foot commercial marketplace and eighteen (18) residential paired (attached/detached 2 unit) villas;

WHEREAS: This Council is amenable to rezoning the Property to a Special Planning District per Codified Ordinance Chapter 1268; and

WHEREAS: This Council finds that the proposed Special Planning District meets the objectives of Codified Ordinance Section 1268.01 and the required conditions contained in Codified Ordinance Section 1268.05(c)(1) and (3), to wit, the proposed Special Planning District will include a concentration of existing or proposed retail, service or industrial establishments serving as a business activity center for the community and consists of land that 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 Market 42 Special Planning District No. 8 Conceptual Development Plan is hereby adopted as Appendix J to Title 6 of the Zoning Code as provided in Codified Ordinance Section 1268.07(a). The Market 42 Special Planning District No. 8 Conceptual Development Plan consists of Design Guidelines, as attached hereto as Exhibit "A".

SECTION 2: That the City Engineer is directed to update the Zoning Map by designating the Property as SPD-8.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura Timura

PROPOSED LEGISLATION



DATE: 10/10/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Nicholas Hanek

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 92-2022** - An emergency ordinance to approve the editing and inclusion of certain ordinances as components of the Codified Ordinances; to provide for the adoption of new legislation in the updated revised Codified Ordinances; and to repeal ordinances in conflict therewith. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Laura Timura*)

BACKGROUND: This is a semi-annual codification update.

PURPOSE AND EXPLANATION: To approve the editing and inclusion of ordinances as components of the codified ordinances; to provide for the adoption of new legislation in the updated revised codified ordinances; and to repeal ordinances in conflict therewith.

IMPLEMENTATION SCHEDULE: To adopt as an emergency with suspension of the rules on October 10, 2022, to allow for the updates to be effective immediately.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: City Council codification expenses are budgeted in account #001-0100-54279. Purchase order approvals will be subject to the available Council appropriations at the time the P.O. is submitted. The certification of funds, approval of purchase orders, and budgetary laws follow ORC Section 5705. Costs typically vary based on the number of pages involved.

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?

To adopt as an emergency with suspension of the rules on October 11, 2022, to allow for the updates to be effective immediately.

**ADDITIONAL
INFORMATION:**

ORDINANCE NUMBER 92-2022

By: Committee of the Whole

AN EMERGENCY ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS COMPONENTS OF THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION OF NEW LEGISLATION IN THE UPDATED REVISED CODIFIED ORDINANCES; AND TO REPEAL ORDINANCES IN CONFLICT THEREWITH.

WHEREAS: Section 3.18b. of the City Charter provides for the general codification of all City ordinances and resolutions having the force and effect of law and requires that such codification be kept current; and

WHEREAS: The Walter H. Drane Co. has completed its updating and revision of the Codified Ordinances of the City; and

WHEREAS: Various ordinances of a general and permanent nature that have been enacted by Council since the date of the last updating and revision of the Codified Ordinances need to be included in the Codified Ordinances of the City; and

WHEREAS: Certain changes made in the Codified Ordinances to bring City law into conformity with State law.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the editing, arrangement and numbering or renumbering of the ordinances and parts of ordinances attached hereto as "Exhibit "A" as though fully herein written, are hereby approved as parts of the various component codes of the Codified Ordinances of the City of Brunswick, Ohio, so as to conform to the classification and numbering system of the Codified Ordinances.

SECTION 2: That the sections of the Traffic and General Offenses Codes, as amended and attached hereto as Exhibit "B" as though fully herein written, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly.

SECTION 3: That all ordinances and resolutions and parts thereof that are in conflict with any of the provisions of the new matter approved, adopted and listed on Exhibit "A" and in Section 1 are hereby repealed, except as follows:

- (a) The enactment of such matter shall not be construed to affect a right of liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or any action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision or to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purposes of revision and recodification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to December 16, 2019

SECTION 4: That a copy of this ordinance shall be posted in the five public places set forth in Section 222.01 of the Codified Ordinances, together with notice as to where copies of the August 2022 Replacement Pages for the Codified Ordinances of the City, hereby approved, adopted and enacted, may be viewed and inspected by the public. A copy shall also be furnished to City Officers, Medina County Law Library and the Brunswick Public Library.

SECTION 5: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare and for the additional reason that it is immediately necessary to have an up-to-date codification of the laws of the City, pursuant to Section 3.18b. of the City Charter, that is in conformity with State Law, where such conformity is required by Article XVIII, Section 3, of the Ohio Constitution, with which to administer the affairs of the City and to preserve law and order of the City. Therefore, this Ordinance and the August 2022 Replacement Pages for the Codified Ordinances, hereby approved, adopted and enacted, shall be in full force and effect from and after its passage by the required number of votes, as set forth in Section 3.16 of the City Charter.

PASSED:

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura Timura

EXHIBIT "A"

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
13-2022	3-14-22	220.01(c)
26-2022	4-25-22	288.01(a)
27-2022	5-9-22	672.09
29-2022	4-17-22	282.01(a)
30-2022	5-9-22	672.011, 672.02, 672.04
31-2022	4-11-22	February 2022 Replacement Pages
39-2022	7-11-22	1216.02(b)
40-2022	7-11-22	1216.03(a)
41-2022	7-11-22	1228.03(a)
42-2022	7-11-22	1244.07(c)
43-2022	7-11-22	1278.02
44-2022	7-11-22	1280.06
45-2022	7-11-22	1475.11

EXHIBIT “B”

General Offenses Code

624.01	Drug Abuse Control Definitions. (Amended)
672.13	Possessing Replica Firearm in School. (Amended)

PROPOSED LEGISLATION



DATE: 10/10/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Taylor Petkovsek

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 93-2022** - A resolution authorizing the donation of municipal personal property no longer needed for municipal purposes. - **1st Reading** (To be brought from Parks, Recreation & Community Committee, *Administration/Taylor Petkovsek*)

BACKGROUND: The Department of Parks and Recreation is in possession of a previously donated and used piano, which has an estimated value of less than \$1,000.00, which is not needed for municipal purposes. The piano was donated to the Brunswick Community Recreation & Fitness Center approximately 10 years ago and has not been used. The Medina County Office for Older Adults has use for the equipment.

PURPOSE AND EXPLANATION: The piano would be used for adult activities at the Medina location for the Medina County Office for Older Adults. It is not currently being used, nor has it been used in approximately 10 years.

IMPLEMENTATION SCHEDULE: One reading.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

If emergency or suspension of the rules, why the request?
resolution (non-emergency with suspension of rules)

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 93-2022

BY: Mrs. Piper, Mr. Capretta, Mr. Smith

A RESOLUTION AUTHORIZING THE DONATION OF MUNICIPAL
PERSONAL PROPERTY NOT NEEDED FOR MUNICIPAL PURPOSES.

WHEREAS: The Department of Parks and Recreation is in possession of a previously donated and used piano, which has an estimated value of less than \$1,000.00, which is not needed for municipal purposes; and

WHEREAS: Ohio Revised Section 721.15 allows the disposition of such municipal personal property through donation upon authorization of the legislative authority of the municipal corporation.

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

SECTION 1: That the City Manager and/or Parks & Recreation Director is hereby authorized to donate the previously donated and used piano in the possession of the Department of Parks and Recreation to the Medina County Office for Older Adults (Medina location) "AS IS", without representation or warranties of any kind or description whatsoever.

SECTION 2: This Council hereby determines that the subject municipal personal property is not needed for municipal purposes and the estimated value of the previously donated and used piano is less than \$1,000.00.

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

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 10/10/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Todd Fischer

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 94-2022** - An emergency resolution accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the County Auditor. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

BACKGROUND: An emergency resolution accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the County Auditor.

PURPOSE AND EXPLANATION: In order to comply with Ohio Revised Code Section 5705.34 and the County Auditor extension letter, City Council is required to accept the amounts and rates as determined by the budget commission and authorize the necessary tax levies and certify them to the County Auditor. This action will allow the County Auditor to bill these rates on the property tax bills for the succeeding year.

Note: 2023 will also mark the ninth year of collection of the City's 1.2 mill road levy passed by the voters on May 6, 2014. The road levy is a 10-year levy with collections expected for 2015-2024. The County Auditor's most recent annual collection estimate for the 1.2 mill levy = \$860,400 for the 2023 collection year. No changes in tax rates (full millage) have occurred since the previous year.

IMPLEMENTATION

SCHEDULE: To be adopted on October 10, 2022, with an emergency clause. The emergency clause is necessary in order to remain in compliance with the Ohio Revised Code, the County Auditor's extension letter and allows for the daily operations of the City of Brunswick to continue without interruptions and to ensure timely billing of property taxes due to the City of Brunswick.

FINANCIAL INFORMATION:

FINANCIAL

SUMMARY: The County Auditor’s most recent estimate for the 2023 property tax collections, including homestead and rollback distributions, to be received by the City of Brunswick equals \$3,605,680 in total. This is \$455,580 or 12.6% more than the current 2022 property tax revenue estimate on file from the Medina County Budget Commission. The expected increase in tax collections is based on the results of the County's tri-annual update and increased assessed valuations. The increase in tax collections is only expected on the City's inside millage, and not on the voted millage. The City only has one voted levy, the road levy. The collections on the voted road levy are anticipated to be similar in 2023 as in 2022.

The 1.2 mill road levy portion equaled \$860,400 (ninth year of collections) and the 2.6 inside mills equal \$2,745,280. The County Auditor typically updates these property tax estimates again once the property values and tax rates are certified. The 2023 property tax collections for the City of Brunswick can only occur if this legislation is passed and filed with the County Auditor's Office by the extended deadline. Once certified and filed, the property tax rates will be billed by the County Auditor pursuant to State Law. This tax rate of 1.2 mills was approved by the voters for a ten-year collection period (2015-2024) and the 2.6 mills has been approved by City Charter Section 7.11(a).

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?
The emergency clause is necessary in order to remain in compliance with the Ohio Revised Code, the County Auditor’s extension letter and allow for the daily operations of the City of Brunswick to continue without interruptions and to ensure timely billing of property taxes due to the City of Brunswick.

ADDITIONAL INFORMATION:

Discuss at the October 10, 2022 Committee meeting and move to the October 10, 2022 Council agenda as an emergency. Recommended action for approval on October 10, 2022 with emergency clause (suspension of the rules).



Medina County Auditor

MIKE KOVACK

144 North Broadway St. • Medina, Ohio 44256

Date: September 23, 2022

To: Township Fiscal Officers
Village Fiscal Officers/Clerks
City Finance Directors
Library Treasurers

From: Kristen Johnson, Tax Settlements *KJS*
Medina County Auditor's Office

Re: Resolution Accepting Amounts & Rates

Attached please find your copies of the:

1. Extension Letter from the Ohio Department of Taxation
2. Resolution Accepting Amounts and Rates

The Extension Letter is for your audit next year. It indicates the reason for extending the dates for the Resolution Accepting Rates.

This Resolution must be approved and returned to our office by **November 1, 2022**.

If you have an additional levy, or a renewal levy with an increase on the ballot for November and it passes, you will be sent another Resolution Accepting Amounts and Rates after the election. The updated resolution must be approved and returned to our office by **November 30, 2022**.

If you have any questions please call me at 330-725-9766 or email at kjohnson@medinaco.org. Thank you!

CITY OF BRUNSWICK, OHIO
RESOLUTION NO.

By: Mr. Hanek, Mr. Abella, and Mr. Delsanter

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR

(CITY COUNCIL)
Revised Code, Secs. 5705.34-5705.35

The Council of the City of BRUNSWICK, MEDINA
County, Ohio, met in _____ session on the _____ day of _____
(Regular Or Special)
20____, at the office of _____ with the following members
present:

Mr./Mrs. _____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously
adopted a Tax Budget for the next succeeding fiscal year commencing **January 1st, 2023**

and

WHEREAS, The Budget Commission of MEDINA County, Ohio, has
certified its action thereon to this Council together with an estimate by the County Auditor of the rate
of each tax necessary to be levied by this Council, and what part thereof is without, and what part
within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of BRUNSWICK,
MEDINA County, Ohio, that the amounts and rates, as determined
by the Budget Commission in its certification, be and the same are hereby accepted; and be it further
RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate
of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET
COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	Amount to Be Derived from Levies Outside 10 M. Limitation	Amount Approved by Budget Com- mission Inside 10 M. Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column II	Column IV	V	VI
General Fund		\$2,428,540	2.30	
General Bond Retirement Fund				
Police Pension		\$316,740	0.30	
Road Levy	\$860,400			1.20
TOTAL	\$860,400	\$2,745,280	2.60	1.20

SCHEDULE B TAX YEAR 2022 COLLECTION YEAR 2023 2022 ESTIMATED VALUES AND YIELDS

1. RES/AG	\$716,544,940
2. OTHER REAL	\$179,325,240
3. PUCO PERSONAL	\$12,398,020
4. RES/AG NEW CONSTR.	\$600,000
5. OTHER NEW CONSTR.	\$500,000
6. TOTAL	\$909,368,200

LEVIES INSIDE & OUTSIDE THE 10 MILL LIMITATION

SUBDIVISION: BRUNSWICK CITY Values above do not include the Triennial increase-estimated FY23 tax revenue is calculated below as an increase to inside millage

FUND TYPE	PURPOSE	LAST YR. VOTED	NO.# YEARS	TAX YEAR FIRST/LAST	COLL. YEAR FIRST/LAST	FULL MILLAGE	REDUCTION RES/AG OTHER	EFFECTIVE RES/AG OTHER	RES/AG	OTHER	PUCO PERSONAL	NEW CONSTRUCTION	TOTAL
GENERAL FUND						2.30	0.000000 0.000000	2.300000 2.300000	\$1,918,320	\$480,120	\$27,700	\$2,400	\$2,428,540
SPECIAL REVENUE	POLICE PENSION					0.30	0.000000 0.000000	0.300000 0.300000	\$250,200	\$62,640	\$3,600	\$300	\$316,740
	ROAD LEVY	2014	10	2014/2023	2015/2024	1.20	0.211288 0.103657	0.946454 1.075612	\$657,800	\$187,100	\$14,400	\$1,100	\$860,400

2.60	INSIDE MILLAGE	\$2,826,320	\$729,860	\$45,700	\$3,800	\$3,605,680
1.20	OUTSIDE MILLAGE					
3.80	TOTAL MILLAGE					
		3.546454	RES/AG EFFECTIVE			
		3.675612	OTHER EFFECTIVE			

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to Be Levied	Co. Auditor's Est. of Yield of Levy (Carry to Schedule A, Column II)
GENERAL FUND:		
Current Expense Levy authorized by voters on for not to exceed years.	,20	
Current Expense Levy authorized by voters on for not to exceed years.	,20	
Current Expense Levy authorized by voters on for not to exceed years.	,20	
Total General Fund outside 10m. Limitation.		
Road Levy authorized by voters on May 6, 2014 for not to exceed 10 years.	1.20	\$860,400
Levy authorized by voters on for not to exceed years.	,20	
Fund: Levy authorized by voters on for not to exceed years.		
Fund: Levy authorized by voters on for not to exceed years.	,20	
Fund: Levy authorized by voters on for not to exceed years.	,20	
THIS RESOLUTION IS DECLARED TO BE AN EMERGENCY MEASURE NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, PROPERTY, HEALTH, SAFETY, WELFARE, AND PROVIDING FOR THE USUAL DAILY OPERATION OF A MUNICIPALITY, AND FOR THE ADDITIONAL REASON THAT THIS RESOLUTION MUST BE FILED WITH THE MEDINA COUNTY AUDITOR AS SOON AS POSSIBLE. THEREFORE, THE SAME SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE BY THE REQUIRED NUMBER OF VOTES.		

and be it further

RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of the

Resolution to the County Auditor of Said County.

Mr./Mrs. _____ seconded the Resolution and the roll being called

upon its adoption the vote resulted as follows:

Mr./Mrs: _____

Mr./Mrs: _____

Mr./Mrs: _____

Adopted the _____ day _____, 20 _____.

Attest:

President of Council

Clerk of Council

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, _____ County, ss.

I, _____, Clerk of the Council of the City

of _____ within and for said County, and in whose custody the Files
and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby
certify that the foregoing is taken and copied from the original _____

now on file, that the foregoing has been compared by me with said original document,
and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 20____

Clerk of Council

No. _____

COUNCIL OF THE CITY OF

_____ County, Ohio.

RESOLUTION
ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND CERTIFYING
THEM TO THE COUNTY AUDITOR

(City Council)

Adopted _____, 20 ____

Clerk of Council

Filed _____, 20 ____

County Auditor

By _____
Deputy