



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

DECEMBER 19, 2022
In Council Chambers
At 7:00 P.M.

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of Regular Council Meeting Minutes dated December 12, 2022.
5. Mayor's Report:
 - (a) Proclamation to be presented to Ben Page for the achievement of Eagle Scout rank
6. Clerk of Council's Report
7. Council Committee Reports:

Economic Development Committee.....Mr. Lambert

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

Finance Committee.....Mr. Hanek

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

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

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

Parks, Recreation & Community Committee Meeting Minutes dated November 28, 2022

Building & Building Code Committee.....Mr. Abella
8. Other Committees, Boards and Commissions
 - (a) Committee-of-the-Whole Meeting Minutes dated November 28, 2022

9. Petitions from the Public on Legislation
10. Reading of Legislation and Action on Legislation:
 - a. 3rd Reading(s)
 - b. 2nd Reading(s)

RES. NO. 112-2022 - An emergency resolution authorizing the City Manager to enter into a contract for Police and Fire software maintenance for an amount not to exceed \$40,000 with TAC Computers. – **2nd Reading** (Safety & Environment Committee, *Administration/Brian Ohlin*)

RES. NO. 115-2022 - An emergency resolution authorizing the City Manager to purchase one (1) 2023 Ford Explorer Utility Vehicle with fire equipment installed for the Division of Fire from Montrose Ford in an amount not to exceed \$55,000. - **2nd Reading** (Safety & Environment Committee, *Administration/Greg Glauner*)

RES. NO. 116-2022 - An emergency resolution authorizing the City Manager to purchase three (3) 2023 Ford Police Interceptor Utility police cruisers and one (1) 2023 Dodge Charger police cruiser with police equipment installed for the Division of Police from Montrose Ford in an amount not to exceed \$222,000. - **2nd Reading** (Safety & Environment Committee, *Administration/Brian Ohlin*)

- c. 1st Reading(s)

RES. NO. 118-2022 - An emergency resolution authorizing the City Manager to enter into a five (5) year agreement with the Medina County Combined General Health District to perform storm water sampling and inspection services in an amount not to exceed \$20,000.00 - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

ORD. NO. 119-2022 - An ordinance amending Section 1260.04(v) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 120-2022 - An ordinance amending Section 1261.04(s) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 121-2022 - An ordinance establishing Section 1270.04(e) of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 122-2022- An ordinance establishing Sections 1278.02(a)(4) and 1278.02(a)(5) of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 123-2022- An ordinance amending Section 1282.08(b) of the Codified Ordinances of the City of Brunswick. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 124-2022 - An ordinance establishing Chapter 1292 of the City of Brunswick Codified Ordinances to regulate electric vehicle charging stations. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

RES. NO. 125-2022 - An emergency resolution declaring the necessity of submitting to the electors of the City the question of issuing bonds to provide funds for the purpose of constructing, furnishing, equipping, and otherwise improving a new fire station and preparing, equipping and otherwise improving its site, in the aggregate principal amount of \$12,000,000, pursuant to Section 133.18 of the Revised Code. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

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

PARKS, RECREATION & COMMUNITY COMMITTEE

November 28, 2022

IN ATTENDANCE: Chairwoman Kristy Piper, Committee Member Anthony Capretta, Committee Member Tim Smith, Michael Abella, Joseph Delsanter, Nicholas Hanek, Brandon Lambert, Finance Director Todd Fischer, Law Director Kenneth Fisher, Parks and Recreation Director Taylor Petkovsek, Acting City Manager Paul Barnett, Clerk of Council Laura Timura, News Media

The meeting convened at 6:27 p.m.

DISCUSSION ITEMS:

(a) All-Inclusive Playground Opening

Mrs. Petkovsek stated the ribbon cutting took place on November 5th with an estimated total of 200 people in attendance. She noted a man working in the Parks Department since the 90s mentioned he has not seen that many people at Neura Park.

Mrs. Petkovsek indicated that every week improvements are being made at Neura Park. She noted several elements have been installed including lights, parking curbs, 3 additional handicapped spaces making it 5 spaces as of now, and handicapped parking signs. Mrs. Petkovsek mentioned cameras have been installed and the administration was working on obtaining a PC to place in the old storage area to watch the footage. She indicated working with Ohio Edison to gain access to the pole to observe the cameras on a web server. There is a transmitter installed on the pole, however, a few more pieces are needed to be completed.

Mr. Barnett indicated that Mr. Marok has a PC in the storage section capturing the data as of now. He noted the footage will not be able to be viewed live, however, pictures are being captured.

Mrs. Petkovsek mentioned the memorial plaques located on each of the 5 benches in Neura Park. She noted three benches have already been purchased as memorials, and two more are available for purchase if someone wishes to have a bench dedicated to someone's memory. The donation sign was on back order and has been delivered to the Parks Department as of today. She noted wanting to make sure all of the donation amounts were correct before the project was rushed through. The sign has been installed and will be put up once the hardware is obtained.

Mrs. Petkovsek indicated a notice will be put out regarding the abundance of lost and found at the playground. It will state all of the items found at Neura Park will be turned into the recreation center and kept for three months before being donated to a local facility.

Mrs. Petkovsek addressed finding possible solutions on how to maintain the rubber surface at Neura Park. She noted bringing a surface warranty and the warranty states every 7 to 10 years it recommends a liquid product will need to be applied to extend the life of the surface. Mrs.

Petkovsek mentioned there are end-of-season and beginning-of-season tips and tricks to get stains out and to keep the surface in good condition. She noted working out the cost and getting the numbers to Mr. Fischer and he will then be able to project what the cost will be in the next 7 to 10 years.

(b) City Holiday Event on December 4th

Mrs. Petkovsek indicated the event is at the Recreation Center. She noted Santa Claus will be there to take photographs with attendees. Mrs. Petkovsek mentioned light appetizers, hot cocoa, coffee, and cookie decorating to go will be offered. Brunswick resident Nate the Great who is a magician and balloon artist will perform during the entire event.

Mr. Capretta asked what day of the week December 4th is and the time of the event.

Mrs. Petkovsek responded the event will take place on Sunday from 4:00 p.m. to 6:00 p.m.

Mrs. Petkovsek mentioned a resident was attempting to obtain a tree as quickly as possible to have it planted and lit up at the Recreation Center. It is uncertain whether that will happen, due to timing.

GENERAL DISCUSSION:

Mr. Smith brought the idea of the City developing a disc golf course. He noted that he had worked on this idea many years ago. He mentioned he did not want to disrupt the All-Inclusive Playground Project, so he refrained from bringing it up earlier.

Mr. Smith specified speaking with the City Manager at beginning of this year about it being a project he would be working on. He mentioned starting a committee of people interested in developing the disc golf course. Mr. Smith asserted having a group of people to help finance the project. In considering all aspects, he wanted to mention one of the obstacles tonight, namely where it would go and the need for a minimum of 20 acres. He is eager to work on it and would like to see it developed this year. He expressed the committee has the desire to see it developed on 32 acres.

Mrs. Piper indicated it was a great idea. She noted that there is a professional disc golfer in the community.

Mr. Smith stated that there are two nice courses in Medina and felt it would be more convenient to have one in Brunswick. He mentioned turning it into an economic development issue for potential national tournaments. Mr. Smith commented about the turnout at Medina's national tournaments drawing quite a crowd. He disclosed having gone to 3 or 4 tournaments and people from all over the world attend. He sees this as a good fundraiser and economic development initiative. Anyone interested in participating in the project should contact Mr. Smith so they can be added to the committee.

Mr. Capretta asked how many acres are needed.

Mr. Smith indicated 20 acres would be needed, less acreage for 9 holes, and the residents who play disc golf regularly would like it to be bigger so that national tournaments could be held there. He

noted his idea and what the residents have envisioned were nearly identical. Mr. Smith mentioned he would bring the frequent disc golfers to a future meeting to express their ideas.

Mr. Delsanter stated Parks and Recreation at one time talked about several different options for the course. He expressed that the development would be good and would not be high maintenance compared to other things involved in the parks. He mentioned the parks having land that is undeveloped and could potentially have the same use although it has always been for future options with having a large acreage that is park property, and undeveloped.

Mr. Delsanter specified the need for a budget along with site selections to engineer a campaign to raise funds. He recounted the group of people willing to support this endeavor. Mr. Delsanter noted a City in Medina County much smaller than Brunswick has two courses and there are even more within the county. He expressed the potential to develop this idea could bring a unique entertainment value and draw outsiders to Brunswick. Mr. Delsanter indicated that the idea was good and the sport is fun; he has family members who play often, and he was saddened that it has not been successful in developing. He mentioned the City coming through a lot financially and has had to pick and choose what to develop. Mr. Delsanter stated with more planning and organizing he has hope that it can happen. He asserted he will support moving forward with this idea.

Mrs. Piper indicated that she is thankful for the input and will have it placed on the agenda. She noted looking forward to working with the committee and getting more organized on the idea.

Mr. Smith commented on the All-Inclusive Playground of how amazing it is and called it the Disneyland of playgrounds. He mentioned the playground including equipment for both able and disabled children. Mr. Smith expressed the enjoyment he felt being able to see his grandson who is in a wheelchair on the merry-go-round with Miss Wheelchair Ohio. He expressed his excitement and is thankful to have the playground.

Mr. Hanek expressed his gratitude to Mrs. Petkovsek for all her work throughout the All-Inclusive Playground Project and for making it a reality. He noted that she should be proud of the tremendous work she put in.

Mr. Hanek addressed the frisbee golf idea and pointed out that was not budgeted. He suggested the structure be more like many of Brunswick's parks. Mr. Hanek mentioned BYS, BSA, and Brunswick Historical Society all have organizations that are tied to specific parks. He indicated having hopes they will be open to continuing to do that if there are formalities in an organization that both are interested in potentially a fundraising component and taking long-term, an interest investment into a park. Mr. Hanek noted to be cognizant of how to maintain the things that are placed in a park. He expressed high concern about those things and there is a line of prime organizations to maintain these parks. The real struggle in the past could be deemed similar and gave an example of seeing the possibility of a frisbee golf course being deemed similar to a public art piece at Brunswick Lake that was a struggle to maintain over time. He indicated these are similar things, asking how will they be maintained, what is the long-term plan, and what is the long-term strategy. Mr. Hanek mentioned that he would like to see a presentation with all of the issues addressed. He voiced the need for this idea to be well thought out with who will be held responsible, who will be interested, and if there are people interested in this idea those questions can be put together and addressed.

Mr. Hanek indicated as a reminder there is legislation up for second reading involving the Commemorative Affairs Board and the disbanding of that board as a non-charter-based board. Mr. Hanek has assigned it to the Parks and Recreation Committee for future discussion on how to best go forward in terms of planning events in the City and how it integrates with parks. As a part of subsequent discussions, Mr. Hanek mentioned how to best promote the kind of events the City wants and how to integrate with some of the other things that are coming up are discussions with Planning and Zoning.

Mr. Smith indicated the issues have been talked about within the past year. He noted there are a fair degree of solutions and asked how this idea can be formed. He questioned if Park and Recreation would be the one to form an Ad-Hoc Committee of some sort that can meet regularly to work on these issues or if he would be the one to do it. Mr. Smith asked how much planning would need to be done ahead of time before bringing it to the City.

Mr. Hanek indicated an Ad-Hoc Committee is permissible under Council Rules with a majority vote of Council. He does not believe that it was necessary for this specific issue at this point. Mr. Hanek suggested working with the City Administration to possibly meet with Councilwoman Piper, City Manager DeForest, or Acting City Manager Barnett. He specified in the time he has been on the Committee, there have been 2 to 3 Ad-Hoc Committees. One of them was Brunswick Lake regarding the transition and another was a search for a City Manager and Council Clerk. He stated currently this does not appear to fall outside of Parks and Recreation.

Mr. Delsanter suggested starting by gathering the donors and dividing the business plan into cost assessments, material assessments, and potential donors. He mentioned if all the ideas, the individuals mentioned by Mr. Smith, and issues are identified, they can be put together and presented to either Parks and Recreation or an Ad-Hoc Committee. He noted the City needs to have something more concrete than the idea and believes it can be done. Mr. Delsanter commented wanting to discuss this further with Mr. Smith and expressed interest in the idea.

Mr. Smith asked if something was formed to start discussing the All-Inclusive playground project and if there was a budget.

Mr. Hanek indicated the project was a partnership with the schools and the City Administration working on the project. He noted there was not a citizen committee, however, there are several ways how a project becomes reality.

Mr. Hanek addressed the short-term and long-term components of this and suggested meeting with the City Administration on what it might look like. He mentioned to Mr. Smith being able to figure out if it is possible under the current budget to maintain and if is not possible in the budget how will the funding be and if any kind of non-profit game planning will take place. If it is going to be a formal organization, BYS, BSA, and the Historical Society are formally incorporated organizations that have made commitments to the City to continue that going. He expressed being in support of this idea and anyone wanting to build if there is space with a long-term maintenance plan to move forward. He communicated high concern for long-term maintenance and in the future, if an organization is needed to maintain the park, however, that is a separate discussion. Mr. Hanek mentioned agreeing with Councilman Delsanter about the need for a long-term business plan and

taking the steps necessary to make it work. He indicated if his involvement is requested, he is happy to participate.

Mr. Smith stated he did not bring the idea up because it was not planned ahead of time, however, he has answers to all of the issues described. He noted not wanting to go into this in full length considering the 15-minute meeting time frame. In a future meeting, all of this will be covered.

Mr. Hanek stated ideas begin with an individual bringing them to a meeting and then consist of someone doing the work. He mentioned Leann from the schools attended Council meetings and pitched the All-Inclusive Playground, all of Council was in support of it and it became a reality.

Mrs. Piper commented appreciatively of Mr. Smith for bringing the idea to the meeting.

ADJOURNMENT:

Being no further business, Mr. Capretta moved to adjourn at 6:47 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Kristy Piper', with a stylized flourish at the end.

Kristy Piper

COMMITTEE OF THE WHOLE MEETING

November 28, 2022

IN ATTENDANCE: Vice Mayor Nicholas Hanek, Anthony Capretta, Joseph Delsanter, Tim Smith, Kristy Piper, Michael Abella, Brandon Lambert, Finance Director Todd Fischer, Law Director Kenneth Fisher, Parks and Recreation Director Taylor Petkovsek, Acting City Manager Paul Barnett, Clerk of Council Laura Timura, News Media.

The meeting convened at 6:47 p.m.

MOTION ITEMS:

(a) Ward 4 Vacancy

Mr. Hanek indicated this was an unusual vacancy and sequence of events. He noted a legal outline would be addressed by Mr. Fisher as to a planned vacancy.

Mr. Fisher mentioned he circulated a memo outlining Section 3.06 of the City Charter; Filling of Vacancies. He congratulated Councilman Capretta on his victory of being elected as Medina County Auditor. Mr. Fisher addressed that Mr. Capretta's term begins on March 13, 2023, however, Mr. Capretta has not decided on when he intends to resign.

Mr. Capretta thanked Mr. Fisher for the congratulations, he mentioned most people were unaware of the official term beginning on March 13, 2023.

Mr. Fisher indicated it was up to Mr. Capretta on when he intends to resign, noting it was entirely his decision. He noted technically Mr. Capretta could turn his resignation in at midnight on March 12, 2023, if he chooses to do so. Mr. Fisher mentioned that it is Council's responsibility to fill the vacancy upon notification of resignation. He addressed his interpretation of the Charter that upon being notified this would allow Council potentially in January to start the interview vetting process to find a qualified candidate to fill the remainder of Mr. Capretta's unexpired term ending on December 31, 2023. He noted that whomever Council selects to fill the balance of the unexpired term starting from the date of Mr. Capretta's resignation becomes effective through the end of December 31, 2023, could then consider running in the election or not and that is a separate matter. Mr. Fisher affirmed if the potential candidate decided to run they would follow the same process as anyone else that might be interested in running for the new term beginning January 2024 for the Council office Mr. Capretta presently holds.

Mr. Hanek clarified the end conclusion as once Council receives a formal resignation date Council can vote to interview prior to Mr. Capretta's last day. He noted Council could swear in a potential candidate in before Mr. Capretta leaves and whomever Council selects could attend a few meetings.

Mr. Capretta mentioned the filing deadline of February 3, 2023, for the November 7, 2023 election.

Mr. Fisher affirmed the filing deadline would be a separate matter and that the election cycle applies globally. He noted it is a good point that there are filing deadlines for the November 7, 2023 election per City Charter.

Mr. Fisher referenced per 3.06c, Council will be able to collectively begin the process of seeking applications, publishing a notice of the vacancy, and accepting applications, and then begin the interview process before Mr. Capretta's resignation date.

Mr. Delsanter recounted the filling of the vacancy was briefly spoken about last week. He noted that as far as the filing deadline it is encumbered by the candidate to decide to take responsibility for running in the election. Mr. Delsanter expressed that it is not the Council's responsibility to check those boxes and ensure the potential candidate will be on the ballot. He mentioned doing so would be a steerage issue. Mr. Delsanter commented a departure date is needed to begin the process.

Mr. Fisher addressed the need for a formal written communication of when a Council member plans to vacate. He referred to a previous occurrence when a member issued a resignation notice and soon thereafter revoked the notice. Mr. Fisher noted once Councilman Capretta formally notifies the City in writing of the effective date of his resignation the interview process can begin under 3.06 of the Charter.

Mr. Hanek suggested starting the process in January to fill the balance of the unexpired term.

Mr. Delsanter mentioned the Mayor has a responsibility if Council fails to fill the vacancy.

Mr. Fisher stated Council has to fill the vacancy within thirty days of the actual day of the resignation, otherwise, the Mayor would make the appointment.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mr. Delsanter moved to adjourn at 6:55 p.m. Vote – 7 Ayes, 0 Nays.

Respectfully submitted,

Elisabeth Wagner

Elisabeth Wagner
Assistant Clerk of Council

PROPOSED LEGISLATION



DATE: 12/19/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Brian Ohlin

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 112-2022** - An emergency resolution authorizing the City Manager to enter into a contract for Police and Fire software maintenance for an amount not to exceed \$40,000 with TAC Computers. – **2nd Reading** (Safety & Environment Committee, *Administration/Brian Ohlin*)

BACKGROUND: The Division of Police and Division of Fire use various software from TAC Computers. This is the combined total of the various components used by both the Division of Police and Division of Fire

PURPOSE AND EXPLANATION: This is yearly software maintenance for Division of Police and Division of Fire software. Various components have different renewal schedules but the primary maintenance bill is due on January 1st and now exceeds \$25,000 by itself.

IMPLEMENTATION SCHEDULE: January 1, 2023

FINANCIAL INFORMATION: - 01/01/2023 - Various Police and Fire - various - - \$40,000

FINANCIAL SUMMARY: Police portion to be charged to 114-0520-54253
Fire portion to be charged to 115-0510-54253

RECOMMENDED ACTION:

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

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

Recurring yearly software maintenance that must be maintained for operation of 911, police records, and connections to various other agencies and software services used by the Division of Police and Division of Fire. Software is used to maintain the health, safety and welfare of the citizens of Brunswick.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 112-2022

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

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TAC COMPUTERS FOR MAINTENANCE OF VARIOUS SOFTWARE IN THE DIVISIONS OF POLICE AND FIRE IN AN AMOUNT NOT TO EXCEED \$40,000.00.

WHEREAS: The Division of Police and Division of Fire utilize various software from TAC Computers, which software requires annual maintenance.

WHEREAS: The maintenance of the software provided by TAC Computers is proprietary in nature and unique to TAC Computers and therefore not subject to competitive bidding.

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 TAC Computers for maintenance of various software in the Divisions of Police and Fire in an amount not to exceed \$40,000.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to ensure proper performance of necessary software utilized by the Divisions of Police and Fire. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laure E. Timura

PROPOSED LEGISLATION



DATE: 12/19/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Greg Glauner

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 115-2022** - An emergency resolution authorizing the City Manager to purchase one (1) 2023 Ford Explorer Utility Vehicle with fire equipment installed for the Division of Fire from Montrose Ford in an amount not to exceed \$55,000. - **2nd Reading** (Safety & Environment Committee, *Administration/Greg Glauner*)

BACKGROUND: The city belongs to the State of Ohio procurement program under the direction of the Department of Administrative Services. Montrose Ford is selling the vehicle at state bid pricing or less.

PURPOSE AND EXPLANATION: This vehicle will be utilized as the primary response vehicle for the Assistant Chief on emergency calls for service. The current 2015 Ford Explorer will be passed down to the Fire Prevention Bureau, which replaces a 2008 Jeep Commander being taken out of service.

IMPLEMENTATION SCHEDULE: January 2023. Order as soon as possible.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: This capital purchase would be charged to the Fire Fund #115, capital subfund/account#952-0510-56252. Capital purchases over \$25,000 are subject to City Council approval, requirements of the Charter, sufficient Council adopted appropriations and certified purchase orders pursuant to ORC 5705.

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?

Requesting 3 readings as an emergency to place an order as soon as possible due to supply chain and availability issues.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 115-2022

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

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE ONE (1) 2023 FORD EXPLORER UTILITY VEHICLE WITH FIRE EQUIPMENT INSTALLED FOR THE DIVISION OF FIRE FROM MONTROSE FORD IN AN AMOUNT NOT TO EXCEED \$55,000.00.

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

WHEREAS: Ohio Revised Code Section 125.04(C) permits the City to purchase supplies or services from another party without competitive bidding and outside the State Purchasing Program if such supplies or services can be purchased under equivalent terms, conditions and specifications, but at a lower price than through the State Procurement Program; and

WHEREAS: The proposed purchase of one (1) 2023 Ford Explorer Utility with fire equipment installed for the Division of Fire from Montrose Ford in an amount not to exceed \$55,000.00, is upon equivalent terms, conditions and specifications and at a lower price than through the State Purchasing Program.

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

SECTION 1: That the City Manager is hereby authorized to purchase one (1) 2023 Ford Explorer Utility with fire equipment installed for the Division of Fire from Montrose Ford in an amount not to exceed \$55,000.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason to allow for submission of the order as soon as possible due to supply chain issues and vehicle availability. 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: 12/19/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Brian Ohlin

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 116-2022** - An emergency resolution authorizing the City Manager to purchase three (3) 2023 Ford Police Interceptor Utility police cruisers and one (1) 2023 Dodge Charger police cruiser with police equipment installed for the Division of Police from Montrose Ford in an amount not to exceed \$222,000. - **2nd Reading** (Safety & Environment Committee, *Administration/Brian Ohlin*)

BACKGROUND: The city belongs to the State of Ohio procurement program and Montrose Ford has agreed to sell us these vehicles at or below the state bid price.

PURPOSE AND EXPLANATION: These four (4) marked patrol cars are used for police patrols and response to calls for service. They are replacing a 2015, 2016, and two (2) 2017 model patrol vehicles.

IMPLEMENTATION SCHEDULE:

Order as soon as possible.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

The vehicles will be purchased with Division of Police capital funds that are available and budgeted for in the 2023 Police capital budget. Cost for purchase not to exceed \$222,000 and would be charged to the Police Fund #114 capital account 961-0520-56252.

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?

We are requesting 3 readings with suspension of the rules in order to place the vehicle order as soon as practical due to supply chain issues and vehicle availability.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 116-2022

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

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE THREE (3) 2023 FORD POLICE INTERCEPTOR UTILITY CRUISERS AND ONE (1) 2023 DODGE CHARGER CRUISER WITH POLICE EQUIPMENT INSTALLED FOR THE DIVISION OF POLICE FROM MONTROSE FORD IN AN AMOUNT NOT TO EXCEED \$222,000.00.

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

WHEREAS: Ohio Revised Code Section 125.04(C) permits the City to purchase supplies or services from another party without competitive bidding and outside the State Purchasing Program if such supplies or services can be purchased under equivalent terms, conditions and specifications, but at a lower price than through the State Procurement Program; and

WHEREAS: The proposed purchase of three (3) 2023 Ford Police Interceptor Utility Cruisers and one (1) 2023 Dodge Charger Cruiser with police equipment installed for the Division of Police from Montrose Ford in an amount not to exceed \$222,000.00, is upon equivalent terms, conditions and specifications and at a lower price than through the State Purchasing Program.

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

SECTION 1: That the City Manager is hereby authorized to purchase three (3) 2023 Ford Police Interceptor Utility Cruisers and one (1) 2023 Dodge Charger Cruiser with police equipment installed for the Division of Police from Montrose Ford in an amount not to exceed \$222,000.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason to allow for submission of the order as soon as possible due to supply chain issues and vehicle availability. 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: 12/19/2022

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. 118-2022** - An emergency resolution authorizing the City Manager to enter into a five (5) year agreement with the Medina County Combined General Health District to perform storm water sampling and inspection services in an amount not to exceed \$20,000.00 - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

BACKGROUND: The current contract is a 5-year agreement that terminates December 31, 2022. The previous resolution is 86-17. Terms of the contract remain the same. Costs for services have been updated.

PURPOSE AND EXPLANATION: This agreement will allow MCHD to provide storm water sampling at the direction of the City Engineer in order to be compliant with the City's NPDES permit required by the Ohio EPA.

IMPLEMENTATION SCHEDULE: This work will begin in 2023 and last 5 years.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: \$4,000 per year for a total of \$20,000 224-0420-54267. Annual payments will be subject to annual appropriations established by City Council each year. Pursuant to Ohio State Law and City Charter, the City establishes appropriations annually.

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?

**ADDITIONAL
INFORMATION:**

It is requested that legislation be passed by emergency measure with suspension of the rules for the immediate preservation of public peace, property, health, safety, or welfare and providing for the usual daily operation of a municipality. For the further reason, that the agreement can be in place before the existing agreement expires on December 31,2022.

SAMPLING AND INSPECTION AGREEMENT

THIS SAMPLING AND INSPECTION AGREEMENT (the “Agreement”) is entered into by and between the Board of Health for the Medina County Combined General Health District (the “MCHD”) and the City of Brunswick (the “City”), for the provision by MCHD of services to perform sampling of storm sewers located within the City and provide investigative services in order to facilitate the City’s compliance with its Ohio EPA National Pollutant Discharge Elimination System (“NPDES”) Permit for Storm Water Management.

A. DUTIES AND RESPONSIBILITIES.

Upon request from the City, MCHD will collect samples for testing from selected locations within the City’s storm sewer system for E. Coli bacteria. The City Engineer will provide a list of storm water discharge pipes (hereinafter “Outfall Locations”) where sampling is warranted, as determined by the City’s prior inspection using the Ohio EPA Illicit Discharge inspection procedures. During the term of this Agreement, MCHD will perform sampling services in accordance with the following procedures:

- 1) Outfall Locations, as identified by the City, will be sampled during a dry weather period (minimum seventy-two (72) hours with no rain event).
- 2) Sample results will be provided to the City Engineer to be included within the City’s annual report to the Ohio EPA.
- 3) The City will provide employees and equipment necessary to open storm sewer manholes where and when needed for the purpose of collecting samples.

B. TERM.

The term of this Agreement shall be from January 1, 2023 through December 31, 2027. Either party may terminate this Agreement upon sixty (60) days prior written notice to the other party. However, prior to the effective date of termination, the parties agree to meet to discuss possible resolution of issues of concern. In the event this Agreement is terminated prior to December 31, 2027, MCHD shall, within twenty (20) calendar days after the effective date of termination, submit a certified progress report identifying all work that has been at least seventy-five (75%) completed as of the effective date of termination and an invoice for such work, which shall be paid by the City pursuant to this Agreement.

C. COMPENSATION.

The City shall pay the MCHD the following amounts for services performed pursuant to this Agreement, subject to the appropriation of necessary funds by City Council as required by law:

- 1) The sum of One Hundred Twenty-Five Dollars (\$125.00) per sample collected at the City’s request.

- 2) The sum of One Hundred Twenty-Five Dollars (\$125.00) for each sample requested by the City where the MCHD was unable to collect the requested sample due to lack of flow at the Outfall Location at the time of visit.
- 3) Upon an investigation request by the City, the sum One Hundred Twenty-Five Dollars (\$125.00) per hour, or any part thereof, for the total elapsed time dedicated to the investigation, assisting with the investigation or otherwise resolving a confirmed illicit discharge.

D. PAYMENT.

MCHD shall submit an invoice to the City for payments due hereunder within thirty (30) calendar days of completion of such service.

E. INDEPENDENT CONTRACTORS.

MCHD is performing its duties and responsibilities under this Agreement as an independent contractor and not as an agent or employee of the City. MCHD shall be responsible for its negligent acts or omissions and the negligent acts or omissions of its employees, officers, directors, contractors, subcontractors or agents to the extent permitted by applicable law.

F. LIABILITY AND INSURANCE.

Each party to this Agreement agrees to assume liability for its own actions and responsibilities under this Agreement. Each party shall be solely liable for its own debt, obligations, acts and omissions, including the payment of all tax liabilities, including, without limitation, federal, state and local withholdings, Public Employers Retirement Contributions, workers' compensation, and any other taxes or benefits on behalf of its employees.

The parties to this Agreement agree to maintain at all times during the term of this Agreement, comprehensive general and professional liability insurance in an amount not less than One Million Dollars (\$1,000,000.00) for injury or death to one (1) person in any accident or occurrence and in an amount not less than Two Million Dollars (\$2,000,000.00) per occurrence for injury or death for more than one (1) person.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties have executed this Sampling and Inspection Agreement as of the dates indicated below.

BOARD OF HEALTH FOR THE MEDINA
COUNTY COMBINED GENERAL HEALTH
DISTRICT

CITY OF BRUNSWICK

By: _____
Title: _____
Date: _____

Carl S. DeForest, City Manager

Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Title: _____

Kenneth J. Fisher, Law Director

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 118-52022

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

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A FIVE (5) YEAR AGREEMENT WITH THE MEDINA COUNTY COMBINED GENERAL HEALTH DISTRICT TO PERFORM STORM WATER SAMPLING AND INSPECTION SERVICES IN AN AMOUNT NOT TO EXCEED \$20,000.00.

WHEREAS: The City requires storm water sampling and inspection services to facilitate compliance with the City's Ohio EPA National Pollutant Discharge Elimination System Permit for Storm Water Management; and

WHEREAS: The current agreement for the provision of such sampling and inspection services between the City and the Medina County Combined General Health District expires as of December 31, 2022.

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

SECTION 1: That the City Manager, upon approval of the Law Director, is authorized and directed to enter into an Agreement with the Medina County Combined General Health District as attached hereto as Exhibit "A".

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary as the current agreement expires as of December 31, 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 _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 12/19/2022

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. 119-2022** - An ordinance amending Section 1260.04(v) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: The location of vape and smoke shops has been amended in the C-G General Commercial District, whereby they shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries where religious or educational institutions are located. The distance shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line on which a religious or educational institution is located.

PURPOSE AND EXPLANATION: The proposed legislation will further regulate the location of vape and smoke shops in the C-G District.

IMPLEMENTATION SCHEDULE: First reading on December 19, 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 adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

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

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

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

“(v) Vape and smoke shops; shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries upon which any of the following are located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line upon which any of the following are located~~which shall not be permitted within one thousand (1,000) feet of:~~

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

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 12/19/2022

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. 120-2022** - An ordinance amending Section 1261.04(s) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: The location of vape and smoke shops in the GW-C Gateway Commercial District has been amended, whereby they shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries where religious or educational institutions are located. The distance shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line on which a religious or educational institution is located.

PURPOSE AND EXPLANATION: The proposed legislation will further regulate the location of vape and smoke shops in the GW-C District.

IMPLEMENTATION SCHEDULE: First reading on December 19, 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 adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

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

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

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

“(s) Vape and smoke shops shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries upon which any of the following are located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line upon which any of the following are located, ~~which shall not be permitted within one thousand (1,000) feet of:~~

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

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 12/19/2022

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. 121-2022** - An ordinance establishing Section 1270.04(e) of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: In order to provide visibility into business establishments for safety forces, Section 1270.04(e) is established whereby exterior/interior window graphics shall not exceed twenty-five percent (25%) of the glass area.

PURPOSE AND EXPLANATION: The proposed legislation will allow safety forces to have visibility into businesses.

IMPLEMENTATION SCHEDULE: First reading on December 19, 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 adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING SECTION 1270.04(e) OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES.

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

SECTION 1: That Section 1270.04(e) of the Codified Ordinances is hereby established to read
as follows:

“(e) Window Graphics. Exterior/interior window graphics shall not exceed
twenty-five percent (25%) of the glass area.”

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: 12/19/2022

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. 122-2022-** An ordinance establishing Sections 1278.02(a)(4) and 1278.02(a)(5) of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: Section 1278.02(a)(4)(a) and (b) will require Planning Commission review of parking and landscaping requirements when a new tenant/business moves into a vacant space that exceeds 15,000 square feet or 25% of the site, and if the space has been vacant for more than four months. Section 1278.02(a)(5)(a) and (b) will allow review of the parking and landscaping by the Community and Economic Development Director, Chief Building Official, and City Engineer when a new tenant/business moves into a vacant space that is below 15,000 square feet or 25% of the site.

PURPOSE AND EXPLANATION: The proposed legislation will ensure compliance with parking and landscaping code requirements when a new tenant/business occupies a building that has been vacant for more than four months.

IMPLEMENTATION SCHEDULE: First reading on December 19, 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 adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING SECTIONS 1278.02(a)(4) AND
1278.02(a)(5) OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES.

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

SECTION 1: That Section 1278.02(a)(4) of the Codified Ordinances is hereby established to read as follows:

“(4) Upon new tenant/occupied space, all parking and landscape design shall be reviewed by the Planning Commission and meet the requirements of Chapter 1276 if either of the following apply:

- (a) The space exceeds 15,000 square feet or 25% of the gross leasable area of the site.
- (b) The space has been empty for four (4) months or more.

(5) Upon new tenant/occupied space, all parking and landscape design shall be reviewed by the Community and Economic Development Director, Chief Building Official and City Engineer and meet the requirements of Chapter 1276 if either of the following apply:

- (a) The space is less than 15,000 square feet or 25% of the gross leasable area of the site.
- (b) The space has been empty for four (4) months or more.”

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: 12/19/2022

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. 123-2022-** An ordinance amending Section 1282.08(b) of the Codified Ordinances of the City of Brunswick. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: Section 1282.08(b) is being amended to require that all tenant/occupied building spaces on a unified site shall meet the minimum interior landscape requirements.

PURPOSE AND EXPLANATION: The proposed legislation will ensure that sufficient interior landscaping will be provided for all buildings on a unified site.

IMPLEMENTATION SCHEDULE: First reading on December 19, 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 adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE AMENDING SECTION 1282.08(b) OF THE CODIFIED
ORDINANCES OF THE CITY OF BRUNSWICK.

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

SECTION 1: That Section 1282.08(b) of the Codified Ordinances is hereby amended to read as follows:

“(b) Interior Landscaping. Parking areas shall provide interior landscaping, as provided in Section 1282.06(h). Interior landscaping shall equal a minimum of 20 square feet per parking space, exclusive of foundation landscaping or any other landscaping required by Section 1282.06. Such landscaping shall be in areas of uncompacted, well-drained soil within or directly adjacent to the parking and circulation areas. All tenant/occupied buildings spaces on a unified site shall meet the minimum interior landscaping requirements.”

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: 12/19/2022

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. 124-2022** - An ordinance establishing Chapter 1292 of the City of Brunswick Codified Ordinances to regulate electric vehicle charging stations. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: Legislation is proposed which will define electric vehicle charging stations; when a permit is required; and certain conditions for EV charging stations in residential and nonresidential districts.

PURPOSE AND EXPLANATION: The proposed legislation will provide for the regulation of electric vehicle charging stations.

IMPLEMENTATION SCHEDULE: First reading on December 19, 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 adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING CHAPTER 1292 OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES TO REGULATE ELECTRIC VEHICLE CHARGING STATIONS.

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

SECTION 1: That Chapter 1292 of the Codified Ordinances titled “Electric Vehicle Charging Stations” is hereby established to read as follows:

“(a) Electric Vehicle Charging Station Defined. An electric vehicle charging station shall mean a public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle.

(b) Permits Required. Electric vehicle supply equipment, as defined in the National Electric Code, shall obtain any required building permits, electrical permits or other applicable permits prior to their location, construction, installation, or operation in the City of Brunswick.

(c) Electric Vehicle Charging Stations on Residential Properties. Electric vehicle charging stations shall be permitted in all residential districts and residential Special Planning Districts, subject to the following regulations:

- (1) Electric vehicle charging stations on residential properties shall not be located within the front, side or rear setbacks of the applicable zoning district.
- (2) Residential properties with more than five electric vehicle charging stations in a single parking lot shall provide screening of such charging stations from adjacent properties with landscaping, fencing, or a combination thereof and achieve at least 50% opacity at installation.
- (3) Electric vehicle charging stations shall only be utilized by the residents of the property such charging stations are located upon.
- (4) Only single-phase Level 1 and Level 2 electric vehicle supply equipment shall be permitted on residential properties.
- (5) A certificate of zoning compliance shall be required for electric vehicle charging stations located on residential properties.

(d) Electric Vehicle Charging Stations on Non-Residential Properties. Electric vehicle charging stations shall be conditionally permitted in the C-G General

Commercial District, C-H Highway Interchange Commercial District, I-L Light Industrial District, and commercial portions of Special Planning Districts, subject to the following regulations:

(1) Non-residential properties with five or less electric vehicle charging stations that do not have overhead canopies shall be permitted per the following:

A. Site plan approval shall be required pursuant to Chapter 1278.

B. Electric vehicle charging stations shall not be located within the front yard setback of the applicable zoning district and shall be located no less than ten feet from the side or rear property lines. Electric vehicle charging stations shall be located no less than 30 feet from any residential zoning district.

(2) Non-residential properties with more than five electric vehicle charging stations, or charging stations that include overhead canopies, shall be permitted per the following:

A. Conditional use approval shall be required per Chapter 1274 and site plan approval pursuant to Chapter 1278.

B. Electric vehicle charging stations shall not be located within the front, side, or rear setbacks of the applicable zoning district.

C. Electric vehicle charging stations shall be screened from adjacent residential uses with landscaping, fencing, or a combination thereof and achieve at least 50% opacity at installation.

(3) Parking spaces designated for electric vehicular charging stations shall not apply to the required minimum number of parking spaces.

(4) Signage shall only be located on the electronic vehicle charging station and shall not exceed four square feet in area per charging station.”

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: 12/19/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Carl DeForest

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 125-2022** - An emergency resolution declaring the necessity of submitting to the electors of the City the question of issuing bonds to provide funds for the purpose of constructing, furnishing, equipping, and otherwise improving a new fire station and preparing, equipping and otherwise improving its site, in the aggregate principal amount of \$12,000,000, pursuant to Section 133.18 of the Revised Code. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: By Resolution No. 49-2022, Brunswick City Council authorized the purchase of real property at 1094 Hadcock Road for municipal purposes. By Resolution No. 87-2022 Brunswick City Council authorized an agreement with App Architecture for professional architectural and engineering services for a new fire station headquarters. App Architecture has completed its work and, after a needs assessment, presented the City with a bubble diagram which had been shared with City Council at the December 12, 2022 Council meeting.

PURPOSE AND EXPLANATION: To construct a centralized fire station on City owned property at 1094 Hadcock Road.

IMPLEMENTATION SCHEDULE:

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The City must certify this resolution of necessity to the County Auditor and request that the County Auditor calculate and certify the estimated average annual property tax levy in dollars and mills that will be necessary to pay the debt charges on the voted bond issue over the life of the issue. This millage rate is an estimate of the average tax rate that would be levied to retire the principal of and interest on the proposed bonds and is based upon certain legally-required assumptions (which may not be correct when the bonds are issued). It assumes, among other things, that the assessed valuation of the City will remain constant and that the debt will be retired in equal annual principal

installments. The actual tax which will be levied each year the bonds are outstanding will be the rate that is required to raise the number of dollars that the City is committed to pay during that year. It may be higher or lower than the average millage which appears on the ballot.

If the electors were to approve this issue, the City plans to issue \$12 million in general obligation bonds to be repaid over a 20-year term. Actual costs for each individual home owner will ultimately depend upon the information stated above and the interest rate at the time of issuance. The City is also trying to keep these costs as inexpensive as possible. One example is the City has set aside \$3.5 million of identified emergency medical services billing revenues collected over an eleven year period of time to help cover some of the costs of a new fire station and reduce the amount of borrowing needed.

The City will update and disseminate estimated cost information on this issue once we receive the County Auditor's certification.

**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?

Effective immediately so that it can be timely filed with the Board of Elections to meet the February 1, 2023 filing deadline with the County Board of Elections for the May 2, 2023 election.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 125-2022

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION DECLARING THE NECESSITY OF SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF ISSUING BONDS TO PROVIDE FUNDS FOR THE PURPOSE OF CONSTRUCTING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING A NEW FIRE STATION AND PREPARING, EQUIPPING AND OTHERWISE IMPROVING ITS SITE, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$12,000,000, PURSUANT TO SECTION 133.18 OF THE REVISED CODE.

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

SECTION 1. Declaration of the Necessity of Bonds. This Council finds, determines and declares that it is necessary to issue general obligation bonds of the City of Brunswick in the aggregate principal amount of \$12,000,000 to provide funds for the purpose of constructing, furnishing, equipping and otherwise improving a new fire station and preparing, equipping and otherwise improving its site (the Bonds), and to levy a tax outside of the ten-mill limitation imposed by law to pay the debt charges on the Bonds and any anticipatory securities, such tax being an additional tax. The maximum number of years over which the principal of the Bonds may be paid is 20 years, and the Bonds will bear interest at a net average rate now estimated at 5.00% per year, payable semiannually. This Council currently anticipates that the approximate date of the Bonds and/or any anticipatory securities will be September 1, 2023, and it is estimated accordingly that the tax for debt charges will first be levied in tax year 2023 and first be collected in calendar year 2024. The term of years of said tax shall be the number of years during which debt charges shall be payable on the Bonds and any anticipatory securities and said tax shall be levied on the entire territory of the City subject to such taxation.

SECTION 2. Submission of Question to Electors. Pursuant to Section 133.18 of the Revised Code, the question of the issuance of the Bonds and the levy of the associated tax for debt charges upon the entire territory of the City (all of which is located in the County of Medina) shall be submitted to the electors of the entire territory of the City at an election to be held in the City on May 2, 2023.

SECTION 3. Certification and Delivery of Resolution to County Auditor. The Clerk of Council is directed to certify a copy of this Resolution to the Medina County Auditor, and, in accordance with Sections 133.18(C) and 5705.03(B) of the Revised Code, this Council requests the County Auditor to certify to it: (i) the total current tax valuation of the City; and (ii) the estimated average annual property tax levy, expressed in dollars for each one hundred thousand dollars of the County Auditor's appraised value and in mills for each one dollar of taxable value, that the County Auditor estimates to be required throughout the stated maturity of the Bonds to pay the debt charges on the Bonds, assuming that they are all issued in one series bearing interest and maturing in substantially equal principal amounts in each year over the maximum number of years over which the principal of the Bonds may be paid, both as stated in Section 1, and that the amount of the tax valuation of the City for the current year (or, if that amount is not determined, the estimated amount

of that tax valuation submitted by the County Auditor to the County Budget Commission) remains the same throughout the maturity of the Bonds.

SECTION 4. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the adoption of this Resolution were taken, and all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

SECTION 5. Captions and Headings. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof.

SECTION 6. Effective Date. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City and for the further reason that it is necessary that this Resolution be effective immediately so that it can be timely filed with the Board of Elections, in order submit the question of the levy to the electors at an election on May 2, 2023; wherefore, this Resolution shall be in full force and effect from and immediately after its adoption by the required number of votes, otherwise, at the earliest time permitted by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura