

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda

FEBRUARY 13, 2023

6:40 PM

or Immediately Following
Finance Committee

1. Discussion Items

2. Motion Items

(a) Appoint Kevin Ball and Tom Steinke to the Community Reinvestment Area (CRA) Housing Council

3. Review Legislation

ORD. NO. 5-2023 - An emergency ordinance establishing a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit applications for zoning, occupancy and/or building permit approvals for Vape and Smoke Shop uses in the C-N Neighborhood Commercial District, C-G General Commercial District, GW-C Gateway Commercial District and Brunswick Town Center Special Planning District No. 2 (Main Street District, Northwest Neighborhood and Southeast Neighborhood) and the issuance of such approvals. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

RES. NO. 7-2023 - A resolution commending Anthony Capretta for his years of service both to the City of Brunswick and to the City Council. - **1st Reading** (To be brought from Committee-of-the-Whole, *Brandon Lambert/Council*)

RES. NO. 8-2023 - An emergency resolution declaring the intention of the City of Brunswick to provide municipal services to a 5.1207 acre parcel of land (PPN 017-03C-01-015) on Center Road - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

4. General Discussion

5. Executive Session

6. Adjournment

PROPOSED LEGISLATION



DATE: 2/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Carl DeForest

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 5-2023** - An emergency ordinance establishing a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit applications for zoning, occupancy and/or building permit approvals for Vape and Smoke Shop uses in the C-N Neighborhood Commercial District, C-G General Commercial District, GW-C Gateway Commercial District and Brunswick Town Center Special Planning District No. 2 (Main Street District, Northwest Neighborhood and Southeast Neighborhood) and the issuance of such approvals. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: Council believes a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, and/or building permit approvals for Vape and Smoke Shop uses is necessary to permit the City Administration, Council, and Planning Commission time to undertake a review of the Brunswick Zoning Code and possible amendment.

PURPOSE AND EXPLANATION: To allow time for the immediate review of the Brunswick Zoning Code.

IMPLEMENTATION SCHEDULE: One reading, emergency with suspension of the rules

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

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?
Emergency with suspension of the rules.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 5-2023

BY: Committee-of-the-Whole

AN EMERGENCY ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING, OCCUPANCY AND/OR BUILDING PERMIT APPROVALS FOR VAPE AND SMOKE SHOP USES IN THE C-N NEIGHBORHOOD COMMERCIAL DISTRICT, C-G GENERAL COMMERCIAL DISTRICT, GW-C GATEWAY COMMERCIAL DISTRICT AND BRUNSWICK TOWN CENTER SPECIAL PLANNING DISTRICT NO. 2 (MAIN STREET DISTRICT, NORTHWEST NEIGHBORHOOD AND SOUTHEAST NEIGHBORHOOD) AND THE ISSUANCE OF SUCH APPROVALS.

WHEREAS: The City of Brunswick may legitimately regulate the location and approval of Vape and Smoke Shops, which are defined in Codified Ordinance Section 1242.02(94) as: “A retail establishment that derives more than fifty percent (50%) of its gross revenue from the sale of electronic cigarettes or similar devices, cigars, cigarettes, pipes, or other smoking devices for burning tobacco and related smoking accessories in which the sale of other products is merely incidental.”

WHEREAS: Vape and Smoke Shops are conditionally permitted uses in the C-N Neighborhood Commercial District (Codified Ordinance Section 1256.04(m)), C-G General Commercial District (Codified Ordinance Section 1260.04(v)), GW-C Gateway Commercial District (Codified Ordinance Section 1261.04(s)) and the Southeast Neighborhood of the Brunswick Town Center Special Planning District No. 2 (Section A(3) of General Requirements).

WHEREAS: Vape and Smoke Shops are principally permitted uses in the Main Street District (Section A(18) of General Requirements) and Northwest Neighborhood (Section A(9) of General Requirements) of the Brunswick Town Center Special Planning District No. 2.

WHEREAS: This Council believes that a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for Vape and Smoke Shop uses in the C-N Neighborhood Commercial District, C-G General Commercial District, GW-C Gateway Commercial District and Brunswick Town Center Special Planning District No. 2 (Main Street District, Northwest Neighborhood and Southeast Neighborhood) in the City, and on the issuance of such approvals, will not deny property owners economically viable use of their property and will permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof.

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

SECTION 1: For a period of six (6) months from the effective date of this Ordinance, the City shall not accept or process any applications for zoning, occupancy and/or building permit approvals for Vape and Smoke Shop uses in the C-N Neighborhood Commercial District, C-G General Commercial District, GW-C Gateway Commercial District and Brunswick Town Center Special Planning District No. 2 (Main Street District, Northwest Neighborhood and Southeast Neighborhood) in the City, and further shall not issue any such approvals during said period.

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

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City and its residents and property owners and for the additional reason that it is required to permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof. 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: 2/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Nicholas Hanek

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 7-2023** - A resolution commending Anthony Capretta for his years of service both to the City of Brunswick and to the City Council. - **1st Reading** (To be brought from Committee-of-the-Whole, *Brandon Lambert/Council*)

BACKGROUND: Councilman Capretta has submitted his resignation to go into effect at the end of the day on March 12, 2023.

PURPOSE AND EXPLANATION: A resolution to commend Councilman Anthony Capretta for his years of service to the Brunswick community and City Council.

IMPLEMENTATION

SCHEDULE: 3 readings

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
RESOLUTION NO. 7-2023

By: Committee-of-the-Whole

A RESOLUTION COMMENDING ANTHONY CAPRETTA FOR HIS YEARS OF SERVICE BOTH TO THE CITY OF BRUNSWICK AND TO THE CITY COUNCIL.

WHEREAS: Anthony Capretta has served the community for almost 20 years as a member of City Council; and

WHEREAS: Anthony Capretta has served with dedication and is highly regarded throughout the community; and

WHEREAS: During his tenure, he served as the Chairman of the Safety & Environment Committee as well as the Building & Building Code Committee.

SECTION 1: That the Brunswick City Council hereby expresses its sincere appreciation and thanks to Anthony Capretta for the manner in which he has carried out his responsibilities and duties as a member of City Council.

SECTION 2: That City Council extends its best wishes to Anthony and his family for good health and happiness in the future.

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 E. Timura

PROPOSED LEGISLATION



DATE: 2/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Nicholas Hanek

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 8-2023** - An emergency resolution declaring the intention of the City of Brunswick to provide municipal services to a 5.1207 acre parcel of land (PPN 017-03C-01-015) on Center Road - **1st Reading** (To be brought from 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 Hinckley Township to the City of Brunswick.

PURPOSE AND EXPLANATION: The approved legislation must be filed with the Medina County Commissioners' Office by March 22, 2023.

IMPLEMENTATION

SCHEDULE: Emergency, three readings

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

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?

Emergency, three readings.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NUMBER 8-2023

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION DECLARING THE INTENTION OF THE CITY OF BRUNSWICK TO PROVIDE MUNICIPAL SERVICES TO A 5.1207 ACRE PARCEL OF LAND (PPN 017-03C-01-015) ON CENTER ROAD.

WHEREAS: 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 Hinckley Township to the City of Brunswick, and

WHEREAS: The City of Brunswick does not object to this Petition.

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

SECTION 1: The Council for the City of Brunswick hereby declares that, should the Medina County Commissioners grant the annexation of 5.1207 acres of land on Center Road (PPN 017-03C-01-015), the City of Brunswick will provide police protection, fire prevention/suppression, EMS service, and any and all other services rendered to residents of the City of Brunswick. Additionally, the City of Brunswick will support any application to the Cleveland Division of Water for connection to the water system for the provision of water services to the property and to the Medina County Sanitary Engineer for connection to the sanitary sewer system, subject to payment of any and all applicable costs and fees.

SECTION 2: That the Council of the City of Brunswick hereby urges the County to undertake a careful and deliberate study of all matters presented in the Petition for Regular Annexation on Application of Owners, as attached hereto as Exhibit "A", and to approve the proposed annexation of such property to the City of Brunswick.

SECTION 3: 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 further reason that the approved legislation must be filed with the Medina County Commissioners' Office twenty (20) days before the April 11, 2023 hearing date. 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