



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	Joseph Delsanter At-Large	Keith Kuczma Ward 4
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Administration Representatives

JUNE 12, 2023

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of Regular Council Meeting Minutes dated May 22, 2023.
5. Mayor's Report:
 - (a) Mayor's Court Financial Report for the month ending May 2023 will be posted on the website and added to the minutes for the record.
 - (b) Mayor's recommendation to reappoint Jeffrey Arona, John Rocha, and Joseph Shirilla to the Planning Commission.
 - (c) Proclamation in recognition of St. Ambrose's 5th and 6th Grade Boys CYO Lacrosse Champions
 - (d) Mayor's Update
6. Clerk of Council's Report
7. Council Committee Reports:
 - Economic Development Committee.....Mr. Lambert
 - Services, Utilities, Technology & Cable Committee.....Mr. Smith
 - Services, Utilities, Technology & Cable Committee Minutes dated May 22, 2023
 - Finance Committee.....Mr. Hanek
 - Finance Committee Minutes dated May 22, 2023
 - Safety & Environment Committee.....Mr. Kuczma
 - Planning & Zoning Committee.....Mr. Delsanter
 - Planning & Zoning Committee Minutes dated May 18, 2023
 - Parks, Recreation & Community Committee.....Mrs. Piper
 - Parks, Recreation & Community Minutes dated June 7, 2023

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

8. Other Committees, Boards and Commissions

(a) Committee-of-the-Whole Minutes dated May 22, 2023

9. Petitions from the Public on Legislation

10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

b. 2nd Reading(s)

ORD. NO. 36-2023 - 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 of PPN 001-02D-08-009. - **2nd Reading** (Committee-of-the-Whole, *Administration/Ken Fisher*)

c. 1st Reading(s)

ORD. NO. 44-2023 - An ordinance establishing Section 432.47 of the City of Brunswick Codified Ordinances Titled "Distracted Driving." - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Robert Safran*)

ORD. NO. 45-2023 - 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*)

ORD. NO. 46-2023 - An emergency ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or permit approvals for electric vehicle charging stations in all zoning districts of the City and the issuance of such approvals - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

11. City Manager's Report

12. Open Forum

13. Unfinished Business

14. New Business

(a) A liquor permit request from DBA Grille & Volleyball Courts, at 1813 Pearl Road, Brunswick, OH 44212

15. Adjournment

SERVICES, UTILITIES, TECHNOLOGY & CABLE COMMITTEE

May 22, 2023

IN ATTENDANCE: Chairman Tim Smith, Committee Member Michael Abella Jr., Committee Member Keith Kuczma, Nicholas Hanek, Kristy Piper, Joseph Delsanter, Brandon Lambert, City Manager/Safety Director Carl DeForest, Law Director Kenneth Fisher, Information Technology & Security Officer Robert Marok, Finance Director Todd Fischer, Parks & Recreation Director Taylor Petkovsek, Clerk of Council Laura Timura, News Media

The meeting convened at 6:12 p.m.

DISCUSSION ITEMS:

- a) **RES. NO. 42-2023** - An emergency resolution authorizing the City Manager to enter into a three (3) year agreement with First Communications, LLC for the provision of internet services in an amount not to exceed \$24,840.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Robert Marok*)

Mr. Marok revealed that the Administration has planned for and is making way to have redundant internet services. Most features at City Hall require internet, so when the internet goes down, most features go down. The intent of this legislation is to bring two different internet sources from two different providers and merge them, both externally and internally. The Wi-Fi will be removed from having its own external connections, and the new firewalls will have a separate path from the public Wi-Fi, similar to the Cleveland Clinic and UH Hospitals.

Mr. Marok continued that First Communications, LLC presented the best proposal. The agreement will be for about \$24,000 over three years.

Mr. Smith clarified that this is high-speed, fiber internet.

Mr. Kuczma asked if the cost includes servicing if there are issues or problems.

Mr. Marok said that it does and that most fiber contracts stipulate that internet services must respond within four hours. The agreement also includes that First Communications, LLC will pay for the lack of service.

Mr. Marok divulged that under the current internet provider, there were times when the internet was down for four hours a day, two or three times.

Mr. Smith inquired why the resolution was an emergency. He mentioned that, in the past, there would be a meeting to give Council options on how to proceed before drafting a resolution.

Mr. Marok responded that this problem complements the phone line problem. He revealed that the City has recently been putting out Code Reds because of issues with the phone lines.

Mr. Marok explained that the cheapest solution initially was to use WOW!. In this case, WOW! is being partially kept for the internet. He added that the way the solution is designed is to have the fibers coming from two directions. WOW!'s problems with the internet were rooted in accidents in Cleveland that caused big fiber trunks to get killed. First Communications, LLC will be coming from Medina County Fiber which is already being utilized for the City.

Mr. Marok disclosed that part of the reason for the emergency is to get the phone lines switched, and First Communications had the best proposal for both the phone lines and the internet. He revealed that the City would keep the Breezeline, formally WOW!, internet line for one path for internet and use Medina County Fiber for the First Communications internet line.

Mr. Marok explained that an emergency is necessary because implementing the new service will take 45-90 days.

Mr. Smith revealed that he is very familiar with First Communications and believes it is a top-notch company.

Mr. Kuczma moved Resolution 42-2023 to tonight's Council Agenda of May 22, 2023, as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

- b) RES. NO. 43-2023** - An emergency resolution authorizing the City Manager to enter into a three (3) year agreement with First Communications, LLC for the provision of PRI phone lines in an amount not to exceed \$17,523.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Robert Marok*)

Mr. Abella moved Resolution 43-2023 to tonight's Council Agenda of May 22, 2023, as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Smith mentioned that a resident from Frost Circle was asking about her street needing to be sealed.

Mr. DeForest answered that he would give an answer to Mr. Smith by tomorrow.

Mr. Abella inquired whether there is a regular maintenance plan for sealing cracked streets. He followed up, asking if there was a list of anyone evaluating the roads to see if they needed to be sealed.

Mr. DeForest responded that Street Superintendent, Paul Magovac, oversees crack sealing. He continued that every year, there is money in the budget for crack sealing. He added that the City went five years without crack sealing about fifteen years ago.

Mr. Delsanter asked Mr. DeForest what the normal budget for crack sealing would have been.

Mr. DeForest said that he does not have that number but will do more research regarding the amount of money allocated toward sealing cracked streets.

Mr. Kuczma disclosed that another resident in the Fairways complained about a fiber line being put in, saying that the installation had been stopped without being cleaned up.

Mr. Kuczma continued that a resident of Hadcock Road likes to do metal detecting with his son and would like permission to go onto the new fire station property.

Mr. DeForest said that there is typically some type of liability waiver that must be signed. He added that there would be no issues if the residents went to a public area, like a park. He asked Mr. Kuczma for the resident's contact information.

Mr. Delsanter revealed that a new pole was added to his street and that the older pole can only be removed once all utilities agree to remove and reattach to the new pole. He said that if there is going to be a new fiber installed, it should go to the newer pole.

Mr. Marok explained that the pole owner assigns pole rights. Both the county and Frontier are stringing fiber in the City, so they have to go to whoever owns the pole for pole rights. Most of the poles are owned by Ohio Edison or LGT North.

Mr. Delsanter divulged that he is getting many different poles on his street. He added that Ohio Edison owns the pole.

Mr. Marok said that Mr. Delsanter would have to go to Ohio Edison and ask them where they assigned the pole rights. The City can only get involved if the poles reside on public property.

Mr. Delsanter concluded that he is worried that this issue will become a bigger problem.

ADJOURNMENT:

Being no further business, Mr. Abella moved to adjourn at 6:27 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,



Tim Smith
Chairman

FINANCE COMMITTEE

May 22, 2023

IN ATTENDANCE: Chairman Nicholas Hanek, Committee Member Brandon Lambert, Committee Member Michael Abella Jr., Joseph Delsanter, Tim Smith, Keith Kuczma, Kristy Piper, City Manager/Safety Director Carl DeForest, Law Director Kenneth Fisher, Finance Director Todd Fischer, Information Technology & Security Officer Robert Marok, Parks & Recreation Director Taylor Petkovsek, Clerk of Council Laura Timura, News Media

The meeting convened at 6:27 p.m.

DISCUSSION ITEMS:

- a) **ORD. NO. 38-2023** - An emergency ordinance to formally close the OPWC Laurel Road Improvement Fund (#371). - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

Mr. Fischer explained that the City is complete with OPWC Laurel Road Improvement Fund as it has received all the reimbursements. The need for the fund no longer exists.

Mr. Fischer pointed out that an emergency with suspension of rules is needed because the Division of Finance is adding other funds and submitting a tax budget. He continued that the Administration wants to sync up all the accounting structures to ensure everything is as good as possible.

Mr. Hanek revealed that he reassigned Mr. Lambert to the Finance Committee, and Mr. Delsanter has been moved to the Safety & Environment Committee for administrative reasons.

Mr. Lambert moved Ordinance Number 38-2023 to tonight's Council Agenda of May 22, 2023, as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

- b) **ORD. NO. 39-2023** - An emergency ordinance authorizing the City Manager to enter into an agreement with the Brunswick City School District to compensate the Brunswick City School District for tax revenue lost as a result of exemptions to taxation on certain real properties for the fiscal years 2023, 2024, 2025, 2026 and 2027. - **1st Reading** (Finance Committee, *Administration/Todd Fischer*)

Mr. Fischer mentioned that the City occasionally enters into a revenue-sharing agreement with the Brunswick City Schools. Absent of that agreement, state law requires the City to share income tax revenues in some instances when the City offers CRAs to local businesses. The City is required, by law, to share 50 percent of its income tax dollars when new business payrolls generate more than \$2 million.

Mr. Fisher clarified that the CRA is a real estate tax exemption.

Mr. Fischer disclosed that trying to abate property taxes for new businesses requires the City to share income tax with Brunswick City Schools.

Mr. Fischer divulged that when the Administration negotiated a revenue-sharing agreement with Brunswick City Schools, the state legislature entertained a new bill to increase the payroll threshold from \$1 million to \$2 million. As a result, the Administration had to stall the negotiations until the new state law took effect on April 3, 2023. Since then, the City and School Board came to an agreement for the City to consider an emergency ordinance with suspension of the rules so that the School Board can fit in the adjustments in their fiscal year. The City will share less revenue than in the past because the threshold increased.

Mr. Abella moved Ordinance Number 39-2023 to tonight's Council Agenda of May 22, 2023, as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

- c) **ORD. NO. 40-2023** - An emergency ordinance creating Fire Station Construction Fund (#359)
- **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)
- d) **ORD. NO. 41-2023** - An emergency ordinance creating a General Obligation Fire Station Bond Retirement Sub-Fund (#772) - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

Mr. Fischer said that the Administration is starting to get the accounting structure together for the new fire station. When the City borrows money, it has to have a fund that is segregated from all other money sources. He continued that a Fire Station Construction Fund will account for all of the bond proceeds and how the City will spend that money on the actual fire station itself.

Mr. Fischer continued that there is also another fund that the Administration would like to create, called the General Obligation Fire Station Bond Retirement Sub-Fund, which would segregate all of the City's debt service payments. The goal would be to bring property tax receipts to pay off the bonds within the next twenty years.

Mr. Fischer mentioned that an emergency with suspension of the rules is necessary so that the Division of Finance can put the funds into the tax budget due very shortly. The bonds will not be issued until next year after the architect has designed plans for the fire station. Once that happens, things will move pretty quickly.

Mr. Fischer explained that the tax budget is a document that generates the property tax receipts and estimates from the County Auditor's Office. Included in the tax budget are these two new funds.

Mr. Fischer divulged that he hopes to sync up all of the accounting structures so that there is a formalized fund in place when submitting the tax budget to the County Auditor's Office.

Mr. Lambert moved Ordinance Number 40-2023 and Ordinance Number 41-2023 to tonight's Council Agenda of May 22, 2023, as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Fischer announced that the Post-Audit is a confidential meeting with Council and the Audit Committee to review the audit results before they are released to the public. The meeting is scheduled for June 1, 2023, at 6:00 P.M. in the lunchroom. A public Financial Audit Review & Advisory Committee meeting will follow at 6:30 P.M. The April financial reports have also been emailed out.

Mr. Fischer disclosed that the final draft is being put together for the RFQs for underwriting services associated with a bond issue for the fire station.

ADJOURNMENT:

Being no further business, Mr. Abella moved to adjourn at 6:36 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,



Nicholas Hanek
Chairman

PLANNING & ZONING COMMITTEE

May 18, 2023

IN ATTENDANCE: Chairman Joseph Delsanter, Committee Member Brandon Lambert, Committee Member Kristy Piper, Community & Economic Development Director Grant Aungst, Building Administrative Assistant Pam Plavecski, News Media

The meeting convened at 5:45 p.m.

DISCUSSION ITEMS:

(a) Signage

Mr. Aungst disclosed that the Division of Law forwarded a potential ordinance establishing Section 1280.16 of the Codified Ordinances of the City of Brunswick with regards to exterior window transparency of structures in non-residential zoning districts of the City as it creates safety hazards for safety forces.

Mr. Aungst added that the Division of Law established ordinances defining window treatments, above-grade windows, maximum coverage, applicability, and penalties. The recommendation from the Division of Law was that window coverings should not exceed 50% of the total window area for each above-grade window.

Mr. Aungst divulged that Medina's ruling on window coverings is that the window coverings should not exceed 25% of the total window area, Wadsworth's ruling is 70%, and Strongsville does not have a specific ordinance for window signs but defines what window signage is. Brunswick has never defined window coverings because the Division of Law reasons that Ohio law does not define window treatments, but surrounding cities do, so Brunswick can as well. The definition would include window treatments, permanent or temporary signage, graphics, blinds, shades, shutters, fixtures, decorations, opaque glass, or any other nontransparent application located on the interior or exterior of above-grade windows. Mr. Aungst reasoned that safety forces need to see into windows.

Mr. Aungst said that there would be questions regarding those who are already in violation of the proposed revision. He suggested that those violating the proposed ordinance should be given a time frame to come to a Board of Zoning Appeals meeting to present their case for keeping their window treatment at no cost. He brought up the example of Doggy Daycare, whose owner was concerned that the public looking into the window and external light would disturb the animals. An applicant with a similar circumstance would bring their case to the Board of Zoning Appeals, which would make a ruling regarding the window treatment. Mr. Aungst remarked that the decision to move forward with the proposal regarding signage is at the discretion of Council.

Mr. Delsanter disclosed that Mr. Lambert was concerned that his involvement in the possible signage ordinance would be a conflict of interest because Mr. Lambert owns businesses in Brunswick. Mr. Delsanter said he does not see the conflict because any businessperson serving in a public office has a potential conflict of interest.

Mr. Lambert noted that he would be moving forward cautiously because this possible amendment directly affects him and his business. He mentioned that the proposed ordinance would affect almost every business in the City. He asked if the Board of Zoning Appeals is prepared to talk to most businesses in Brunswick regarding this issue.

Mr. Aungst revealed that only a handful of windows are fully covered with some kind of graphic.

Mr. Lambert said that graphics are not the only concern. He added that his business has many signs and banners on the windows to block direct sunlight. However, people can still see into the business.

Mr. Delsanter explained that the issue of signage is a case-by-case environment.

Mrs. Plavecski suggested grandfathering already existing businesses before adopting the new legislation.

Mr. Lambert remarked that he is wondering if this is a solution looking for a problem.

Mr. Aungst said it is up to Council whether or not to move forward with legislation regarding signage.

Mrs. Piper divulged that the windows at her school are entirely covered for safety. She said that she is asked to keep her windows covered so intruders cannot see into classrooms full of children. She added that there is no window access to classrooms.

Mr. Delsanter said that the intention is good as it is to create a level of safety with public businesses. He mentioned that other cities have not pushed back on this proposal. He asked Mr. Aungst if the signage rules were being enforced.

Mr. Aungst responded that many of the signage rules are being enforced. He suggested that the Division of Law define signage and then create legislation regarding the issue so that businesses can present their cases for needing window coverings more effectively.

Mrs. Piper shared the example of Jazzercise, a local exercise studio located next to a bar. She further explained that Jazzercise has window coverings to make customers feel more comfortable. She also brought up Hounds Town USA, whose owner has invested much money in tasteful and appropriate window coverings.

Mr. Aungst said that this issue is up to Council regarding whether to proceed. He said that the way to go about this is defining what a window covering or graphic is in the Codified Ordinances under the sign code moving forward. The existing businesses would be grandfathered in until they decide to update their businesses. This way, the change would be gradual over twenty years instead of instantaneous.

Mr. Delsanter asked if existing businesses would have to follow the revised sign code if they wanted to change their signage.

Mr. Aungst responded that existing businesses would only have to follow the code if the building owner is doing a top-down renovation of the whole building. He also mentioned that any company could present its plan to the Planning Commission regarding signage and appeal to the Board of Zoning Appeals if its window treatments do not fit the sign code.

Mr. Lambert asked if the City is considering doing this because other municipalities have done it.

Mr. Delsanter answered that this proposal was a preventative, proactive attempt to provide an ability to react and to save lives in certain situations where the police have zero access to a problem going on inside of a building.

Mr. Lambert asked why the code could not be updated to say that almost all the window area could be covered so that safety forces still can look inside businesses.

Mrs. Plavecski suggested vaguely writing the code and saying that window coverings shall be permitted, provided that visibility into the site is obtained.

Mr. Aungst explained that Scene 75 went to the Division of Police and came back with the suggestion of having a less dense covering so that safety forces could look in.

Mr. Lambert remarked that he liked the idea of leaving the signage issue up to the safety forces.

Mrs. Plavecski revealed possible language for the proposed amendment to the sign code: window coverings shall be designed to allow visibility into the site interior by safety forces.

GENERAL DISCUSSION:

Mr. Delsanter mentioned that Mr. Lambert had called him regarding the practical changing of the City's parking codes.

Mr. Aungst disclosed that there had been some internal discussion about taking the minimum parking space requirement away. He added that parking could be taken in any direction. For example, saying that parking above a specific size must go to the Planning Commission or a certain percentage of the parking would be pervious parking, meaning there are pavers in which grass can be grown. Mr. Aungst pointed out that it is costly to put permeable pavers in because a typical parking space is \$2,500 to \$3,500 per space if done correctly. Mr. Aungst asked what Council wants to see concerning parking. He noted the example of Meijer's, which used data to determine precisely how much parking would be necessary for them.

Mr. Lambert remarked that Meijer's parking lot is much smaller than other big plaza parking lots.

Mr. Aungst said that Meijer's designed their lot very well. Meijer's left green space in the front, costing them a lot of money and then broke up the green. He said this is possible but requires a high level of organization and sophistication.

Mr. Aungst then spoke about the Inferno Lanes and said they reiterated their parking plans much better than the first draft.

Mrs. Plavecski read the current parking code: one being a general statement about parking lot requirements and the other saying that the parking lot should be 20% of the maximum occupant load as determined by the Ohio Basic Building Code.

Mr. Lambert asked what the current code says about how many parking spaces a lot should have.

Mrs. Plavecski answered that the number of spaces is dependent on the use.

Mr. Delsanter asked if there was a maximum occupancy for Inferno Lanes.

Mrs. Plavecski said that Mr. Delsanter would have to look at the Ohio Basic Building Code to find out.

Mr. Lambert explained that some large facilities have large maximum occupancies but few customers. He added that many customers purchase what they need online, and the need for parking lots is becoming less and less necessary.

Mr. Aungst revealed that he purchases most of his items online. He pointed out that online shopping is the future, and most stores in the City also have an online store.

Mr. Lambert explained that it would be economically beneficial for new companies not to build big parking lots because they are costly.

Mr. Delsanter asked how to minimize the parking spot requirement and account for landscaping.

Mr. Aungst explained that the City recently increased landscaping and changed the code to have tighter requirements for empty lots. Additionally, Council can also eliminate the minimum requirement for parking spaces and limit the number of spots based on the percentage of the maximum occupancy.

Mr. Lambert disclosed that new businesses coming into the City have professional architects that design their parking lots and consider the number of parking spots they will need. He added that most businesses would not minimize parking because they want to increase revenue.

Mr. Lambert said that updating the parking code with some additional vague language will still give some control to the Administration over parking spots.

Mr. Delsanter noted that some parking is still necessary at Brunswick Towne Center to deal with social flows. He inquired how to make parking lots like Hickory Ridge Plaza more presentable.

Mr. Aungst said there are plans to update the Hickory Ridge lot to make it more walkable and neighborhood friendly.

Mr. Aungst continued that Council can pass legislation to limit parking. Still, the City will need abundant parking for various projects, like the new high school.

Mrs. Plavecski added that many students drive, and a large lot will be needed.

Mr. Aungst noted that Tri-C reduced the number of parking spaces in their lot, and the landscaping installed in the lot will create a beautiful one.

Mr. Lambert said that the goal of revising the parking code is not to limit parking but to aid businesses in creating a lot that is going to be the best for their business model by potentially removing the minimum parking space requirement. He disclosed that bigger businesses would have significant

maximum occupancy limits, which would still create big lots if the City revised the code by having parking spaces based on percentages of the maximum occupancy. He continued that having vague language will allow businesses to propose their parking plans to the Planning Commission for advice. He ended by saying that the City need not overregulate, and it should allow companies to design lots in the best way for them.

Mrs. Plavecski proposed possible language for the revised parking code: the parking needs for all uses shall be sufficient to meet all parking needs of the proposed use, subject to Planning Commission approval.

Mr. Delsanter summarized that the Administration would give architects and designers a chance to be creative with their parking needs, Planning Commission would do their due diligence, and the Administration could try to stop the project if they feel that the parking direction is not on the right track.

Mr. Lambert revealed that this revision could cause more businesses to come to Brunswick.

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

CITY OF BRUNSWICK FREEDOM CELEBRATION

Monday, July 3, 2023

Concert on the Lawn

Brunswick Recreation Center

7:00 pm

Featuring "Funkology"

Firework show immediately
following at Dusk



Wednesday, July 5, 2023

Family Movie Night on the Lawn

Brunswick Recreation Center

8:00 pm

Featured Movie: The Sandlot



Saturday, July 8, 2023 and

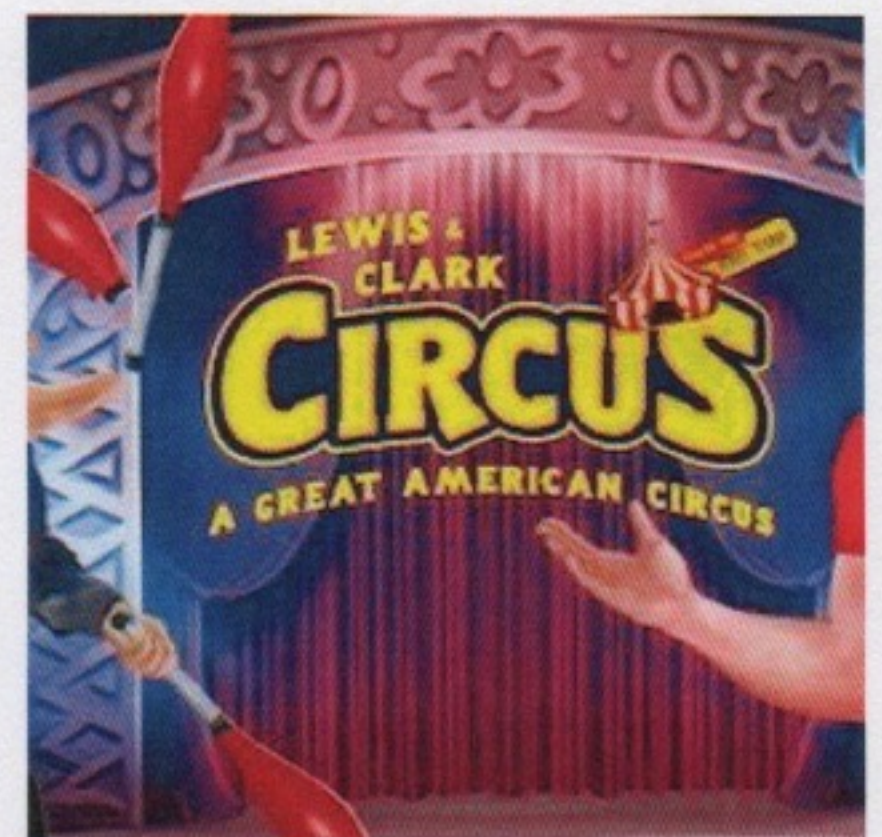
Sunday, July 9, 2023

Lewis & Clark Circus

Parking lot between BHS &
Brunswick Recreation Center

Afternoon & evening show times

More details to come



PARKS, RECREATION & COMMUNITY COMMITTEE

June 7, 2023

IN ATTENDANCE: Chairwoman Kristy Piper, Committee Member Keith Kuczma, Committee Member Tim Smith, Parks & Recreation Director Taylor Petkovsek, Liz Baloun, Tracy Harrison, Bryan Keller, Duane Lord

The meeting convened at 6:03 p.m.

DISCUSSION ITEMS:

a) Brunswick Freedom Celebration

Mrs. Petkovsek passed out a flyer to advertise the event.

Mrs. Petkovsek revealed that July 3rd would be the Funkology concert at 7:00 p.m., followed by fireworks. She continued that July 5th would be the Family Movie Night showing *The Sandlot*. She added that Officer Mummert has the AV equipment for the event. She disclosed that the Lewis and Clark Circus would be in the parking lot between the Brunswick Rec Center and Brunswick High School on July 8th and 9th. There will be afternoon and evening shows on both days that can accommodate up to 500 people per show.

Mrs. Petkovsek mentioned that the promotion for the event would start on June 8th.

Mr. Kuczma asked if the City would need any overnight security to watch the tent. He also inquired whether RVs would be on site and if any banners would be put up to advertise the event.

Mrs. Petkovsek responded that the setup and tear down would be relatively quick so no overnight security would be needed.

Ms. Baloun asked if any of the City's firefighters are certified to shoot off fireworks to save money.

Mrs. Petkovsek responded that a contract to shoot fireworks is already in place for this year.

Mr. Kuczma asked if the event could have food trucks.

Mrs. Petkovsek informed that the circus provides its own concessions but that she would look into having a City-approved food truck come to the Family Movie Night.

Mrs. Petkovsek continued that a Kickball Tournament had been discussed earlier but could not be scheduled because the Neura Park fields would already be in use at that time.

b) Disc Golf Park

Mr. Smith mentioned that there is a person who can design and set up the course for \$25,000. Other items needed for the park include baskets, course signs, and tee markers. He suggested that the City could consider hole sponsorships for \$1,000 each.

Mrs. Piper informed that there are 22 parks in Brunswick. She inquired about what parks could be considered for the Disc Golf Park.

Mr. Smith said North Park has a pavilion, restrooms, and parking.

Mrs. Piper stated that the Medina County Parks Department could take over this park. She added that this would be very beneficial for the lake at North Park.

Mr. Kuczma mentioned that he was curious if the Medina County Parks Department would consider the maintenance of a Disc Golf Course.

Mrs. Petkovsek disclosed that Rolling Hills Park is not 32 acres but would be a nice wooded park for disc golf.

Mr. Smith revealed that several years ago, a plan was created for Pumpkin Ridge Park. He suggested that the Northeast Ohio Professional Disc Golf Association could do the installation.

Mrs. Petkovsek divulged that there is a newly installed Disc Golf Course in Broadview Heights that the City could take a look at.

Mrs. Piper advised that more consideration should be given to where to put the Disc Golf Course.

Mr. Smith inquired about the process for receiving donations for the Disc Golf Course.

Mrs. Piper recommended that the plan be further solidified before donations would be received.

GENERAL DISCUSSION:

Mrs. Piper divulged that she would like to see Huntington Park turned into a peaceful reflection area. She added that this space could connect to the Mayor's Monarch Pledge by making it friendly to Monarch butterflies.

Mrs. Petkovsek suggested adding wildflowers to the park.

Mrs. Piper inquired about the memorial bench and tree programs for the park.

Mrs. Petkovsek responded that benches typically cost between \$400-\$800 for high-quality material. The City covers the cost of the concrete pad and installation of the benches. Trees cost approximately \$200 each.

Mr. Smith indicated that the first Bike Medina County event in Brunswick is on the evening of June 8th.

Mr. Lord discussed that the Laurel Plaza Car Show is an unsanctioned and unadvertised event that has been happening for over 40 years in Brunswick. He added that it is the largest event of its kind in northeast Ohio, with 100-500 cars participating.

Mr. Lord disclosed that a fence had been put up in the parking lot in front of Big Lots, which takes up 137 parking spaces.

Mr. Smith mentioned that he has talked to the businesses in the plaza who like having the car show. He revealed that it is unknown who put up the fence at this time.

Mr. Kuczma inquired if management had the proper permits and permission to put up the fence. He added that three security guards were also present by the fence during the last car show.

Mr. Lord asked if the City could assist with the car show by providing port-a-potties. He mentioned that there might be a car parade before one of the car shows.

He stated that the two unofficial car show organizers have Facebook pages: Rich the Lincoln Man and Tim's Cruisin Page.

Ms. Harrison inquired if the City would like to host the Scared Straight Program.

Mrs. Petkovsek responded that she would need to become more familiar with the program and would have to look at its materials.

Mrs. Petkovsek continued that signs were recently installed at the all-inclusive playground with reminders to respect the equipment. The non-emergency police phone number was also listed on the signs.

Mr. Kuczma asked if there was video surveillance of the park.

Mrs. Petkovsek answered that there were cameras and that the City is currently waiting on installation for a live feed.

Mr. Kuczma indicated that the light still needs to be fixed in Shenandoah Park. He added that the park has had some recent vandalism.

Ms. Baloun inquired about getting sponsorships for upcoming events.

Mrs. Piper responded that she would inquire about a possible line item being added to the Parks Budget for such donations.

ADJOURNMENT:

Being no further business, Mr. Smith moved to adjourn at 7:20 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,



Kristy Piper



COMMITTEE OF THE WHOLE

May 22, 2023

IN ATTENDANCE: Vice Mayor Nicholas Hanek, Joseph Delsanter, Keith Kuczma, Michael Abella Jr., Tim Smith, Kristy Piper, Brandon Lambert, City Manager/Safety Director Carl DeForest, Law Director Kenneth Fisher, Information Technology & Security Officer Robert Marok, Finance Director Todd Fischer, Parks & Recreation Director Taylor Petkovsek, Clerk of Council Laura Timura, News Media

The meeting convened at 6:36 p.m.

MOTION ITEMS:

- a) Motion to allow the City Manager to agree and accept the following agreements: Sub-Merchant Application and Agreement (SMAA), PayTrac Payment Service terms and conditions, Schedule A: PayTrac Payment Service rates & fees* and PayTrac Payment Services addendum.

Mrs. Petkovsek mentioned that the recreation center is preparing for a big software update. The update has been something that the Administration has been discussing and planning. These agreements are related to PayTrac, a new online payment module that the City can offer its consumers. Currently, customers have to come into the recreation center to pay for something. The agreements discuss a new credit card processor, online payment options where people can renew their memberships, sign up for programs and activities online, and reserve the facility. The City already has an agreement with Vermont Systems, the current recreation center software. Part of this motion is an addendum to that agreement and to discuss the fees associated with having an online payment option.

Mr. Lambert moved to allow the City Manager to agree and accept the following agreements: Sub Merchant Application and Agreement (SMAA), PayTrac Payment Service terms and conditions, Schedule A: PayTrac Payment Service rates & fees* and PayTrac Payment Services addendum. Vote – 7 Ayes, 0 Nays

REVIEW LEGISLATION:

- a) **ORD. NO. 36-2023** - 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 of PPN 001-02D-08-009. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

Mr. Fisher explained that on January 31, 2023, the Medina County Commissioners adopted Resolution 23-0100 approving the petition for regular annexation application of the property owner of a 1.5-acre parcel in Brunswick Hills on Laurel Road. On May 8, 2023, at the last Council Meeting, Council adopted Resolution 33-2023, accepting the annexation of the property to comply with the timing requirements in ORC Section 709.04. Per Ohio Law, the annexed property must be detached from Brunswick Hills Township with a petition for detachment. The Division of Law requests three non-emergency readings to adjust the boundary line.

Mr. Lambert moved Ordinance Number 36-2023 to tonight's Council Agenda of May 22, 2023 for three readings. Vote – 6 Ayes, 0 Nays, 1 Abstain (Delsanter)

- b) **ORD. NO. 37-2023** - An emergency ordinance authorizing and adopting the proposed tax budget for the City of Brunswick, Ohio for the year beginning January 1, 2024, through December 31, 2024. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Todd Fischer*)

Mr. Fischer disclosed that, under state law, the City must submit a tax budget to the County Auditor's Office. This is not a regular budget; this is a tax budget that aids the County Auditor's Office in making a property tax estimate to pay off the bond for the fire station.

Mr. Fischer revealed that he has met with various members of the Auditor's Office to discuss how to sync up the accounting structures. Because everything will happen nine months from now, the Auditor's Office needs to have this document, and Council will have to consider property tax rates before the bonds get issued.

Mr. Fischer explained that this tax budget has estimates for the fire station, including the Fire Station Construction Fund and estimates to pay off debt, but, at this point, the Administration does not know what those costs truly are.

Mr. Fischer pointed out that an emergency with suspension of the rules is needed to allow the Auditor's Office and himself to work together to sync up the time frames. Not all of the information is known, but the tax budget is required by state law in about a month.

Mr. Lambert moved Ordinance Number 37-2023 to tonight's Council Agenda of May 22, 2023, as an emergency with suspension of the rules. Vote – 6 Ayes, 0 Nays, 1 Abstain (Delsanter)

GENERAL DISCUSSION:

Mr. Hanek revealed that he and City Manager DeForest met with the Medina County Park District regarding Designated Outdoor Refreshment Areas at Brunswick Lake and Brunswick Park. The first step in creating the areas is that the City Manager must make an application to Council. He mentioned that there was an adjustment on the map to include a fishing pier in this area.

Mr. Hanek divulged that this is in many cities and will hopefully allow for more events, walkability, and more activities at Brunswick Towne Center.

Mr. Lambert advised that Council may need to look at the City's ordinances regarding new constructions located next to fall zones surrounding towers. Currently, new buildings can be built within fall zones. Mr. Lambert continued that it would be a good idea to change the City's ordinances for a 110 percent distance from the base of the tower to the new structures.

Mr. Delsanter pointed out that creating these amendments is a proactive safety measure and that the Planning & Zoning Committee would have to meet to discuss these possible revisions.

EXECUTIVE SESSION:

Mr. Smith moved to go into Executive Session for the purposes to discuss the subject of pending or imminent court action, seconded by Mrs. Piper. Roll Call – Ayes – 7, Mr. Hanek, Mr. Lambert, Mr. Smith, Mr. Abella, Mr. Delsanter, Mr. Kuczma, Mrs. Piper. Nays – 0

Mr. Smith moved to adjourn from Executive Session. – Vote – 7 Ayes, 0 Nays.

The Committee-of-the-Whole reconvened.

ADJOURNMENT:

Being no further business, Mr. Delsanter moved to adjourn the Committee of the Whole Meeting at 7:00 p.m. Vote – 7 Ayes, 0 Nays.

Submitted Respectfully,



Irene Jayapandian
Assistant Clerk of Council

PROPOSED LEGISLATION



DATE: 6/12/2023

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. 36-2023** - 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 of PPN 001-02D-08-009. - **2nd 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:

Three 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:**

PETITION FOR BOUNDARY LINE ADJUSTMENT
Ohio Revised Code Section 503.07

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

1. The undersigned is the City Manager for the City of Brunswick and has been authorized by the Brunswick City Council to forward this Petition to the Board of County Commissioners for the purpose of adjusting the boundary lines of the City of Brunswick and Brunswick Hills Township to reflect an annexation of real property to the City of Brunswick in accordance with Ohio Revised Code Chapters 503 and 709.
- 2) A copy of the Ordinance No. 36-2023 authorizing the City Manager to forward this Petition to the Board of County Commissioners is attached hereto as Exhibit “1” and incorporated herein by reference.
- 3) The annexation of the subject property is as detailed in Resolution No. 33-2023, as attached hereto as Exhibit “2” 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 “3” 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
_____, 2023.

NOTARY PUBLIC

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 36-2023

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 OF PPN 001-02D-08-009.

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 (PPN 001-02D-08-009);

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. 33-2023 adopted on May 8, 2023;

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. 33-2023. 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 E. Timura

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 33-2023

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION ACCEPTING THE PETITION FOR ANNEXATION OF A 1.5 ACRE PARCEL OF LAND (PPN 001-02D-08-009) KNOWN AS BEING PART OF BRUNSWICK HILLS TOWNSHIP TO THE CITY OF BRUNSWICK, MEDINA COUNTY, OHIO.

WHEREAS: On January 31, 2023, the Medina County Commissioners adopted Resolution No. 23-0100, as attached hereto as Exhibit "A", approving the Petition for Regular Annexation on Application of Owner of 1.5 acres of land (PPN 001-02D-08-009 known as being part of Brunswick Hills Township to the City of Brunswick, Medina County, Ohio;

WHEREAS: Pursuant to Ohio Revised Code Section 709.04, the legislative authority of the City of Brunswick must accept or reject the petition for annexation at the next regular session after the expiration of sixty (60) days of the date of filing the certified transcript of all orders of the board of county commissioners, the petition, map and all other papers on file relating to the annexation proceedings with the clerk of the municipal corporation, which occurred on March 3, 2023; and

WHEREAS: The Clerk of the municipal corporation is required to lay the transcript and the accompanying map or plat and petition before the legislative authority.

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

SECTION 1: That the Petition for Regular Annexation on Application of Owner of 1.5 acres of land (PPN 001-02D-08-009) known as being part of Brunswick Hills Township is hereby accepted.

SECTION 2: That the Clerk is hereby authorized and ordered to make three (3) copies containing the petition, the map or plat accompanying the petition, a transcript of the proceedings of the board of county commissioners, and all resolutions and ordinances in relation to the annexation, with a certificate to each copy that it is correct. Each certificate shall be signed by the Clerk in her official capacity and shall be authenticated by the seal of the municipal corporation, if applicable.

SECTION 3: That the Clerk is hereby authorized and ordered to forthwith deliver one such copy of this Resolution to the Medina County Auditor, one such copy to the Medina County Recorder, and one such copy to the Ohio Secretary of State.

SECTION 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety and for the additional reason to comply with the time requirements of Ohio Revised

Code Section 709.04. Therefore, the same shall be in full force and effect from

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

PASSED: 1st Reading 5/8/2023

RULES SUSPENDED: AYES 5 NAYS 0

ADOPTED: 5/8/2023 AYES 5 NAYS 0

ATTEST:

Laura Timura

Clerk of Council

Laura E. Timura

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 5/8/2023

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. 33-2023** - An emergency resolution accepting the petition for annexation of a 1.5 acre of land (PPN 001-02D-08-009) known as being part of Brunswick Hills Township to the City of Brunswick, Medina County, Ohio. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: On January 31, 2023, the Medina County Commissioners adopted Resolution No. 23-0100 approving the Petition for Regular Annexation on Application of Owner of 1.5 acres of land known as being part of Brunswick Hills Township to the City of Brunswick. The City of Brunswick must accept or reject the petition for annexation at the next regular session after the expiration of sixty (60) days of the date of filing the certified transcript of all orders of the Board of County Commissioners.

PURPOSE AND EXPLANATION: This legislation is to accept 1.5 acres of land from Brunswick Hills Township into the City of Brunswick. Resolution 110-2022 was adopted on December 12, 2022, declaring the City's intention to provide municipal services.

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?
Recommendation to adopt as an emergency with suspension of the rules so that it will be effective immediately.

CITY OF BRUNSWICK, OHIO
RESOLUTION NUMBER 110-2022

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION DECLARING THE INTENTION OF THE CITY OF BRUNSWICK TO PROVIDE MUNICIPAL SERVICES TO A 1.5 ACRE PARCEL OF LAND (PPN 001-02D-08-009) ON LAUREL ROAD.

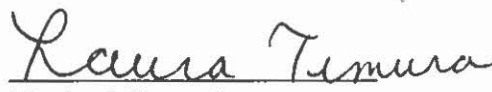
- WHEREAS: The City of Brunswick has been notified that a Petition for Regular Annexation on Application of Owners (the "Petition") was presented to the Medina County Commissioners requesting a parcel of land be annexed from Brunswick Hills Township to the City of Brunswick, and
- WHEREAS: The City of 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 1.5 acres of land on Laurel Road (PPN 001-02D-08-009), 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 January 24, 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 12/12/2022

Rules Suspended: AYES 6 NAYS 0

ADOPTED: 12/12/2022 AYES 6 NAYS 0

ATTEST:


Clerk of Council
Laura E. Timura

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 12/12/2022

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. 110-2022** - An emergency resolution declaring the intention of the City of Brunswick to provide municipal services to a 1.5 acre parcel of land (PPN 001-02D-08-009) on Laurel 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 Brunswick Hills Township to the City of Brunswick.

PURPOSE AND EXPLANATION: The approved legislation must be filed with the Medina County Commissioners' Office by January 4, 2023.

IMPLEMENTATION SCHEDULE: 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

Medina County Commissioners

Stephen D. Hambley
Aaron M. Harrison
Colleen M. Swedyk

County Administration Building
144 North Broadway
Medina, Ohio 44256

Phone: (330) 722-9208
Toll Free: (844) 722-3800
Fax: (330) 722-9206

March 3, 2023

VIA HAND DELIVERY

Laura Timura, Clerk
City of Brunswick
4095 Center Road
Brunswick, OH 44212

RE: Regular Annexation Petition
1.50 Acres - Brunswick Hills Township and the City of Brunswick

Dear Laura:

For your records, enclosed are Resolution 23-0100 approving the petition for annexation of 1.50 acres of land known as being part of Brunswick Hills Township to the City of Brunswick Medina County approved on January 31, 2023, a certified copy of the minutes of the January 24, 2023 annexation hearing, a certified copy of the minutes of the January 31, 2023 commissioners' meeting and the plat.

If you have any questions, please feel free to contact our office.

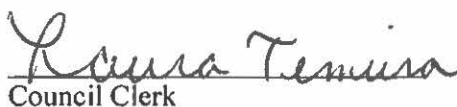
Thank you.



Rhonda Beck
Clerk, Board of County Commissioners

Enc.

I received the annexation file and plat for the above-referenced annexation this ____ day of _____, 2023.


Council Clerk

cc: Fiscal Officer, Brunswick Hills Township
John Oberholtzer, Esq. – Agent for Petitioner
Medina County Auditor

REGULAR MEETING – TUESDAY, JANUARY 31, 2023

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

Stephen D. Hambley

Aaron M. Harrison

Colleen M. Swedyk

Mr. Hambley offered the following resolution and moved the adoption of same, which was duly seconded by Mr. Harrison.

RESOLUTION NO. 23-0100

**APPROVING THE PETITION FOR THE REGULAR ANNEXATION OF
1.50 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 1.50 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 November 15, 2022 in accordance with Ohio Revised Code Section 709.02 and 709.11, 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 January 24, 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
 - 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.

Commissioners Journal, Volume 206, Page 807

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 1/31/23
Chanda J. Bul

REGULAR MEETING – TUESDAY, JANUARY 31, 2023
RESOLUTION NO. 23-0100 (CONT'D.)

3. The petition meets all of the requirements set forth in Section 709.033 of the Ohio Revised Code:
- 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;
 - 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;
 - 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;
 - the territory proposed to be annexed is not unreasonably large;
 - 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
 - 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:

- The annexation involves 1.50 acres in Brunswick Hills Township, identified as PPN(s) 001-02D-08-009 owned by Karen A. King and Barbara M. Petro located at 3546 Laurel Road, 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;
- Two individual persons own the property and the all owners signed the petition; therefore, the petition contains signatures of the majority (51%) of owners;
- The City of Brunswick Resolution No. 110-2022 adopted December 12, 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;
- 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;
- 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 1.50 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.

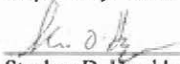
BE IT FURTHER RESOLVED that upon journalization of this resolution, a certified copy of this resolution be sent to the agent for the petitioners, the fiscal officer of the township, and clerk of the municipality.

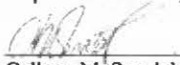
BE IT FURTHER RESOLVED that after the expiration of thirty (30) days after journalization of this resolution, if no appeal has been timely filed under section 709.07 of the Ohio Revised Code, a certified copy of the entire record of the annexation proceedings, including all resolutions of the board, signed by a majority of the members of the board, the petition, map, and all other papers on file, the record of proceedings, if a copy is available, and exhibits presented at the hearing relating to the annexation proceedings, shall be sent to the auditor or clerk of the municipal corporation to which the annexation is proposed.

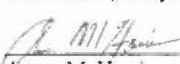
Voting AYE thereon: Mr. Hambley, Mr. Harrison and Mrs. Swedyk

Adopted: January 31, 2023

Prepared by: Commissioners' Office


Stephen D. Hambley


Colleen M. Swedyk


Aaron M. Harrison

REC'D MEDINA COUNTY CO
NOV 15 2022 PM 8:26

BOARD OF COMMISSIONERS
MEDINA COUNTY OF OHIO
144 NORTH BROADWAY STREET
MEDINA, OHIO 44256

John C. Oberholtzer
39 Public Square Ste 201
Medina Oh 44256
AGENT

PETITION FOR ANNEXATION OF 1.5
REGULAR TYPE THERE ARE 2 OWNERS
BARBARA M. PETRO AND KAREN A. KING

We, the undersigned, being all of the owners of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Brunswick, Medina County, Ohio, being filed under **Sections 709.02 & 709.11** of the Revised Code of Ohio.

Petitioners have 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".

The described territory hereto and made a part of this petition, an accurate map* or plat of the territory sought to be annexed, marked as Exhibit "B".

John C. Oberholtzer is hereby appointed agent for the undersigned Petitioners 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.

John C. Oberholtzer
John C. Oberholtzer

John C. Oberholtzer
(Typed or printed name of agent)

39 Public Square Ste 201
Address

Medina, Oh 44256

330-725-4929
Phone Number/Fax Number

joberholtzer@medinalaw.com
Email Address (if applicable)

ACKNOWLEDGEMENT CERTIFICATE

State of Ohio, County of Medina

The foregoing instrument was acknowledged before me on this 15th (date) by
November (name of person acknowledging).

(Notary Seal)



GWENDOLYN EHRLMAN
Notary Public
State of Ohio
My Comm. Expires
March 23, 2027

Gwendolyn Ehrman
Signature of Notary Public

State of Ohio My commission expires: 2027 (date)

[Signature]

3546 Laurel Road, Brunswick, OH 44212

11/14/2022

ACKNOWLEDGEMENT CERTIFICATE

State of Ohio, County of Medina

The foregoing instrument was acknowledged before me on this 11/14/2022 (date) by
Karen A. King (name of person acknowledging).

(Notary Seal)



JOHN C. OBERHOLTZER
Attorney at Law
NOTARY PUBLIC, STATE OF OHIO
My Commission Has No Expiration Date
Section 147.03 O.R.C.

[Signature]
Signature of Notary Public

State of Ohio My commission expires: _____ (date)

Prepared by:
John C. Oberholtzer
Oberholtzer & Filous LPA
39 Public Square Suite 201
Medina, Oh 44256
330-725-4929

SIGNATURE OF PETITIONER, TYPED NAME AND ADDRESS:


3546 Laurel Road, Brunswick, OH 44212

DATE:

11/14/2022

ACKNOWLEDGEMENT CERTIFICATE

State of Ohio, County of Medina

The foregoing instrument was acknowledged before me on this 11/14/2022 (date) by
Barbara M. Petro (name of person acknowledging).



(Seal)
JOHN C. OBERHOLTZER
Attorney at Law
NOTARY PUBLIC, STATE OF OHIO
My Commission Has No Expiration Date
Section 147.03 O.R.C.


Signature of Notary Public

State of Ohio My commission expires: _____ (date)

List of adjacent property owners

Supino, LLC
3564 Laurel Road, Brunswick, OH 44212
P.N. 003-18D-16-103

John Kalembo & Rosemary Kalembo
3556 Laurel Road, Brunswick, OH 44212
P.N. 003-18D-16-104

Leslie E. Phillips & RoseMary Phillips
1817 Berkshire Drive, Brunswick, OH 44212
P.N. 003-18D-16-105

Randy P. Arnold
1825 Berkshire Drive, Brunswick, OH 44212
P.N. 003-18D-16-106

Albert R. Hreha & Margaret R. Hreha
1835 Berkshire Drive, Brunswick, OH 44212
P.N. 003-18D-16-107

Martha G. Green
1843 Berkshire Drive, Brunswick, OH 44212
P.N. 003-18D-16-108

Michael J. Monk
1853 Berkshire Drive, Brunswick, OH 44212
P.N. 003-18D-16-109

Beatrice B. Tripp
3530 Laurel Road, Brunswick, OH 44212
P.N. 001-02D-08-010

Florine Schultz
3500 Laurel Road, Brunswick, OH 44212
P.N. 001-02D-08-008

List of property owners to be Annex

Karen A. King & Barbara M. Petro
3546 Laurel Road, Brunswick, OH 44212
P.N. 001-02D-08-009

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. 14, Tract 3, McCurdy Tract,
and bounded and described as follows: commencing at a point in the center of Laurel Road (C.H.
138) at a point 2148.9 feet east from the West line of said Lot 14, and in the East line of
Coventry Terrace Phase I, as recorded in Plat Volume 7, Page 28, of Medina County Recorder's
Records, a part of Brunswick City;
Thence S. 2 deg. 45' W. along the East line of the aforesaid subdivision, 495.0 feet to an iron
stake;
thence S. 88 deg. 15' E. 132.0 feet to an iron stake;
thence N. 2 deg. 45' E. 495.0 feet to the center of Laurel Road;
thence N. 88 deg. 15' W. along the center of said road 132.0 feet to the place of beginning, and
containing within said boundaries (1-1/2) acres of land, as surveyed by A.W. Nettleton,
Registered Surveyor No. 1577, on August 10, 1936, be the same more or less, but subject to all
legal highways.



PLAT OF REGULAR ANNEXATION

of 1.5000 Acres in Brunswick Hills
Township to the City of Brunswick

Situated in the Township of Brunswick Hills Township, County of Medina
and State of Ohio and known as being a part Original Brunswick Township
Lot 14, McCurdy Tract, Tract 3

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.

11-7-2022
ANDREW G. PLANET REG. OHIO SURVEYOR NO. S-7802



ROLLING & HOCEVAR, INC. CIVIL ENGINEERS, SURVEYORS

257 SOUTH COURT STREET SUITE 6 - MEDINA, OHIO 44256

PHONE: (330) 723-1828 FAX: (330) 723-6637

ACCEPTANCE & DEDICATION

I, THE UNDERSIGNED OWNER OF THE LANDS EMBRACED WITHIN THIS PLAT,
HEREBY ACKNOWLEDGE THIS PLAT AND HAVE CAUSED THE SAME TO BE
PLATTED AND ANNEXED TO THE CITY OF BRUNSWICK.

KAREN A. KING

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE,
PERSONALLY APPEARED KAREN A. KING, WHO ACKNOWLEDGED THE MAKING
OF THE FOREGOING INSTRUMENT AND THE SIGNING OF THIS PLAT TO BE
HER FREE ACT AND DEED.

IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY
OFFICIAL SEAL AT _____, OHIO, THIS _____ DAY OF

_____, 20____.

NOTARY PUBLIC

I, THE UNDERSIGNED OWNER OF THE LANDS EMBRACED WITHIN THIS PLAT,
HEREBY ACKNOWLEDGE THIS PLAT AND HAVE CAUSED THE SAME TO BE
PLATTED AND ANNEXED TO THE CITY OF BRUNSWICK.

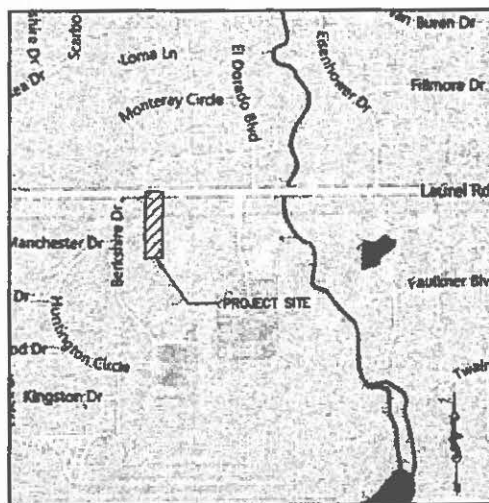
BARBARA M. PETRO

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE,
PERSONALLY APPEARED BARBARA M. PETRO, WHO ACKNOWLEDGED THE MAKING
OF THE FOREGOING INSTRUMENT AND THE SIGNING OF THIS PLAT TO BE HER
FREE ACT AND DEED.

IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY
OFFICIAL SEAL AT _____, OHIO, THIS _____ DAY OF

_____, 20____.

NOTARY PUBLIC



VICINITY MAP

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

PRESIDENT OF COUNCIL

THIS PLAT WAS DULY ACCEPTED BY THE MEDINA COUNTY COMMISSIONERS ON
THIS _____ DAY OF _____, 20____.

COMMISSIONER

COMMISSIONER

COMMISSIONER

APPROVED FOR TRANSFER THIS _____ DAY OF _____, 20____.

TAX MAP DRAFTSMAN

RECEIVED FOR TRANSFER THIS _____ DAY OF _____, 20____.

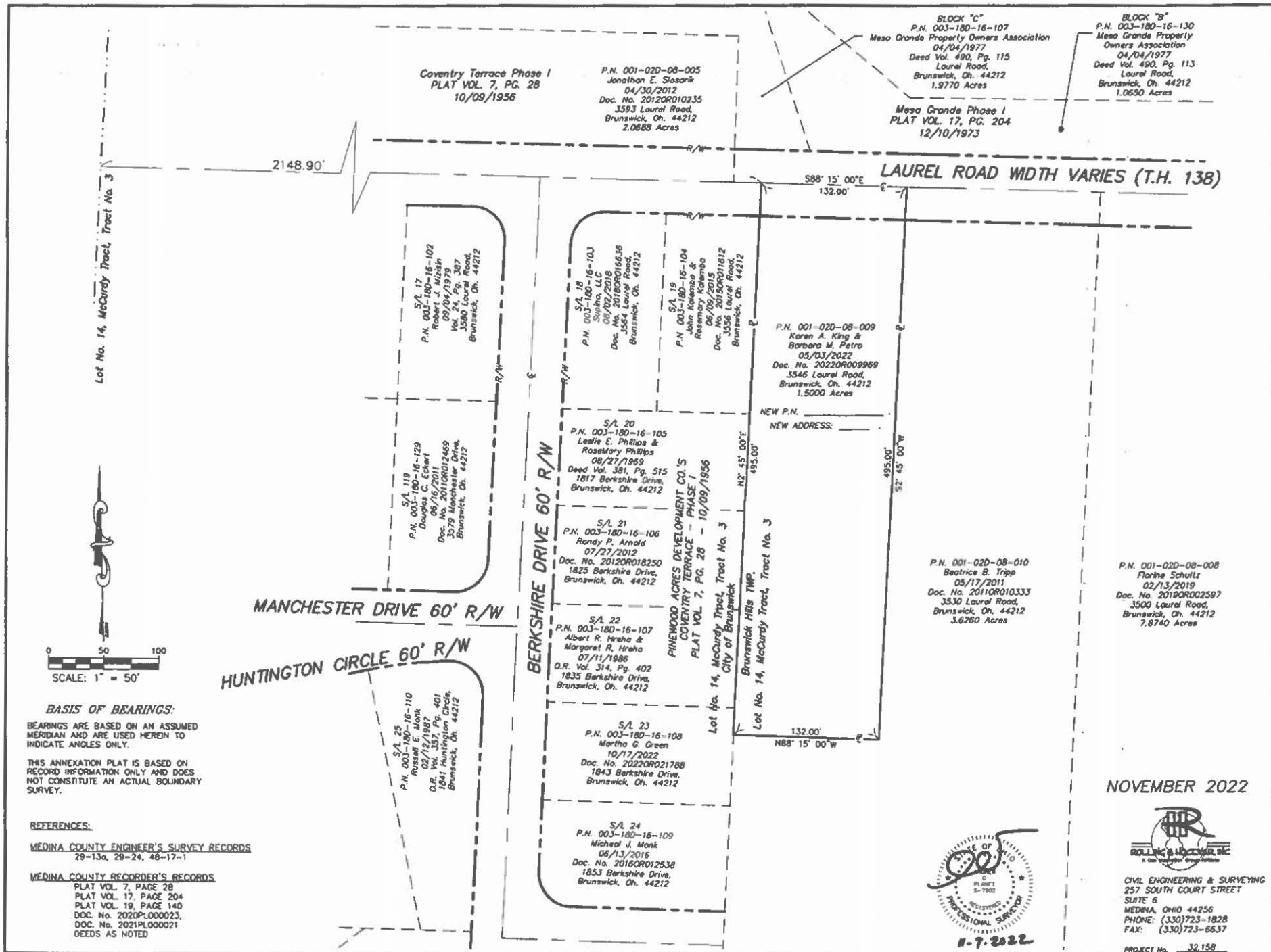
COUNTY AUDITOR

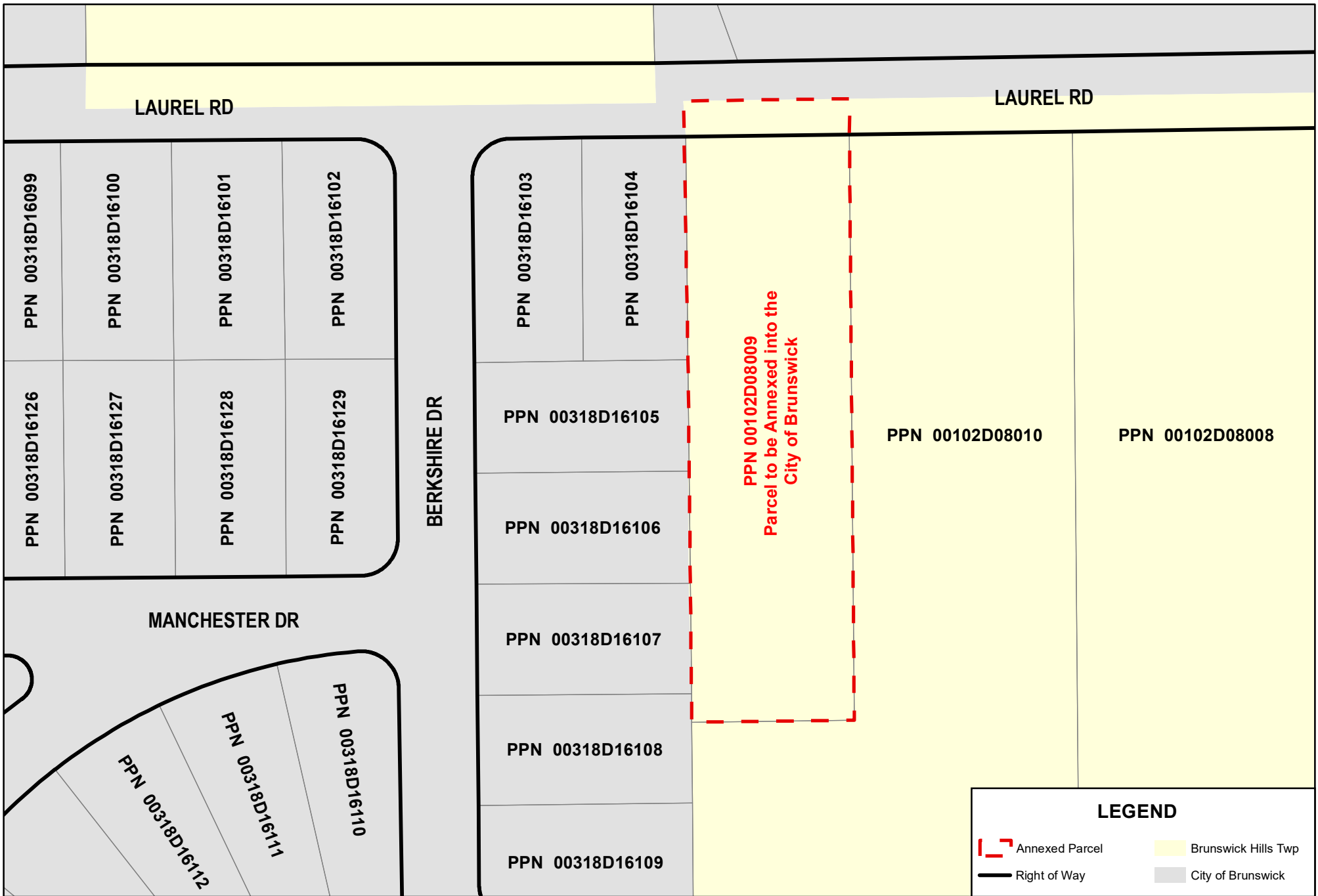
RECEIVED AND RECORDED THIS _____ DAY OF _____, 20____.

AT _____ A.M./P.M. IN DOCUMENT NO. _____

FEE \$ _____

MEDINA COUNTY RECORDER





LEGEND

Annexed Parcel

Brunswick Hills Twp

Right of Way

City of Brunswick

1 inch = 100 feet

0 50 100 200 Feet

EXHIBIT 3

ANNEXATION FOR THE CITY OF BRUNSWICK

CITY OF BRUNSWICK, OHIO
RESOLUTION NUMBER 110-2022

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION DECLARING THE INTENTION OF THE CITY OF BRUNSWICK TO PROVIDE MUNICIPAL SERVICES TO A 1.5 ACRE PARCEL OF LAND (PPN 001-02D-08-009) ON LAUREL 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 Brunswick Hills 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 1.5 acres of land on Laurel Road (PPN 001-02D-08-009), 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 January 24, 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 12/12/2022

Rules Suspended: AYES 6 NAYS 0

ADOPTED: 12/12/2022 AYES 6 NAYS 0

ATTEST: Laura Timura
Clerk of Council
Laura E. Timura

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 12/12/2022

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. 110-2022** - An emergency resolution declaring the intention of the City of Brunswick to provide municipal services to a 1.5 acre parcel of land (PPN 001-02D-08-009) on Laurel 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 Brunswick Hills Township to the City of Brunswick.

PURPOSE AND EXPLANATION: The approved legislation must be filed with the Medina County Commissioners' Office by January 4, 2023.

IMPLEMENTATION SCHEDULE: Emergency, with suspension of the rules

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION: Emergency, with suspension of the rules

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 approved legislation must be filed with the Medina County Commissioners' Office by January 4, 2023.

Medina County Commissioners

Stephen D. Hambley
William F. Hutson
Colleen M. Swedyk

County Administration Building
144 North Broadway
Medina, Ohio 44256

Phone: (330) 722-9208
Toll Free: (844) 722-3800
Fax: (330) 722-9206

November 14, 2022

VIA Email – petrobarb56@gmail.com

Barbara M. Petro
9553 Scottsdale Road
Broadview Heights, OH 44147

RE: Petition for Regular Annexation – 1.50 acres
Brunswick Hills Township to the City of Brunswick

Dear Ms. Petro,

The Board of Medina County Commissioners will conduct a hearing on the above-referenced petition for annexation submitted by your office today after their regular meeting on Tuesday, January 24, 2023, at approximately 10:30 a.m. A court reporter will be present at this hearing.

Sincerely,



Rhonda Beck
Clerk of the Board of County Commissioners

cc: Katherine Esber, Fiscal Officer, Brunswick Hills Township
Laura Timura, Clerk of Council, City of Brunswick

PROPOSED LEGISLATION



DATE: 6/12/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Brian Ohlin

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 44-2023** - An ordinance establishing Section 432.47 of the City of Brunswick Codified Ordinances Titled "Distracted Driving." - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Robert Safran*)

BACKGROUND: On or about December 14, 2022 the Ohio General Assembly adopted Senate Bill 288 wherein Ohio Revised Code Section 4511.204 was revised to prohibit distracted driving through the use of electronic wireless communication devices.

PURPOSE AND EXPLANATION: Update the city ordinance chapter on the basis of Senate Bill 288.

IMPLEMENTATION SCHEDULE: To become law following 3 readings and 30 days.

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:

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 44-2023

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

AN ORDINANCE ESTABLISHING SECTION 432.47 OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES TITLED “DISTRACTED DRIVING”.

WHEREAS: On or about December 14, 2022, the Ohio General Assembly adopted Am. Sub. S.B. 288 wherein Ohio Revised Code Section 4511.204 was revised to prohibit distracted driving through the use of electronic wireless communication devices.

WHEREAS: The provisions of revised Ohio Revised Code Section 4511.204 contained in Am. Sub. S.B. 288 became effective on April 4, 2023, wherein written warnings are required to be issued during the first six (6) months.

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

SECTION 1: That Section 432.47 of the Codified Ordinances is hereby established to read as follows:

“432.47 DISTRACTED DRIVING.

- (A) No person shall operate a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person’s body an electronic wireless communications device.
- (B) Division (A) of this section does not apply to any of the following:
 - (1) A person using an electronic wireless communications device to make contact, for emergency purposes, with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;
 - (2) A person driving a public safety vehicle while using an electronic wireless communications device in the course of the person’s duties;
 - (3) A person using an electronic wireless communications device when the person’s motor vehicle is in a stationary position and is outside a lane of travel, at a traffic control signal that is currently directing traffic to stop, or parked on a road or highway due to an emergency or road closure;
 - (4) A person using and holding an electronic wireless communications device directly near the person’s ear for the purpose of making, receiving, or conducting a telephone call, provided that the person does not manually enter letters, numbers, or symbols into the device;
 - (5) A person receiving wireless messages on an electronic wireless

communications device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle, provided that the person does not hold or support the device with any part of the person's body;

- (6) A person using the speaker phone function of the electronic wireless communications device, provided that the person does not hold or support the device with any part of the person's body;
 - (7) A person using an electronic wireless communications device for navigation purposes, provided that the person does not do either of the following during the use:
 - (a) Manually enter letters, numbers, or symbols into the device;
 - (b) Hold or support the device with any part of the person's body.
 - (8) A person using a feature or function of the electronic wireless communications device with a single touch or single swipe, provided that the person does not do either of the following during the use:
 - (a) Manually enter letters, numbers, or symbols into the device;
 - (b) Hold or support the device with any part of the person's body.
 - (9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;
 - (10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals;
 - (11) A person using an electronic wireless communications device in conjunction with a voice-operated or hands-free feature or function of the vehicle or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body;
 - (12) A person using technology that physically or electronically integrates the device into the motor vehicle, provided that the person does not do either of the following during the use:
 - (a) Manually enter letters, numbers, or symbols into the device;
 - (b) Hold or support the device with any part of the person's body.
 - (13) A person storing an electronic wireless communications device in a holster, harness, or article of clothing on the person's body.
- (C)
- (1) Whoever violates division (A) of this section is guilty of operating a motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor.
 - (a) Except as provided in divisions (C)(1)(b), (c), (d) and (2) of this section, the court shall impose upon the offender a fine of not more than one hundred fifty dollars.

- (b) If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section, Ohio Revised Code Section 4511.204 or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars.
 - (c) If, within two years of the violation, the offender has been convicted of or pleaded guilty to two or more prior violations of this section, Ohio Revised Code Section 4511.204 or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than five hundred dollars. The court also may impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for ninety days.
 - (d) Notwithstanding divisions (C)(1)(a) to (c) of this section, if the offender was operating the motor vehicle at the time of the violation in a construction zone where a sign was posted in accordance with Ohio Revised Code Section 4511.98 or a substantially equivalent municipal ordinance, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the amount imposed for the violation under division (C)(1)(a), (b) or (c) of this section.
- (2) In lieu of payment of the fine of one hundred fifty dollars under division (C)(1)(a) of this section and the assessment of points under division (C)(4) of this section, the offender instead may elect to attend the distracted driving safety course, as described in Ohio Revised Code Section 4511.991. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall not be required to pay the fine and shall not have the points assessed against that offender's driver's license if the offender submits the written evidence to the court.
- (3) The court may impose any other penalty authorized under Ohio Revised Code Sections 2929.21 to 2929.28. However, the court shall not impose a fine or a suspension not otherwise specified in division (C)(1) of this section. The court also shall not impose a jail term or community residential sanction.
- (4) Except as provided in division (C)(2) of this section, points shall be assessed for a violation of division (A) of this section in accordance with Ohio Revised Code Section 4510.036.
- (5) The offense established under this section is a strict liability offense and Ohio Revised Code Section 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
- (D)
- (1) A law enforcement officer does not have probable cause and shall not stop the operator of a motor vehicle for purposes of enforcing this

section unless the officer visually observes the operator using, holding, or physically supporting with any part of the person's body the electronic wireless communications device.

- (2) A law enforcement officer who stops the operator of a motor vehicle, trackless trolley, or streetcar for a violation of division (A) of this section shall inform the operator that the operator may decline a search of the operator's electronic wireless communications device. The officer shall not do any of the following:

- (a) Access the device without a warrant, unless the operator voluntarily and unequivocally gives consent for the officer to access the device;
- (b) Confiscate the device while awaiting the issuance of a warrant to access the device;
- (c) Obtain consent from the operator to access the device through coercion or any other improper means. Any consent by the operator to access the device shall be voluntary and unequivocal before the officer may access the device without a warrant.

- (E) As used in this section"

- (1) "Electronic wireless communications device" includes any of the following:

- (a) A wireless telephone;
- (b) A text-messaging device;
- (c) A personal digital assistant;
- (d) A computer, including a laptop computer and a computer tablet;
- (e) Any device capable of displaying a video, movie, broadcast television image, or visual image;
- (f) Any other substantially similar wireless device that is designed or used to communicate text, initiate or receive communication, or exchange information or data.

An "electronic wireless communications device" does not include a two-way radio transmitter or receiver used by a person who is licensed by the federal communications commission to participate in the amateur radio service.

- (2) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use an electronic wireless communications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.
- (3) "Utility" means an entity specified in Ohio Revised Code Section 4905.03(A), (C), (D), (E) or (G).
- (4) "Utility service vehicle" means a vehicle owned or operated by a utility."

SECTION 2: (A) As used in this section, “interim period” means the period of time beginning on April 4, 2023 and ending six months thereafter.

(B) Notwithstanding any provision of law to the contrary, during the interim period, a law enforcement officer may stop a motor vehicle operator for an action that is a violation of City of Brunswick Codified Ordinance Section 432.47 or Ohio Revised Code Section 4511.204. In lieu of issuing the person a ticket, citation, or summons, the law enforcement officer shall issue the person a written warning explaining the provisions of City of Brunswick Codified Ordinance Section 432.47 or Ohio Revised Code Section 4511.204. The written warning may notify the person of the specific date after the interim period when law enforcement officers are authorized to begin issuing tickets, citations, and summons for violations of City of Brunswick Codified Ordinance Section 432.47 or Ohio Revised Code Section 4511.204.

(C) After the interim period, a law enforcement officer may issue a ticket, citation, or summons for a violation of City of Brunswick Codified Ordinance Section 432.47 or Ohio Revised Code Section 4511.204.

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 E. Timura

PROPOSED LEGISLATION



DATE: 6/12/2023

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. 45-2023** - 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 to regulate electric vehicle charging stations on residential and non-residential properties.

PURPOSE AND EXPLANATION: Legislation is necessary to create Chapter 1292 of the City of Brunswick Codified Ordinances, which provides definitions of a plug-in electric vehicle (PEV); electric vehicle charging station; and electric vehicle supply equipment (EVSE), in addition to permitted locations and screening for the above.

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 adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 45-2023

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

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:

“1292.01 DEFINITIONS.

- (a) “PEV” means a plug-in electric Vehicle or Motor Vehicle, as defined in Codified Ordinance Chapter 402, that can utilize an external source of electricity (such as a wall socket that connects to the power grid) to store electrical energy within its onboard rechargeable battery packs, to power an electric motor and help propelling the wheels.
- (b) “Charging Station” means a PEV battery charging station located on a public or private parking space which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in a PEV. Charging Stations are outlined as follows:
 - (1) AC Level 1 chargers use a standard 120V household outlet, but provide slow charging speeds, usually a minimum of 24 hours.
 - (2) AC Level 2 charging stations require a 240V outlet and charge in approximately four to ten hours.
 - (3) AC Level 3/DC Level 2, known as DC Fast Charging Stations, charge in approximately 30 to 45 minutes.
- (c) “EVSE” means an electric vehicle supply equipment, as defined in the National Electric Code, is the installation and/or maintenance of AC Level 1, AC Level 2 and AC Level 3/DC Level 2 Charging Stations. Any required building permits, electrical permits or other applicable permits shall be obtained prior to the location, construction, installation, or operation of EVSE in the City of Brunswick.

1292.02 PEV CHARGING STATIONS/EVSE ON RESIDENTIAL PROPERTY.

- (a) PEV Charging Stations/EVSE shall be permitted in all residential districts and residential Special Planning Districts, subject to the following regulations:
 - (1) PEV Charging Stations/EVSE on residential properties shall not be located within the front, side or rear setbacks of the subject property.

- (2) Residential properties with more than five exterior PEV Charging Stations/EVSE shall provide adequate screening thereof from adjacent residential properties/uses with landscaping, fencing, or a combination thereof and achieve at least 50% opacity at installation.
- (3) PEV Charging Stations/EVSE shall only be utilized by the residents of the subject property or their invited guests without charge.
- (4) A certificate of zoning compliance issued by the Division of Building shall be required for PEV Charging Stations/EVSE located on residential properties.

1292.03 PEV CHARGING STATIONS/EVSE ON NON-RESIDENTIAL PROPERTY.

- (a) PEV Charging Stations/EVSE shall be conditionally permitted in the GW-C Gateway Commercial District, C-G General Commercial District, C-N Neighborhood 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) PEV Charging Stations/EVSE located at new/used car dealerships in the C-G General Commercial and C-H Highway Interchange Districts or Automobile Filling Stations are permitted to be approved administratively by the Division of Building. Government-owned or operated properties located in any Zoning District may also be approved administratively by the Division of Building.
- (2) Properties with five or less PEV Charging Stations/EVSE that do not have overhead canopies shall be conditionally permitted as follows:
 - A. Conditional use approval pursuant to Chapter 1274 and site plan approval pursuant to Chapter 1278.
 - B. PEV Charging Stations/EVSE shall not be located within the front yard setback of the applicable zoning district and shall be located the greater of ten feet or the required setback in the applicable zoning district from the side or rear property lines. PEV Charging Stations/EVSE shall be located no less than thirty feet from property line of any adjacent residential zoning district.
 - C. If a for-fee public PEV Charging Station/EVSE is installed, only AC Level 2 and AC Level 3/DC Level 2 PEV Charging Stations/EVSE shall be permitted.
 - D. The height of PEV Charging Station/EVSE shall not exceed six feet. All connections must be retractable and stored so as not to impede the parking space.
 - E. The size of a PEV Charging Station/EVSE shall not exceed four square feet.

(3) Properties with more than five PEV Charging Stations/EVSE, or PEV Charging Stations/EVSE that include overhead canopies, shall be permitted per the following:

- A. Conditional use approval pursuant to Chapter 1274 and site plan approval pursuant to Chapter 1278.
- B. PEV Charging Stations/EVSE shall not be located within the front or rear setbacks of the applicable zoning district and shall be located no less than thirty feet from the property line of any adjacent residential zoning district. PEV Charging Stations/EVSE shall be permitted within the side yard setback in a location so as not to obstruct vehicular or pedestrian circulation and shall be located a minimum of ten feet from the side property line. All PEV Charging Stations/EVSE shall be installed within a landscaped island.
- C. PEV Charging Stations/EVSE located adjacent to residential properties/uses or within the side yard setback shall be screened with landscaping, fencing, or a combination thereof and achieve a least 50% opacity at installation.

1292.04 PARKING.

Parking spaces designated for PEV Charging Stations/EVSE shall not apply to the required minimum number of parking spaces in Chapter 1276, with the exception of new/used car dealerships. Parking space identification for PEV Charging Stations/EVSE shall be installed as follows: "Electric vehicle charging station" and "\$100 fine for non-electric vehicles".

1292.05 SIGNAGE.

Signage shall be located only on the PEV Charging Station/EVSE and shall not exceed two square feet. Video monitors shall not exceed one square foot. No poles or signage shall be located above the height of the base PEV Charging Station/EVSE unit.

1292.06 HOURS OF OPERATION.

PEV Charging Stations/EVSE shall be permitted to be open only during normal business hours of the establishment where they are located.

1292.07 LIGHTING.

Lighting shall be installed in compliance with Section 1276.14(a), whereby a minimum 0.6 footcandle level shall be provided for PEV Charging Stations/EVSE and associated pedestrian areas.

1292.08 PERMITS/INCOME TAX.

The property owner shall be responsible for obtaining necessary PEV Charging

Station/EVSE station permits from the Division of Building and register with the City of Brunswick Tax Department. The City Income Tax form must also be completed and filed with the application.

1292.09 MAINTENANCE.

The property owner shall be responsible for the continued maintenance of the PEV Charging Station/EVSE. If the PEV Charging Station/EVSE is non-operational for a period of greater than three months, it shall be removed within thirty days. Testing of the PEV Charging Station/EVSE shall be performed on-demand as requested by the Division of Building.

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: 6/12/2023

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. 46-2023** - An emergency ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or permit approvals for electric vehicle charging stations in all zoning districts of the City and the issuance of such approvals - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: On February 27, 2023, City Council adopted Ordinance No. 11-2023 establishing a six-month temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or permit approvals for Electric Vehicle Charging Stations in all Zoning Districts.

PURPOSE AND EXPLANATION: The six-month temporary moratorium established by Ordinance No.11-2023 shall be extended for an additional six (6) months up to and including February 27, 2024, wherein the City shall not accept or process any applications for zoning, occupancy and/or permit approvals for Electric Vehicle Charging Stations in all Zoning Districts of the City, and further shall not issue any such approvals during said period.

IMPLEMENTATION SCHEDULE:

Immediately.

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?

This ordinance is 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.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 46-2023

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

AN EMERGENCY ORDINANCE EXTENDING A TEMPORARY
MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF
APPLICATIONS FOR ZONING, OCCUPANCY AND/OR PERMIT
APPROVALS FOR ELECTRIC VEHICLE CHARGING STATIONS
IN ALL ZONING DISTRICTS OF THE CITY AND THE ISSUANCE
OF SUCH APPROVALS.

WHEREAS: The City of Brunswick may legitimately regulate the location and approval of Electric Vehicle Charging Stations;

WHEREAS: On February 27, 2023, City Council adopted Ordinance No. 11-2023, establishing a six (6) month temporary moratorium on the acceptance and processing of applications for zoning, occupancy, and/or permit approvals for Electric Vehicle Charging Stations in all Zoning Districts of the City except as otherwise provided therein; and

WHEREAS: This Council believes that a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or permit approvals for Electric Vehicle Charging Stations in all Zoning Districts of the City, and on the issuance of such approvals, will not deny property owners economically viable use of their property and will permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof.

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

SECTION 1: The six (6) month temporary moratorium established by Ordinance No. 11-2023 shall be extended for an additional six (6) months up to and including February 27, 2024, wherein the City shall not accept or process any applications for zoning, occupancy and/or permit approvals for Electric Vehicle Charging Stations in all Zoning Districts of the City, and further shall not issue any such approvals during said period.

SECTION 2: This Ordinance shall not apply to applications for permit approvals for Electric Vehicle Charging Stations in Residential Zoning Districts where such Electric Vehicle Charging Stations are to be located in fully enclosed buildings and are intended solely for the personal use of the resident.

SECTION 3: 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 4: 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 5: 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