



# BRUNSWICK CITY COUNCIL AGENDA

|                           |                          |                       |                                |                                  |                      |                                  |                          |                              |                              |                        |
|---------------------------|--------------------------|-----------------------|--------------------------------|----------------------------------|----------------------|----------------------------------|--------------------------|------------------------------|------------------------------|------------------------|
| Brandon Lambert<br>Ward 3 | Kristy Piper<br>At-Large | Tim Smith<br>At-Large | Kenneth Fisher<br>Law Director | Carl S. DeForest<br>City Manager | Ron Falconi<br>Mayor | Laura Timura<br>Clerk of Council | Nicholas Hanek<br>Ward 2 | Michael Abella Jr.<br>Ward 1 | Joseph Delsanter<br>At-Large | Keith Kuczma<br>Ward 4 |
|---------------------------|--------------------------|-----------------------|--------------------------------|----------------------------------|----------------------|----------------------------------|--------------------------|------------------------------|------------------------------|------------------------|

Administration Representatives

**JULY 10, 2023**

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of regular Council Meeting Minutes dated June 26, 2023.
5. Mayor's Report:
  - (a) Mayor's Court Financial Report for the month ending June 2023 will be posted on the website and added to the minutes for the record;
  - (b) 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 June 26, 2023 |               |
| Finance Committee.....                                                        | Mr. Hanek     |
| Safety & Environment Committee.....                                           | Mr. Kuczma    |
| Planning & Zoning Committee.....                                              | Mr. Delsanter |
| Planning & Zoning Committee Minutes dated June 26, 2023                       |               |
| Parks, Recreation & Community Committee.....                                  | Mrs. Piper    |
| Parks, Recreation & Community Committee Minutes dated June 26, 2023           |               |
| Building & Building Code Committee.....                                       | Mr. Abella    |
8. Other Committees, Boards and Commissions
  - (a) Committee-of-the-Whole Minutes dated June 26, 2023
9. Petitions from the Public on Legislation

## 10. Reading of Legislation and Action on Legislation:

## a. 3rd Reading(s)

**ORD. NO. 44-2023** - An ordinance establishing Section 432.47 of the City of Brunswick Codified Ordinances Titled "Distracted Driving." - **3rd Reading** (Safety & Environment Committee, *Administration/Robert Safran*)

## b. 2nd Reading(s)

**RES. NO. 47-2023** - An emergency resolution authorizing the City Manager to enter into an agreement with HDI-Enterprises to refinish the gymnasium floor at the Brunswick Community Recreation and Fitness Center in an amount not to exceed \$43,000.00. - **2nd Reading** (Parks, Recreation & Community Committee, *Administration/Taylor Petkovsek*)

**ORD. NO. 51-2023** - An ordinance amending Section 1072.03 of the City of Brunswick Codified Ordinances by increasing fees for opening, closing and maintaining graves. - **2nd Reading** (Committee-of-the-Whole, *Administration/Paul Barnett*)

## c. 1st Reading(s)

**RES. NO. 53-2023** - An emergency resolution authorizing the City Manager and City Engineer to submit a grant and loan application to the Ohio Public Works Commission Issue 1 Program for the Pepperwood Drive Reconstruction Phase 1 project. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

**RES. NO. 54-2023** - An emergency resolution declaring it necessary to renew an existing 1.2-mill tax levy for the purpose of providing for the general construction, reconstruction, resurfacing, and repair of streets, roads and bridges in the City for a period of ten (10) years, pursuant to Sections 5705.03, 5705.19(G) and 5705.191 of the Revised Code. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration, Ken Fisher*)

## 11. City Manager's Report

## 12. Administrative Departments

## 13. Open Forum

## 14. Unfinished Business

## 15. New Business

- (a) Notice of submission to City Council of an Application to Designate Property within the City of Brunswick as an Outdoor Refreshment Area from the City Manager pursuant to Ohio Law.

16. Adjournment

## SERVICES, UTILITIES, TECHNOLOGY & CABLE COMMITTEE

June 26, 2023

**IN ATTENDANCE:** Chairman Tim Smith, Committee Member Michael Abella Jr., Committee Member Keith Kuczma, Nicholas Hanek, Kristy Piper, City Manager/Safety Director Carl DeForest, Law Director Ken Fisher, Parks & Recreation Director Taylor Petkovsek, Service Director Paul Barnett, City Engineer Matt Jones, Clerk of Council Laura Timura, Assistant Clerk of Council Irene Jayapandian, News Media

The meeting convened at 6:10 p.m.

### DISCUSSION ITEMS:

- a) **RES. NO. 50-2023** - An emergency resolution authorizing the City Manager to enter into an agreement with Konstruction King, Inc. for the 2023 Concrete Repair Program in an amount not to exceed \$293,375.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

Mr. Jones remarked that the Administration rebid the 2023 Concrete Repair Program. He noted that the original bid took place in April but exceeded the Division of Engineering's estimate by over 22%. Because of this, the Division of Engineering adjusted the item quantities to keep the project within the budget. After rebidding, the lowest bid came in at \$293,375, slightly over the budget of \$280,000.

Mr. Smith asked if Konstruction King, Inc. was the initial bidder before the rebid.

Mr. Jones answered that it was. He added that of the firms that bid this time, three bid last time.

Mr. Smith inquired why this resolution was an emergency.

Mr. Jones replied that it was an emergency to get the program going. He stated that construction projects usually require emergencies with suspensions of the rules to complete the project on time.

Mr. Kuczma asked how Konstruction King's bid compared to other bids.

Mr. Jones said that the individual line item prices were relatively the same. He stated that the current bid is coming in with lower item quantities.

Mr. Kuczma moved Resolution 50-2023 to tonight's Council Agenda of June 26, 2023, as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

### GENERAL DISCUSSION:

There was none.

**ADJOURNMENT:**

Being no further business, Mr. Kuczma moved to adjourn at 6:13 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

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

Tim Smith  
Chairman

## PLANNING & ZONING COMMITTEE

June 26, 2023

**IN ATTENDANCE:** Chairman Joseph Delsanter, Committee Member Brandon Lambert, Committee Member Kristy Piper, Nicholas Hanek, Michael Abella Jr., Tim Smith, Keith Kuczma, City Manager/Safety Director Carl DeForest, Law Director Ken Fisher, Service Director Paul Barnett, City Engineer Matt Jones, Clerk of Council Laura Timura, Assistant Clerk of Council Irene Jayapandian, News Media

The meeting convened at 6:17 p.m.

### DISCUSSION ITEMS:

- a) **ORD. NO. 52-2023** - An emergency ordinance establishing a six (6) month temporary moratorium on the acceptance and processing of rezoning, conditional use and/or use variance applications for all real property located in the R-L Low Density Residential District, and the issuance of such approvals. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

Mr. Fisher explained that this ordinance is regarding a six-month moratorium to allow an opportunity for City officials and outside consultants to study the City's zoning code as it relates to its existing residential homes and how they interpose with adjoining and nearby non-residential areas, such as commercial or industrial properties. Mr. Fisher continued that this is to make sure that the Administration is protecting the residents in the City and making sure that the Administration is maintaining the City's neighborhoods. He added that this moratorium is City-wide to allow the study to occur.

Mr. Delsanter asked if this ordinance would hold off on events such as planning districts.

Mr. Fisher answered that this ordinance is not necessarily looking at Special Planning Districts. It concerns neighborhoods in the City, primarily those close to commercial districts, to ensure that the Administration is enforcing the zoning code and protecting the interests of the City's residents. He stated that this is an emergency with suspension of the rules because not having it be an emergency would defeat the purpose of the moratorium.

Mr. Hanek revealed that there are concerns regarding the imposition of an interchange, and this ordinance is partly in reaction to how the City should deal with properties in that area. He revealed that he is fine with moving forward with the ordinance but is also okay with it staying in committee to be reworked. He added that the intention of the ordinance is to have some thought processes regarding zoning in some corridors.

Mr. Fisher explained that the ordinance is about taking existing homes and rezoning them to non-residential use. The intent is to do a city-wide study on residential properties and ensure that rezoning requests are made in a way consistent with the Administration's overall master plan and comprehensive zoning code.

Mr. Delsanter added that this ordinance is somewhat a reexamination of the City's comprehensive plan as it is facing unwarranted catastrophic impacts to this community. He agreed with the idea of this ordinance.

Mr. Fisher disclosed that there were concerns from various council people regarding residential areas, and this ordinance allows the City to study its comprehensive zoning code and ensure that the interests of the City's property owners are protected. He disclosed that there are no current applications to rezone residential properties to non-residential at this time.

Mr. Lambert moved Ordinance 52-2023 to tonight's Council Agenda of June 26, 2023, as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

**GENERAL DISCUSSION:**

There was none.

**ADJOURNMENT:**

Being no further business, Mrs. Piper moved to adjourn at 6:24 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

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

Joseph Delsanter  
Chairman

## PARKS, RECREATION & COMMUNITY COMMITTEE

June 26, 2023

**IN ATTENDANCE:** Chairwoman Kristy Piper, Committee Member Keith Kuczma, Committee Member Tim Smith, Nicholas Hanek, Joseph Delsanter, Brandon Lambert, Michael Abella Jr., City Manager/Safety Director Carl DeForest, Law Director Ken Fisher, Parks & Recreation Director Taylor Petkovsek, Service Director Paul Barnett, City Engineer Matt Jones, Clerk of Council Laura Timura, Assistant Clerk of Council Irene Jayapandian, News Media

The meeting convened at 6:14 p.m.

Mr. Delsanter arrived at 6:16 p.m.

### DISCUSSION ITEMS:

- a) **RES. NO. 47-2023** - An emergency resolution authorizing the City Manager to enter into an agreement with HDI-Enterprises to refinish the gymnasium floor at the Brunswick Community Recreation and Fitness Center in an amount not to exceed \$43,000.00. - **1st Reading** (To be brought from Parks, Recreation & Community Committee, *Administration/Taylor Petkovsek*)

Mrs. Petkovsek recounted that she came to Council a few months ago requesting permission to request a proposal to resurface the gymnasium floor in the Recreation Center. She revealed that the Division of Recreation received two proposals. She explained that both prices were very competitive, but HDI-Enterprises had a much better timeline. She remarked that HDI-Enterprises only anticipated two weeks to complete the project and added that the project could start as early as August, which is why an emergency with three readings is needed. If the project is completed in August, the Recreation Center could host Men's Basketball League and youth basketball programs in the fall.

Mr. Smith moved Resolution 47-2023 to tonight's Council Agenda of June 26, 2023, as an emergency with three readings. Vote – 3 Ayes, 0 Nays.

### GENERAL DISCUSSION:

Mr. Kuczma asked if everything was set up for the Brunswick Freedom Celebration next week.

Mrs. Petkovsek replied that all contracts and agreements have been signed for the fireworks, band, and circus. She added that there have already been a lot of ticket sales for the circus.

Mr. Kuczma clarified that fireworks are on Wednesday if it rained, and asked if the concert would go on if it rained.

Mr. Petkovsek answered that the concert would continue.

### ADJOURNMENT:

Being no further business, Mr. Kuczma moved to adjourn at 6:17 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,



Kristy Piper  
Chairwoman



## COMMITTEE OF THE WHOLE

June 26, 2023

**IN ATTENDANCE:** Nicholas Hanek, Joseph Delsanter, Keith Kuczma, Michael Abella Jr., Tim Smith, Kristy Piper, Brandon Lambert, City Manager/Safety Director Carl DeForest, Law Director Ken Fisher, Service Director Paul Barnett, City Engineer Matt Jones, Clerk of Council Laura Timura, Assistant Clerk of Council Irene Jayapandian, News Media

The meeting convened at 6:24 p.m.

### DISCUSSION ITEMS:

#### a) Road Levy

Mr. Barnett disclosed that the current road levy expires on December 31, 2023. The last year of collection will be in 2024. If the Administration wants to move forward with a new road levy, it would need to be passed in 2023 or early 2024.

Mr. Fisher stated that the intent is that the levy would be imposed next year.

Mr. Abella inquired if the levy would be considered a renewal or a new levy.

Mr. Fisher responded that it would be a new levy.

Mr. Hanek asked if the levy would be considered a renewal if it was done in the fall of 2023.

Mr. Fisher answered that the levy would be a renewal at that point.

Mr. Abella advised that imposing the levy in the fall of 2023 would be ideal so that it can be called a renewal.

Mr. Barnett revealed that a \$1 million project three years ago costs about \$1.3 million now. He stated that if the road levy is renewed at the same rate, not as much work will be able to get done as wanted. The original goal of the old levy was to increase the PCI (Pavement Condition Index) by about 8% over ten years. Mr. Barnett continued that this goal was achieved by scaling back on money used for staffing and maintenance of buildings and using those funds to supplement road levy funds.

Mr. Kuczma reminded that the citizens of the City just passed the school and fire station levies. He questioned whether imposing another levy on them so soon after would be a good idea.

Mr. Delsanter remarked that the City does not currently receive what it would require to provide excellent and fulfilling road projects. He continued that the City has earned credibility through results and good management of road projects with a moderate amount of money. He explained that the Administration has to be sensitive to the current economic state and that the Administration has another election cycle to make a decision, if necessary. He added that, without the levy, the City would not be able to do the road projects it has been doing, and it will lose at least 30% of its ability to do road projects.

Mr. Hanek stated the discussion surrounding the levy will be ongoing.

**b) Revised High Weed and Mowing Rates**

Mr. Barnett explained the City's current mowing contractor increased his rate from \$18 an hour to \$40 an hour. He proposed that the City should charge what the contractor charges plus a \$250 administrative fee. This pricing model matches the city of Wadsworth's and would offset some of the costs that the City would incur. He added that the goal is not to make money but to get citizens to cut their lawns.

Mr. Delsanter offered that most offenses are by repeat offenders and asked if there were other actionable means to deter citizens from being absent from their lawn care responsibilities.

Mr. Fisher reminded that this action is only done in extreme circumstances if the property owner, after repeat communication, refuses to maintain their property.

Mr. Barnett revealed that, two years ago, there were twice as many offenders.

Mr. Abella asked how long after notice the City waits before mowing the lawn and charging the resident.

Mr. Barnett responded that, by ordinance, the City waits for three days before going out and cutting the lawn, but, in reality, the process takes about a week after the notice if the citizen has yet to make an effort.

Mr. Fisher added that these are extreme cases where the lawn becomes a nuisance and causes problems within the neighborhood.

Mr. Kuczma inquired whether the cost to the citizen could be raised after a certain amount of offenses.

Mr. Fisher reminded that this issue is not a criminal or penal ordinance; the City is just looking to recoup its money.

Mr. Barnett added that the lawn offenses are becoming more manageable. He recommended increasing the price and if that does not work, Council could explore other options to get citizens to maintain their lawns.

**MOTION ITEMS:**

- a) A Motion to authorize the City Manager to extend the current contract with LNE Group from July 1, 2023 through June 30, 2024, at a cost of \$49,000

Mr. DeForest revealed that the City has been working with LNE Group for approximately five years. The group has successfully identified and assisted the City in applying for grants. He remarked that, recently, the City received a \$1.5 million EPA grant and has been promised \$4.5 million in federal funding, which has yet to be funded. Still, the return on investment with LNE Group has been phenomenal. He added that money has already been budgeted to extend the contract.

Mr. Delsanter moved to authorize the City Manager to extend the current contract with LNE Group from July 1, 2023 through June 30, 2024, at a cost of \$49,000. Vote – 7 Ayes, 0 Nays.

**REVIEW LEGISLATION:**

- a) **ORD. NO. 48-2023** - An emergency ordinance establishing Chapter 416 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

Mr. Fisher explained that this ordinance establishes Chapter 416, which, except as otherwise required by applicable federal law, prohibits the construction of any interchange without Council's approval, specifically to or from the Eisenhower Interstate system.

Mr. Fisher disclosed that this ordinance would be adopted pursuant to the City's Home Rule Authority granted by Article 18, Section 3 of the Ohio Constitution.

Mr. Fisher continued that Am. Sub. H.B. 23, Adopted 5501.60 is not a general law. Therefore, the City has Home Rule Authority.

Mr. Delsanter moved Ordinance 48-2023 to tonight's Council Agenda of June 26, 2023, as an emergency with suspension of the rules. Vote – 7 Ayes, 0 Nays.

- b) **RES. NO. 49-2023** - An emergency resolution authorizing the City Manager to enter into an amended agreement to establish the Medina County Emergency Management Agency. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*)

Mr. DeForest disclosed that the Medina County Emergency Management Agency (EMA) agreement has been reworked.

Mr. DeForest added that he has been on the Executive Committee for the Emergency Management Agency for fifteen years, and that an overwhelming number of representatives throughout the County on the Executive Committee believe that the revised EMA agreement is fair and equitable.

Mr. Hanek reminded that there were some discussions with the commissioners regarding the agreement. After reviewing the revised agreement, Mr. Hanek noted that the agreement is substantially better than what was initially proposed.

Mr. Hanek voiced his appreciation for the commissioners for taking another look at the agreement and making changes.

Mr. Delsanter revealed that he attended an EMA meeting and stated that kind words were said about Mr. DeForest and his participation. Mr. Delsanter added that the City could do many things regarding facilitation for the Emergency Management Agency. He stated that the EMA's appreciation for Mr. DeForest and his involvement with the Executive Board signals respect for both Mr. DeForest and the City of Brunswick.

Mr. Delsanter moved Resolution 49-2023 to tonight's Council Agenda of June 26, 2023, as an emergency with suspension of the rules. Vote – 7 Ayes, 0 Nays.

- c) **ORD. NO. 51-2023** - An ordinance amending Section 1072.03 of the City of Brunswick Codified Ordinances by increasing fees for opening, closing and maintaining graves. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Paul Barnett*)

Mr. Barnett disclosed that this ordinance is a modification of the costs for burials. He added that the proposed costs entail what it costs to pay the contractor plus \$100.

Mr. Barnett continued that the City's costs are between Wadsworth's and Medina's on all burial services except cremations and infant burials.

Mr. Smith asked if the City would charge \$100 over the contractor rate amount if the rates went up again.

Mr. Barnett recanted that the City is charging \$100 over the bid price for residents and \$200 for non-residents. Mr. Hanek asked if there was any way that the City could not charge for infant graves.

Mr. Barnett disclosed that every city he knows charges for infant graves, citing Wadsworth and Medina. He stated that Brunswick would absorb the costs if it did not charge for infant graves.

Mr. Lambert stated that he is okay with the City absorbing the costs.

Mr. Hanek agreed and added that he is okay with moving forward and amending the language of the ordinance to have the City not charge for infant burials.

Mr. Hanek asked Mr. DeForest if there would be any objections to that idea.

Mr. DeForest responded that the City would have to budget for not charging for infant graves.

Mr. Hanek inquired as to how many infant deaths occur in the City.

Mr. Barnett replied that it is a very seldom occurrence.

Mr. Kuczma asked what an infant is defined as.

Mr. DeForest responded that an infant is defined as a newborn to 3 years old.

Mr. Barnett asked if infant cremations are included in this amendment.

Mr. Hanek replied that they are.

Mr. Delsanter stated that the City could absorb the cost of newborn to 3-year-old burials. If it becomes a budgetary problem, it can be addressed by the Administration at that point.

Mr. Delsanter moved Ordinance 51-2023 to tonight's Council Agenda of June 26, 2023, for first reading with Law Department modification to the text of the ordinance before second reading. Vote – 7 Ayes, 0 Nays.

#### **GENERAL DISCUSSION:**

Mr. Hanek disclosed that when adjourning Committee-of-the-Whole, the intent would be to reconvene in Committee-of-the-Whole following the Council Meeting to enter into Executive Session.

Mr. Fisher advised that Council should adjourn Committee-of-the-Whole, go into the Council Meeting, and vote to go into Executive Session at the end of the Council Meeting.

#### **ADJOURNMENT:**

Being no further business, Mr. Delsanter moved to adjourn the Committee of the Whole Meeting at 6:58 p.m. Vote – 7 Ayes, 0 Nays.

Submitted Respectfully,



Irene Jayapandian  
Assistant Clerk of Council

## PROPOSED LEGISLATION



**DATE:** 7/10/2023

**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." - **3rd Reading** (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: 1<sup>st</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading \_\_\_\_\_

3<sup>rd</sup> Reading \_\_\_\_\_

ADOPTED: \_\_\_\_\_

AYES \_\_\_\_\_

NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_

Clerk of Council  
Laura E. Timura

## PROPOSED LEGISLATION



**DATE:** 7/10/2023

**TO:** Vice Mayor Nicholas Hanek and Members of City Council

**FROM:** Carl S. DeForest, City Manager  
Taylor Petkovsek

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **RES. NO. 47-2023** - An emergency resolution authorizing the City Manager to enter into an agreement with HDI-Enterprises to refinish the gymnasium floor at the Brunswick Community Recreation and Fitness Center in an amount not to exceed \$43,000.00. - **2nd Reading** (Parks, Recreation & Community Committee, *Administration/Taylor Petkovsek*)

**BACKGROUND:** On March 27, 2023, City Council approved a motion for the Brunswick Community Recreation & Fitness Center to request proposals for gymnasium floor refinishing. Motion was approved 7-0. Request for proposals were advertised on 4/11 and 4/18 with a closing date of 5/8. Two proposals were received.  
Review committee score sheets included. Awarded to HDI-Enterprises.

The BCRFC basketball gymnasium floor is original to the facility opening in 1991. Annually, for the last decade at a minimum, we have been performing annual maintenance on the floor. The annual maintenance is a light scrub, and applying two coats of water-based urethane. Based on the age of the original wood floor, we must invest in a full gym floor sanding, painting and finishing. This work is the next best option below a new basketball gymnasium floor. The work that would be completed is; sand the gym floor with coarse, medium fine and extra fine grades of sandpaper, boards that are warped or damaged will be replaced, apply oil base gym floor sealer, paint basketball, pickleball and a new logo, install new baseboards. This would extend the life of our gymnasium floor for potentially another 30 years.

**PURPOSE AND  
EXPLANATION:**

**IMPLEMENTATION**

**SCHEDULE:** 1st reading: 6/26  
2nd reading: 7/10  
3rd reading: 7/24  
Would plan for work in August

**FINANCIAL  
INFORMATION:**

**FINANCIAL  
SUMMARY:**

Gymnasium floor refinishing has been budgeted in the Capital Improvement Fund - Account #300-0522-56250. In an amount not to exceed \$43,000.00.

The original budget included \$40,000 for this project plus an additional \$3,000 in unused appropriations related to the playground improvement project.

**RECOMMENDED  
ACTION:**

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

If emergency or suspension of the rules, why the request?  
Recommending 3 readings with emergency. Due to the gymnasium schedule (youth fall basketball league and men's league) we are requesting 3 readings with emergency so that the work could be completed in August 2023 and be ready for youth/adult programming in the Fall.

**ADDITIONAL  
INFORMATION:**



HDI Enterprises LLC  
10133 US 641 N.  
Puryear, TN 38251  
O: 731-247-5552  
F: 731-247-5554  
C: 731-363-5142  
HDI-Enterprises.com  
Thomas@hid-enterprises.com

# Proposal

---

**PROJECT:** Brunswick Community Recreation and Fitness Center RFP#2023-001 Gymnasium Refinishing  
3637 Center Rd.  
Brunswick, Oh 44212

**TO:** City of Brunswick Director of Parks and Recreation  
4095 Center Rd.  
Brunswick, Oh 44212

**FROM:** HDI Enterprises LLC - Thomas Kopriva (Operations Manager)  
10133 Hwy 641 N  
Puryear, Tn 38251

**SCOPE:** Refinish and Repair Gymnasium Floor Approx. 8910 sq.ft.

## TO BE COMPLETED FOR THE TOTAL SUM OF:

Forty three thousand dollars and zero cents \$43,000.00

---

**Please acknowledge this document to act as and be considered now and from now henceforth a/the Proposal From HDI Enterprises LLC to provide the following to: City of Brunswick :**

Sand Gym floor down to bare wood per MFMA guidelines, repair up to one thousand sq.ft. Of damaged wood, seal with 2 coats of oil based sealer, paint games lines (1) one main basketball court, (2) two crossing side basketball courts, (2) two volleyball courts and (3) three pickleball courts and 2 color center court logo, contained within center court, as designed by owner after award. If more than 2 colors are desired please add an additional \$1500.00 per color. Apply 2 coats of oil based finish. Furnish and install 4" black bases around perimeter of floor and furnish and install 6" metal thresholds.

**Terms:** To be paid per bid docs.

Only such work as described above or attached hereto or sent separately such as specs, installation instructions, drawings, renderings and or plans that are made note of or mentioned above will be provided. Which supersedes all previous if any proposals or agreements verbal or written. Unless otherwise agreed upon in writing the all scopes will be performed with strict accordance to attached Specs and installation instructions which will at all times be approved and or recommended by manufacturer and will be in accordance with all MFMA standards. HDI Enterprises LLC is an Approved Licensed MFMA Sports Flooring Contractor which can be easily confirmed by visiting [www.MFMA.org](http://www.MFMA.org).

**SUBMITTED BY:**  **DATE:** 5-4-2023

**PRINT:** Thomas Kopriva Jr. HDI Enterprises LLC

**APPROVED:** \_\_\_\_\_

**PRINT:** \_\_\_\_\_

### PROPOSAL SIGNATURE FORM

*This page, signed by an officer of the offering company or a designated agent empowered to bind that entity in a contract with the City of Brunswick, is required to accompany the proposal submitted for consideration. If signed by someone other than an officer, complete and submit the Proposal Signature Affidavit along with this form.*

I, the undersigned, having carefully examined the Request for Proposals (RFP), propose to furnish services in accordance therewith as set forth in the attached proposal.

I hereby certify that, to the best of my knowledge, this submission is complete and all statements made therein are true and accurate.

I also affirm I am duly authorized to sign and submit this response on behalf of the Company named below.

By my signature below, I attest that I have read, understand, and agree to the terms, conditions, and requirements set forth in the RFP, including any special terms and conditions incorporated in the solicitation documents.

**Failure to sign and return this form shall result in the rejection of the accompanying proposal.**

#### OFFEROR INFORMATION:

COMPANY NAME:

HDI Enterprises LLC

ADDRESS:

10133 Hwy 641 N

CITY, STATE, ZIP:

Puryear, Tn 38251

PHONE: 731-247-5552

EMAIL: Thomas@hdi-enterprises.com

#### AUTHORIZATION TO PROPOSE:

  
Signature (Manually signed in ink)

Thomas Kopriva Jr.  
Name (print)

5-4-2023  
Date

Operations Manager  
Title

**PROPOSAL SIGNATURE AFFIDAVIT**

COUNTY OF: HENRY

STATE OF: TENNESSEE

Kimberly Rogers, being duly sworn deposes and says that he/she is  
(NAME OF AFFIANT)\*

Contract Admin of HDI ENTERPRISES LLC  
(TITLE) (COMPANY)

a corporation organized and existing under and by virtue of the laws of the State of  
TENNESSEE and having its principle office at

10133 Hwy 641 N Puryear, TN 38251  
(NUMBER AND STREET) (CITY/STATE) (ZIP CODE)

Affiant further says that he/she is familiar with the records, minute books and by-laws of

HDI Enterprises LLC; Affiant further says that  
(NAME OF COMPANY)

THOMAS KOPRIVA JR is OPERATIONS MANAGER  
(NAME OF PERSON SIGNING PROPOSAL/CONTRACT) (TITLE)

of the corporation, is duly authorized to submit a proposal for BRUNSWICK Community Recreation & Fitness Center Gym Floor Refinishing  
(CONTRACT OR PROJECT NAME)

for said corporation by virtue of

By laws  
(STATE WHETHER A PROVISION OF BY-LAWS OR A RESOLUTION OF THE BOARD OF DIRECTORS. IF BY RESOLUTION, GIVE DATE OF ADOPTION.)

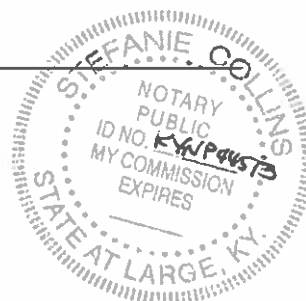
[Signature]  
(SIGNATURE OF AFFIANT)\*

\*AFFIANT MUST BE SOMEONE OTHER THAN THE INDIVIDUAL SIGNING THE PROPOSAL/CONTRACT.\*

Sworn to before me and subscribed in my presences this 4 day of May, 2023.

Stefanie Collins  
(NOTARY PUBLIC)

My Commission Expires: 03/05/26



## Jamee S. Gerrick

---

**From:** Thomas Kopriva <thomas@hdi-enterprises.com>  
**Sent:** Monday, May 22, 2023 10:03 AM  
**To:** Jamee S. Gerrick; Kim Rogers  
**Subject:** Re: Gymnasium Floor Refinishing Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning. I hope all is well!.. Just getting close to d day with our baby boy coming soon. Im pretty sure he will be coming early. I have a few site visits I need to make over the next couple days but want to make sure I get these answered before leaving.

Thank you for your submitted proposal for our Gymnasium Floor Refinishing Project. Our RFP Selection Committee is requesting the following information:

1. Photographic materials displaying previous experience completing similar jobs. pics in the following email
2. Detailed information displaying the price structure and how the financial figures within your proposal were built. We resand alot of floors on a annual basis. We have a average amount of time that it takes us to complete these by square foot so essentially applied that figure to the square footage of this project and come up with our contract price. One of our Forman's lives about a hour away from this facility and is anxious to be apart of this project so we bid a little lower than normal and threw in the center court logo as a cherry on the cake to make it easier for you to select us. The last time we were out there we noticed there was a area under the basketball goals that was a little soft and may be in need of replacing so we included a allowance up to 1k sq feet to cover this repair and any others that we may find . We have alot of this wood in stock and repairing those areas are rather simple for us so we didnt attach any extra dollars to that. *Worst part of court*
3. An anticipated timeline for when the project can begin on your company's schedule as well as a projection for the length or time the job would take to be completed. We have openings in June as early as the first week at this point. The job duration would be 2 weeks or less

*Much better than 6-7 weeks...*

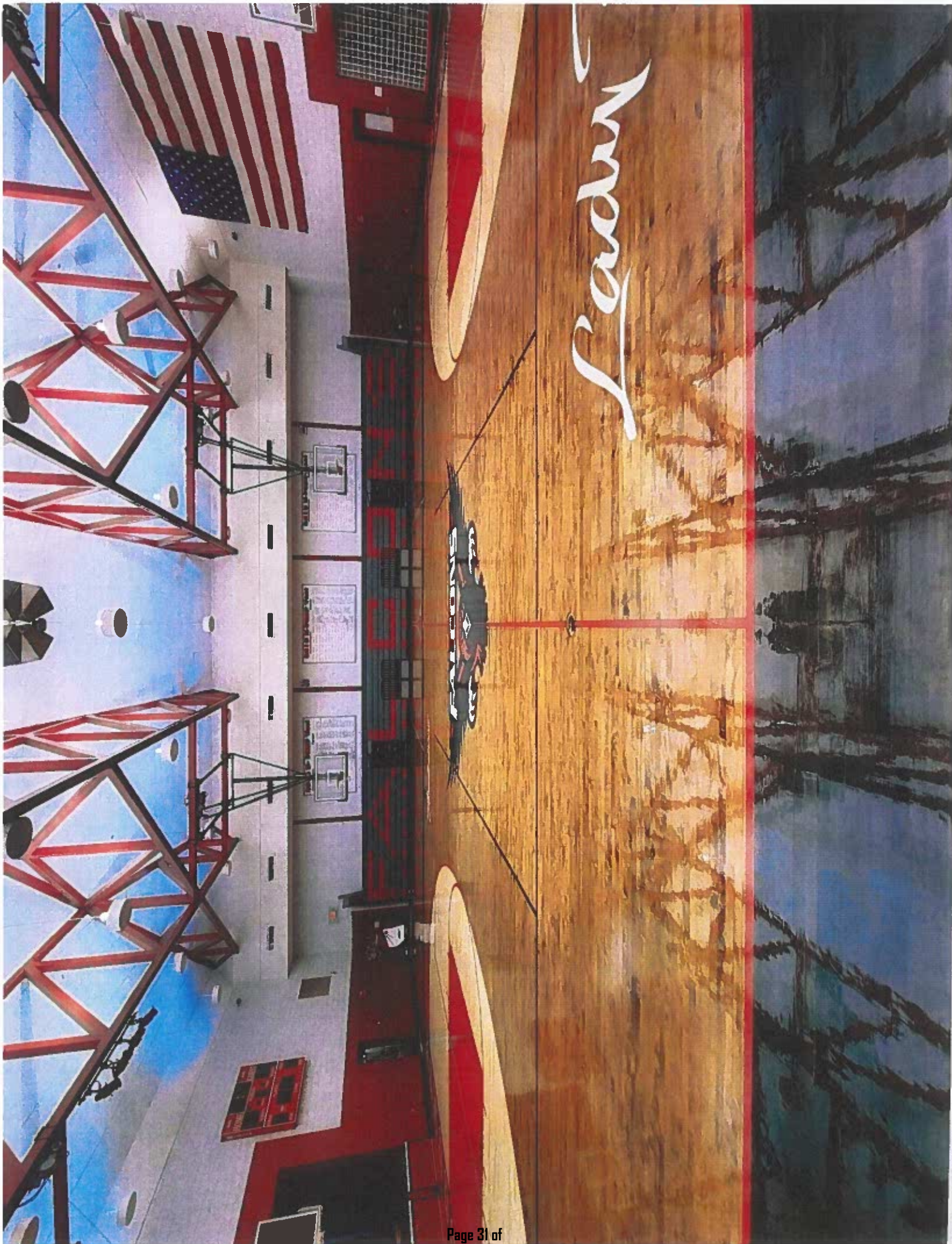
Thomas F. Kopriva Jr.











# HOME OF THE LADY FALCONS & FALCONS

HOME OF THE LADY FALCONS & FALCONS



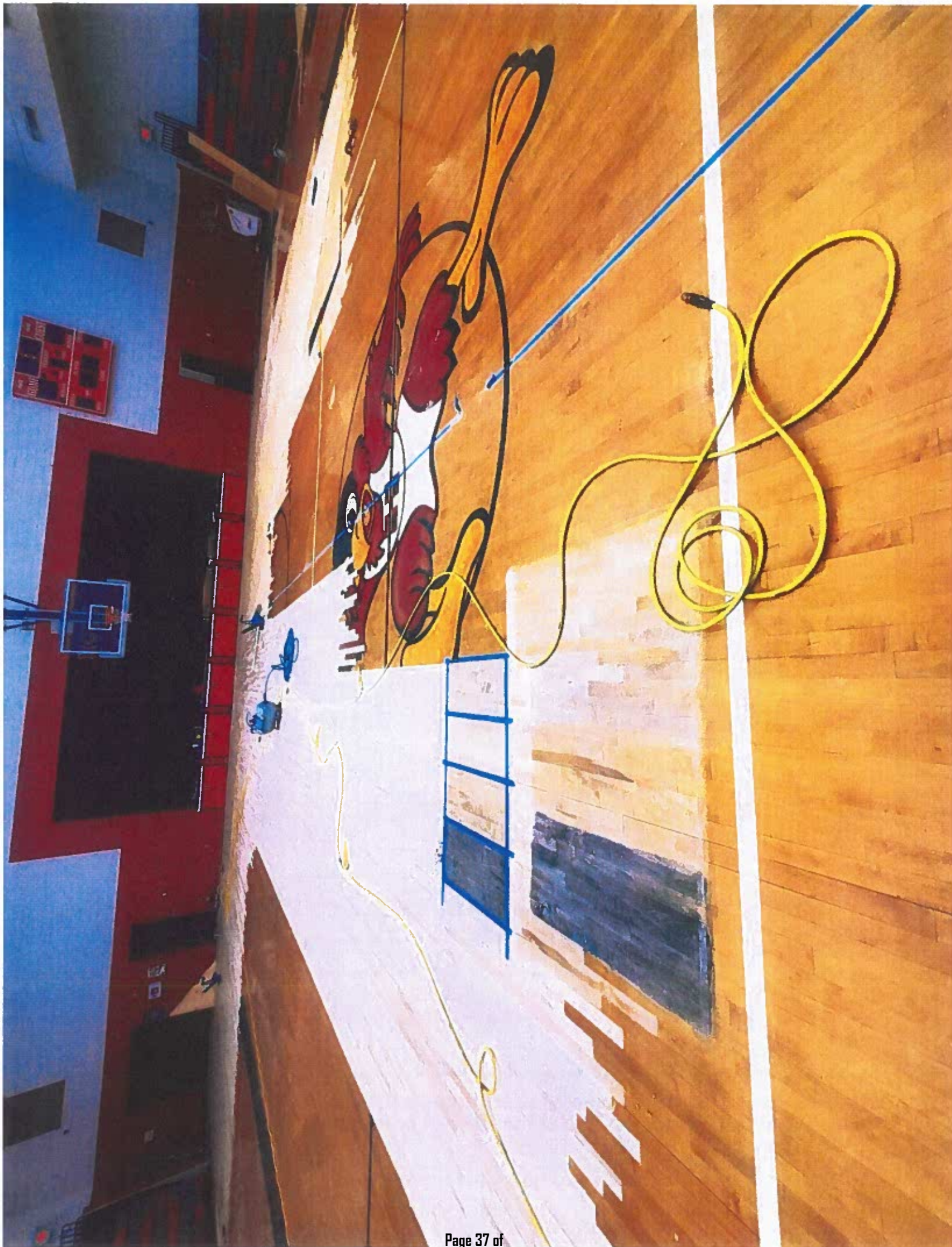
Go Big  
**RED**



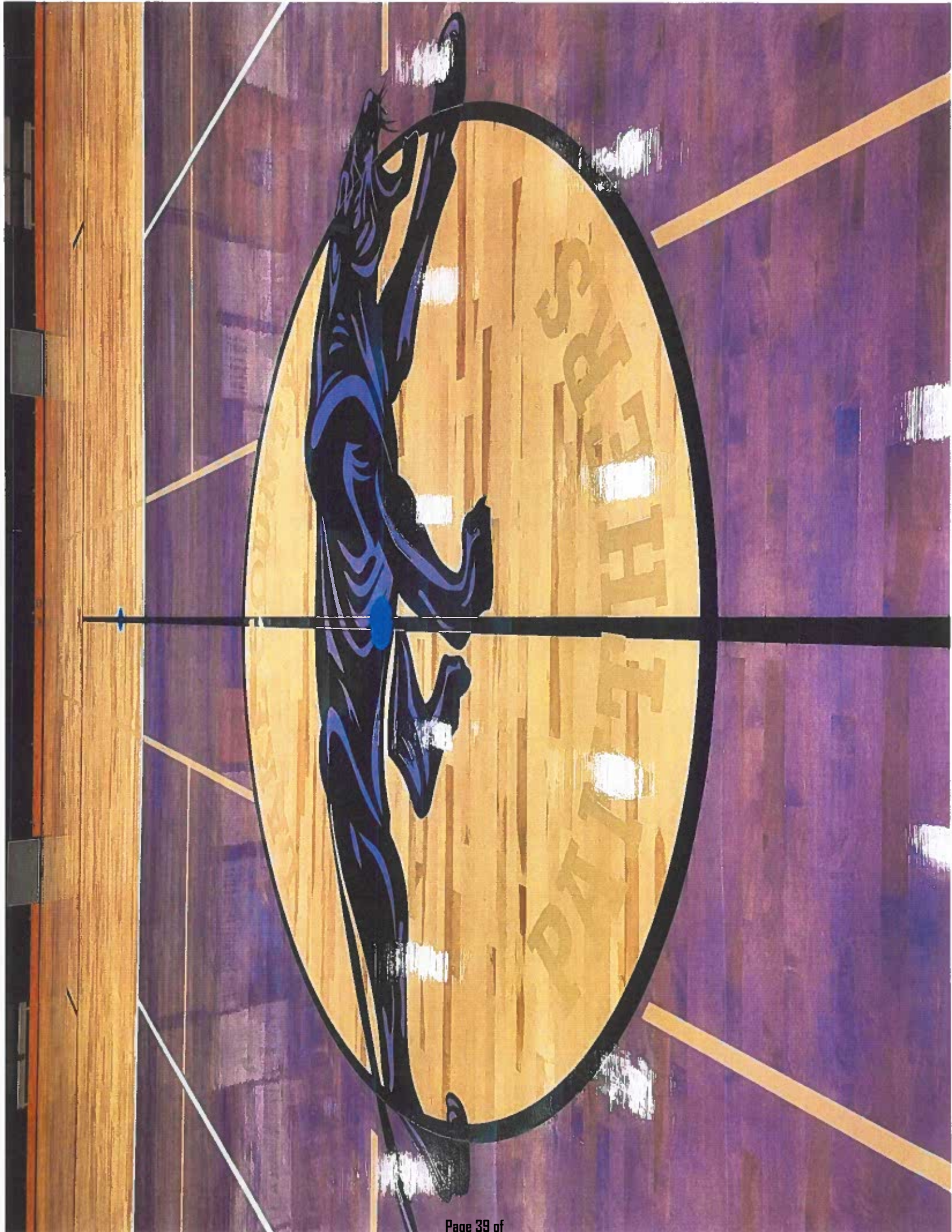












**2023 Gymnasium Floor Refinishing Project**  
**RFP 2023-001**

Submitted By: HDI - Enterprises LLC  
Scored By: Jared Dingess  
Date Scored: 5-26-2023

|                                                                                             | SCORING       |                  |                    |
|---------------------------------------------------------------------------------------------|---------------|------------------|--------------------|
|                                                                                             | NO<br>(0 pts) | MEETS<br>(3 pts) | EXCEEDS<br>(5 pts) |
| Proposer submitted the designated written information to the City                           |               | X                |                    |
| Prior experience of the Proposer in completing similar gymnasium floor resurfacing projects |               |                  | X                  |
| Proposer's pricing structure                                                                |               | X                |                    |
| Proposer's ability to meet anticipated completion date                                      |               |                  | X                  |

**Additional Comments:**

- Availability and job duration are both fantastic. A couple weeks of down time in the middle of summer when the rec center generally has lower population.
- Previous job photographs look much more on par with the job we are proposing.
- Language of Thomas Kopriva (operations manager) sounded a lot more positive and enthusiastic to take on the job.

**2023 Gymnasium Floor Refinishing Project**  
**RFP 2023-001**

Submitted By: HDI-Enterprises LLC  
Scored By: Taylor Pethorsek  
Date Scored: 5/27/23

|                                                                                             | SCORING       |                  |                    |
|---------------------------------------------------------------------------------------------|---------------|------------------|--------------------|
|                                                                                             | NO<br>(0 pts) | MEETS<br>(3 pts) | EXCEEDS<br>(5 pts) |
| Proposer submitted the designated written information to the City                           |               | ✓                |                    |
| Prior experience of the Proposer in completing similar gymnasium floor resurfacing projects |               |                  | ✓                  |
| Proposer's pricing structure                                                                |               |                  | ✓                  |
| Proposer's ability to meet anticipated completion date                                      |               |                  | ✓                  |

18/20

**Additional Comments:**

The additional information HDI-Enterprises supplied as requested was detailed and explained pricing structure. Included information about price structure in #2 suggested <sup>how</sup> why prices was determined. Better timeline to get job done.

**2023 Gymnasium Floor Refinishing Project**  
**RFP 2023-001**

**Submitted By:** HDI Enterprises

**Scored By:** Samee Gerrick

**Date Scored:** 5/27/23

|                                                                                             | SCORING       |                  |                    |
|---------------------------------------------------------------------------------------------|---------------|------------------|--------------------|
|                                                                                             | NO<br>(0 pts) | MEETS<br>(3 pts) | EXCEEDS<br>(5 pts) |
| Proposer submitted the designated written information to the City                           |               | ✓                |                    |
| Prior experience of the Proposer in completing similar gymnasium floor resurfacing projects |               | ✓                |                    |
| Proposer's pricing structure                                                                |               |                  | ✓                  |
| Proposer's ability to meet anticipated completion date                                      |               |                  | ✓                  |

**Additional Comments:**

HDI provided a detailed layout of pricing including possible add-ons and repairs. HDI had a very exciting timeline for project from start to finish

**2023 Gymnasium Floor Refinishing Project**  
**RFP 2023-001**

**Submitted By:** Cincinnati Floor Company

**Scored By:** Taylor Pethorsek

**Date Scored:** 5/27/23

|                                                                                             | SCORING       |                  |                    |
|---------------------------------------------------------------------------------------------|---------------|------------------|--------------------|
|                                                                                             | NO<br>(0 pts) | MEETS<br>(3 pts) | EXCEEDS<br>(5 pts) |
| Proposer submitted the designated written information to the City                           |               | ✓                |                    |
| Prior experience of the Proposer in completing similar gymnasium floor resurfacing projects |               | ✓                |                    |
| Proposer's pricing structure                                                                |               | ✓                |                    |
| Proposer's ability to meet anticipated completion date                                      |               | ✓                |                    |

12/20

**Additional Comments:**

provided all requested information.

price was competitive

timeline to complete seems long

**2023 Gymnasium Floor Refinishing Project  
RFP 2023-001**

**Submitted By:** Cincinnati Floor Company

**Scored By:** Jamie Gerbick

**Date Scored:** 5/27/23

|                                                                                             | SCORING       |                  |                    |
|---------------------------------------------------------------------------------------------|---------------|------------------|--------------------|
|                                                                                             | NO<br>(0 pts) | MEETS<br>(3 pts) | EXCEEDS<br>(5 pts) |
| Proposer submitted the designated written information to the City                           |               | ✓                |                    |
| Prior experience of the Proposer in completing similar gymnasium floor resurfacing projects |               | ✓                |                    |
| Proposer's pricing structure                                                                |               | ✓                |                    |
| Proposer's ability to meet anticipated completion date                                      |               | ✓                |                    |

**Additional Comments:**

CFC did not include any pricing or potential costs for paint. Proposal is for a blank floor. CFC has a very long projection for gym shut-down time.

**2023 Gymnasium Floor Refinishing Project  
RFP 2023-001**

**Submitted By:** Cincinnati Floor Company  
**Scored By:** Jared Dingess  
**Date Scored:** 5-26-2023

|                                                                                             | SCORING       |                  |                    |
|---------------------------------------------------------------------------------------------|---------------|------------------|--------------------|
|                                                                                             | NO<br>(0 pts) | MEETS<br>(3 pts) | EXCEEDS<br>(5 pts) |
| Proposer submitted the designated written information to the City                           |               | X                |                    |
| Prior experience of the Proposer in completing similar gymnasium floor resurfacing projects |               | X                |                    |
| Proposer's pricing structure                                                                |               | X                |                    |
| Proposer's ability to meet anticipated completion date                                      | X             |                  |                    |

**Additional Comments:**

- No visible inclusion of finish around the exterior edges of the gym, which is important to the overall look and feel.
- Time frame: Not starting the project until August, and additionally requiring 6-7 weeks seems quite extensive
- Excluding basically any stain or graphics from the initial proposal makes the "sand and finish" figure seem a bit steep. Especially considering the job would visually look and seem unfinished.
- Images of previous jobs submitted looked really good, but we unfortunately aren't working with the finances of a private university.

CITY OF BRUNSWICK, OHIO  
RESOLUTION NO. 47-2023

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

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HDI-ENTERPRISES TO REFINISH THE GYMNASIUM FLOOR AT THE BRUNSWICK COMMUNITY RECREATION AND FITNESS CENTER IN AN AMOUNT NOT TO EXCEED \$43,000.00.

WHEREAS: The City of Brunswick received two (2) bids to refinish the gymnasium floor at the Brunswick Community Recreation and Fitness Center, in accordance with public bidding requirements; and

WHEREAS: The two (2) received public bids were opened on May 8, 2023 with HDI-Enterprises determined to be the lowest and best bidder.

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

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby authorized and directed to enter into an Agreement with HDI-Enterprises, the lowest and best bidder, to refinish the gymnasium floor at the Brunswick Community Recreation and Fitness Center in an amount not to exceed \$43,000.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary for completion of the project in August of 2023. 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: 1<sup>st</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading \_\_\_\_\_

3<sup>rd</sup> Reading \_\_\_\_\_

ADOPTED: \_\_\_\_\_

AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_

Clerk of Council  
Laura E. Timura

## PROPOSED LEGISLATION



**DATE:** 7/10/2023

**TO:** Vice Mayor Nicholas Hanek and Members of City Council

**FROM:** Carl S. DeForest, City Manager  
Paul Barnett

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **ORD. NO. 51-2023** - An ordinance amending Section 1072.03 of the City of Brunswick Codified Ordinances by increasing fees for opening, closing and maintaining graves. - **2nd Reading** (Committee-of-the-Whole, *Administration/Paul Barnett*)

**BACKGROUND:** The last change to the City Codified Ordinance of Cemeteries was January 13, 2020. There have been no cost increases since 2020.

**PURPOSE AND EXPLANATION:** The purpose of these changes are to adjust the rates charged for services to align them with the cost increases for the 2023 thru 2025 maintenance contract. The rates have not changed since 2020 and will be too low to cover the costs to provide

**IMPLEMENTATION SCHEDULE:** 3rd reading and a 30-day waiting period.

**FINANCIAL INFORMATION:**

**FINANCIAL SUMMARY:** This legislation would include increased charges as noted in the attachment(proposed changes to Codified Ordinance Section 1072). These charges are recorded as receipts/revenue on the City's books.

**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. 51-2023

BY: Committee-of-the-Whole

AN ORDINANCE AMENDING SECTION 1072.03 OF THE CITY OF  
BRUNSWICK CODIFIED ORDINANCES BY INCREASING FEES FOR  
OPENING, CLOSING AND MAINTAINING GRAVES.

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

SECTION 1: That Section 1072.03 of the Codified Ordinances is hereby amended to read as follows:

“1072.03 CHARGES FOR OPENING, CLOSING AND MAINTAINING GRAVES.

Except as may from time to time be provided by Council in exceptional and meritorious cases, the following charges shall be in effect for the opening and closing of graves and the maintenance thereof:

Residents:

|                                       |           |
|---------------------------------------|-----------|
| Adult (weekdays)                      | \$670.00  |
| Adult (weekends and holidays)         | \$770.00  |
| Newborn/Infant (up to 3 years of age) | No charge |
| Cremations                            | \$670.00  |

Non-Residents:

|                                       |           |
|---------------------------------------|-----------|
| Adult (weekdays)                      | \$770.00  |
| Adult (weekends and holidays)         | \$870.00  |
| Newborn/Infant (up to 3 years of age) | No charge |
| Cremations                            | \$870.00” |

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

---

PASSED: 1<sup>st</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading \_\_\_\_\_

3<sup>rd</sup> Reading \_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council  
Laura E. Timura

## Cemetery Internment and Perpetual Maintenance

Revised 6-19-23

| City of Brunswick            |                                   |                                   |                                                                 |                      |                   |
|------------------------------|-----------------------------------|-----------------------------------|-----------------------------------------------------------------|----------------------|-------------------|
| Open and Close Graves        | Existing<br>Codified<br>Ordinance | Proposed<br>Codified<br>Ordinance | Cost Paid to<br>Contractor<br>Without<br>Ongoing Maint.<br>Cost | City of<br>Wadsworth | City of<br>Medina |
| <b>Residents</b>             |                                   |                                   |                                                                 |                      |                   |
| Adult Weekdays               | \$550.00                          | <b>\$670.00</b>                   | \$570.00                                                        | \$800.00             | \$500.00          |
| Adult Weekends and Holidays  | \$700.00                          | <b>\$770.00</b>                   | \$670.00                                                        | \$1,900.00           | \$750.00          |
| Infant Weekdays              | \$300.00                          | <b>\$0.00</b>                     | \$570.00                                                        | \$500.00             | \$250.00          |
| Infant Weekends and Holidays | \$600.00                          | <b>\$0.00</b>                     | \$670.00                                                        | \$1,100.00           | \$500.00          |
| Cremations                   | \$300.00                          | <b>\$670.00</b>                   | \$570.00                                                        | \$325.00             | \$250.00          |
| <b>Non-Residents</b>         |                                   |                                   |                                                                 |                      |                   |
| Adult Weekdays               | \$600.00                          | <b>\$770.00</b>                   | \$570.00                                                        | \$800.00             | \$500.00          |
| Adult Weekends and Holidays  | \$850.00                          | <b>\$870.00</b>                   | \$670.00                                                        | \$1,400.00           | \$750.00          |
| Infant Weekdays              | \$350.00                          | <b>\$0.00</b>                     | \$570.00                                                        | \$500.00             | \$200.00          |
| Infant Weekends and Holidays | \$600.00                          | <b>\$0.00</b>                     | \$670.00                                                        | \$1,100.00           | \$500.00          |
| Cremations                   | \$325.00                          | <b>\$870.00</b>                   | \$570.00                                                        | \$325.00             | \$250.00          |

## PROPOSED LEGISLATION



**DATE:** 7/10/2023

**TO:** Vice Mayor Nicholas Hanek and Members of City Council

**FROM:** Carl S. DeForest, City Manager  
Matt Jones

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **RES. NO. 53-2023** - An emergency resolution authorizing the City Manager and City Engineer to submit a grant and loan application to the Ohio Public Works Commission Issue 1 Program for the Pepperwood Drive Reconstruction Phase 1 project. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

**BACKGROUND:**

**PURPOSE AND  
EXPLANATION:**

The proposed project will be a major rehabilitation of Pepperwood Drive north of Wolff Drive. Exact project limits will be determined based upon the amount of the award granted by OPWC and future Council appropriations. This project would be funded by a combination of Ohio Public Works Commission and local funds.

**IMPLEMENTATION**

**SCHEDULE:** The application deadline is in early September 2023. Should the application be successful, the project would be targeted for a mid-2024 start once funds become available.

**FINANCIAL  
INFORMATION:**

**FINANCIAL  
SUMMARY:**

Funding for this project will depend upon the amount of award granted by OPWC and approval of future Council appropriations. Once more information is received, the financial information will need to be evaluated. Furthermore, it is likely that a newly established OPWC Pepperwood Drive Improvement Fund and other OPWC funding legislation will also be required at a future date (FY 2024) in order to accept any grant or loan funding.

**RECOMMENDED  
ACTION:**

|              |     |
|--------------|-----|
| One Reading  | Yes |
| Two Readings | No  |

|                     |     |
|---------------------|-----|
| Three Readings      | No  |
| Emergency           | Yes |
| Suspension of Rules | Yes |

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

It is requested that legislation is passed by emergency measure with suspension of the rules for the immediate preservation of the public peace, property, health, safety, or welfare, and providing for the usual operation of a municipality, and for the further reason that this application can be submitted to OPWC in advance of the early September 2023 application deadline.

**ADDITIONAL  
INFORMATION:**

CITY OF BRUNSWICK, OHIO  
RESOLUTION NO. \_\_\_\_\_

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY ENGINEER TO SUBMIT A GRANT AND LOAN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION ISSUE 1 PROGRAM FOR THE PEPPERWOOD DRIVE RECONSTRUCTION PHASE 1 PROJECT.

WHEREAS: The Pepperwood Drive Reconstruction Phase 1 Project (the “Project”) is to be funded by a combination of Ohio Public Works Commission Issue 1 Program grant funds (the “Grant Funds”) with the remainder by local funds (the “Local Funds”); and

WHEREAS: The Grant and Loan Application must be submitted by early September of 2023.

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

SECTION 1: The City Manager and City Engineer are hereby authorized to submit a Grant and Loan Application to the Ohio Public Works Commission Issue 1 Program for financial assistance for the Project.

SECTION 2: In the event Grant Funds are awarded for the Project, acceptance of same by the City shall be contingent upon Council appropriating necessary amounts to meet the Local Funds contribution.

SECTION 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that the grant applications must be submitted by the early September of 2023 deadline. 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.

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PASSED: 1<sup>st</sup> Reading \_\_\_\_\_

Rules Suspended: AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council  
Laura E. Timura

## PROPOSED LEGISLATION



**DATE:** 7/10/2023

**TO:** Vice Mayor Nicholas Hanek and Members of City Council

**FROM:** Carl S. DeForest, City Manager  
Carl DeForest

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **RES. NO. 54-2023** - An emergency resolution declaring it necessary to renew an existing 1.2-mill tax levy for the purpose of providing for the general construction, reconstruction, resurfacing, and repair of streets, roads and bridges in the City for a period of ten (10) years, pursuant to Sections 5705.03, 5705.19(G) and 5705.191 of the Revised Code. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration, Ken Fisher*)

**BACKGROUND:** At an election held on May 6, 2014, the electors of the City of Brunswick approved a 1.2-mill tax levy pursuant to Sections 5705.19(G) and 5705.191 of the Revised Code for the purpose of providing for the general construction, reconstruction, resurfacing, and repair of streets, roads and bridges in the City, for a period of ten (10) years.

The authority to levy that 1.2-mill tax will expire with the levy on the 2023 duplicate for collection in the calendar year 2024.

**PURPOSE AND EXPLANATION:** Council finds that the amount of taxes that may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the City and that it is necessary to renew a 1.2-mill levy.

**IMPLEMENTATION SCHEDULE:** One reading, emergency suspension of the rules.

**FINANCIAL INFORMATION:**

**FINANCIAL SUMMARY:** Per the May 19, 2023 Amended Official Certificate of Estimated Resources (latest available), the 1.2 mill road levy is estimated to generate \$851,900 in 2023. The tax proceeds are used exclusively for neighborhood road improvements.

**RECOMMENDED ACTION:**

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

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

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

It is necessary that this resolution be in effect immediately in order to permit the City to obtain required certifications from the County Auditor and timely complete additional proceedings necessary for the submission of the question of this levy at the November 7, 2023 election.

**ADDITIONAL  
INFORMATION:**

**CITY OF BRUNSWICK, OHIO**  
**RESOLUTION NO. 54-2023**

BY: Committee-of-the-Whole

**AN EMERGENCY RESOLUTION DECLARING IT  
NECESSARY TO RENEW AN EXISTING 1.2-MILL TAX  
LEVY FOR THE PURPOSE OF PROVIDING FOR THE  
GENERAL CONSTRUCTION, RECONSTRUCTION,  
RESURFACING, AND REPAIR OF STREETS, ROADS AND  
BRIDGES IN THE CITY FOR A PERIOD OF TEN (10)  
YEARS, PURSUANT TO SECTIONS 5705.03, 5705.19(G)  
AND 5705.191 OF THE REVISED CODE.**

WHEREAS, at an election held on May 6, 2014, the electors of the City of Brunswick approved a 1.2-mill tax levy pursuant to Sections 5705.19(G) and 5705.191 of the Revised Code for the purpose of providing for the general construction, reconstruction, resurfacing, and repair of streets, roads and bridges in the City, for a period of ten (10) years; and

WHEREAS, the authority to levy that 1.2-mill tax will expire with the levy on the 2023 duplicate for collection in calendar year 2024; and

WHEREAS, this Council finds that the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the City and that it is necessary to renew a 1.2-mill levy for the purpose stated in the first preamble above; and

WHEREAS, in accordance with Section 5705.03(B)(1), the resolution of this Council as described immediately above must state all of the following, as applicable to the levy: (a) the proposed rate of the tax, expressed in mills for each one dollar of taxable value, or the dollar amount of revenue to be generated by the proposed levy; (b) the purpose of the tax; (c) whether the tax is an additional levy, a renewal or a replacement of an existing tax, a renewal or replacement of an existing tax with an increase or a decrease, a reduction or decrease of an existing tax, or extension of an existing tax to additional territory; (d) the Section of the Revised Code authorizing the submission of the question of the tax; (e) the term of years of the tax or that it is for a continuing period of time; (f) that the tax is to be levied upon the entire territory of the City; (g) the date of the election at which the question of the tax shall appear on the ballot; (h) that the ballot measure shall be submitted to the entire territory of the City; (i) the tax year in which the tax will first be levied and the calendar year in which it will be first collected; and (j) each county in which the City has territory; and

WHEREAS, in accordance with Section 5705.03(B)(2), upon receipt of a certified copy of a resolution of this Council as described immediately above, the County Auditor is to certify each of the following, as applicable to the levy: (a) the total current tax valuation of the City; (b) the number of mills for each one dollar of taxable value that is required to generate a specified amount of revenue; (c) either of the following, calculated using the tax list for the current year, and if this is not determined, the estimated amount submitted by the County Auditor to the County Budget

Commission: (i) if the levy is to renew, renew and increase, renew and decrease, reduce or decrease, or extend to additional territory an existing levy that is subject to reduction under Section 319.01 of the Revised Code, the levy's estimated effective rate, calculated using the rate described in Section 5705.03(B)(2)(b) or (d), expressed in dollars, rounded to the nearest dollar, for each one hundred thousand dollars of the County Auditor's appraised value, or (ii) for all other levies, the levy's rate, described in Section 5705.03(B)(2)(b) or (d), expressed in dollars, rounded to the nearest dollar, for each one hundred thousand dollars of the County Auditor's appraised value; (d) the dollar amount of revenue, rounded to the nearest dollar, that would be generated by a specified number of mills for each one dollar of taxable value; and (e) an estimate of the levy's annual collections, rounded to the nearest one thousand dollars, which shall be calculated assuming that the amount of the tax list of the City remains throughout the life of the levy the same as the amount of the tax list for the current year, and if this is not determined, the estimated amount submitted by the County Auditor to the County Budget Commission;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brunswick, County of Medina, State of Ohio, that:

Section 1. As used in this Resolution and in accordance with Section 5705.03(B)(1)(a) of the Revised Code, "mills" refers to mills for each one dollar of taxable value.

Section 2. This Council hereby finds, determines and declares that (i) the amount of taxes which may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the City, (ii) it is necessary to renew, for ten (10) years, an existing 1.2-mill tax levy outside of the ten-mill limitation in excess of such limitation for the purpose of providing for the general construction, reconstruction, resurfacing, and repair of streets, roads and bridges in the City, (iii) it intends to submit the question of the renewal of that levy to its electors at an election on November 7, 2023, as authorized by Sections 5705.19(G) and 5705.191 of the Revised Code, and (iv) the City has territory only in the County of Medina. If approved, that tax will be levied upon the entire territory of the City for ten (10) years, commencing in tax year 2024, for first collection in calendar year 2025.

Section 3. This Council requests the Medina County Auditor to certify to it and the City the certifications set forth in Section 5705.03(B)(2), as applicable to the proposed renewal levy.

Section 4. The Clerk of Council of this City is authorized and directed to deliver promptly to the Medina County Auditor a certified copy of this Resolution.

Section 5. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the adoption of this Resolution were taken, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were held, in meetings open to the public, in compliance with the law.

Section 6. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City and for the further reason that the immediate effectiveness of this Resolution is necessary in order to permit the City to obtain required certifications from the County Auditor and timely complete additional

proceedings necessary for the submission of the question of this levy at an election on November 7, 2023; wherefore, this Resolution shall be in full force and effect from and immediately after its adoption by the required number of votes, otherwise, at the earliest time permitted by law.

PASSED: 1<sup>st</sup> Reading \_\_\_\_\_

Rules Suspended: AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_

Clerk of Council  
Laura Timura

July 6, 2023

**BY E-MAIL ONLY**

Kenneth J. Fisher, Director of Law  
City of Brunswick  
4095 Center Road  
Brunswick, Ohio 44212

**Re: City of Brunswick, Ohio  
Road Improvement Tax Levy (Renewal) — Election Proceedings**

Dear Ken:

In accordance with your request and my recent e-mails with you, I have prepared and am enclosing the initial materials necessary to submit to the electors of the City at an election on November 7, 2023, the question of renewing the City's existing 1.2-mill tax levy for the purpose of general construction, reconstruction, resurfacing and repair of streets, roads and bridges in the City of Brunswick, Ohio, for a period of ten years, pursuant to Sections 5705.19(G) and 5705.191 of the Revised Code.

In order to place such an issue on the ballot at an election on November 7, Council will need to adopt two resolutions, obtain certain certifications from the County Auditor, and file all of the necessary documentation with the Board of Elections **before the close of business on Wednesday, August 9**. I understand the initial resolution (the enclosed "resolution of necessity") will be first considered by the Council at its regular meeting to be held on Monday, July 10.

Because the resolution of necessity needs to be effective immediately so that it can be delivered to the Medina County Auditor timely, it should be considered under separate suspension of the rules and adopted as an emergency measure at a duly called meeting of the Council not later than July 10. Following its adoption, the resolution should be posted in the usual manner and a certified copy should be promptly delivered to the Medina County Auditor.

Upon receipt of the resolution, the Medina County Auditor is to certify to the City the total current tax valuation of the City, the property tax revenue that will be produced by the proposed levy and other matters set forth in 5705.03(B)(2). The Medina County Auditor may wish to use the latest State Department of Taxation Form DTE 140R for that purpose.

After receiving the Medina County Auditor's certifications, and **before the close of business on Wednesday, August 9**, the Council must adopt a second resolution determining to proceed with the submission of the levy (the "resolution to proceed") and file a certified copy of that resolution, together with a certified copy of the enclosed resolution of necessity and the signed County Auditor's certificate, with the Medina County Board of Elections.

Please confirm to me the amounts certified by the County Auditor and the meeting at which the Council intends to consider the resolution to proceed. We will then prepare and forward the remaining materials required for the Council to consider and submit the levy. The adoption of the resolution to proceed will require the affirmative votes of 2/3 of the members of Council whether or not adopted as an emergency measure.

If you or any other City officials have any questions with regard to the steps to be taken, please let me know.

Very truly yours,

A handwritten signature in blue ink that reads "Catie Romanchek". The signature is written in a cursive, flowing style.

Catherine Ziroli Romanchek/bw  
Enclosures

Copy: Todd R. Fischer, Director of Finance (w/encl. via e-mail)  
Laura Timura, Clerk of Council (w/encl. via e-mail)

## **APPLICATION TO DESIGNATE PROPERTY WITHIN THE CITY OF BRUNSWICK AS AN OUTDOOR REFRESHMENT AREA**

WHEREAS, Ohio Revised Code Section 4301.82 authorizes the executive officer of a municipal corporation to file an application with the legislative authority of the municipal corporation to have property within the municipal corporation designated as an outdoor refreshment area or to expand an existing outdoor refreshment area to include additional property within the municipal corporation.

WHEREAS, as of the 2020 Federal Decennial Census, the City of Brunswick had a population of 35,340.

WHEREAS, Ohio Revised Code Section 4301.82 authorizes the City of Brunswick to create not more than three (3) outdoor refreshment areas (each a "DORA"), each of which shall not exceed three hundred twenty (320) contiguous acres and include at least two (2) qualified liquor permit holders (i.e., the holder of an A-1, A-1-A, A-1c, A-2, A-2f or D class permit issued under Chapter 4303 of the Ohio Revised Code).

WHEREAS, in accordance with Ohio Revised Code Section 4301.82, the undersigned City Manager of the City of Brunswick hereby submits the following Application to Designate Property Within the City of Brunswick as an Outdoor Refreshment Area (the "Application") as follows:

- 1) The proposed DORA shall consist of all or portions of eight (8) parcels of real property (as presently configured) totaling approximately 32.79 acres with a perimeter of approximately 1.64 miles as depicted on the Map as attached hereto as Exhibit "A" and incorporated herein by reference.
- 2) Twenty-two (22) retail businesses are presently located within the proposed DORA, which includes six (6) retail businesses presently holding qualified liquor permits, which are detailed (along with street addresses) on Exhibits "B" and "C" as attached hereto and incorporated herein by reference.
- 3) Retail business establishments holding qualified liquor permits that wish to participate in the DORA shall be clearly marked with signage displayed in the front window. Retail business establishments holding qualified liquor permits that do not wish to participate in the DORA may display signage in the front window indicating non-participation in the DORA.

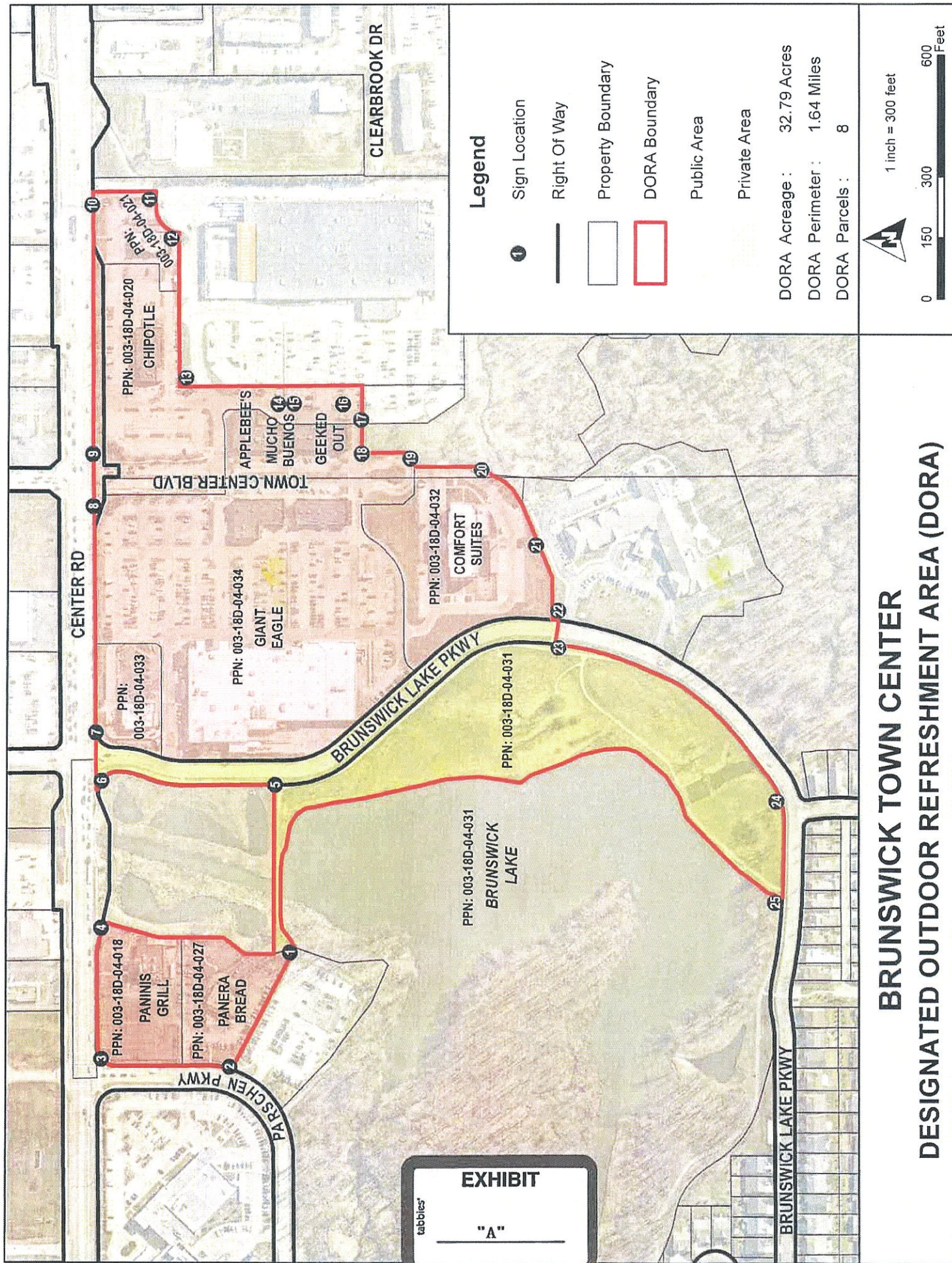
- 4) The instant Application is in compliance with Ohio Revised Code Section 4301.82(D)(2) as: (a) the City of Brunswick has a population of 50,000 or less; (b) the proposed DORA is the first DORA proposed in the City of Brunswick; and (c) the proposed DORA will include at least two (2) qualified liquor permit holders.
- 5) The proposed DORA is located in the Brunswick Town Center Special Planning District No. 2 (the "SPD-2"), wherein current uses of the land therein are in accordance with the requirements of the SPD-2, the Zoning Code and the Comprehensive Plan Update adopted by City Council on January 27, 2020.
- 6) The proposed number, spacing and type of signage designating the DORA is shown on Exhibit "A". Signage (12" x 18") will be spread throughout the DORA boundaries and mounted on metal posts at eye level with a QR Code for uploading applicable Rules and Regulations and a map of the boundaries of the DORA, which signage shall be as generally depicted on Exhibit "D" attached hereto and incorporated herein by reference.
- 7) The hours of operation of the DORA are from 12:00 noon to 10:00 p.m. on Thursday to Sunday.
- 8) The DORA will be patrolled by the Brunswick Division of Police, which is sufficient to ensure public safety in the DORA.
- 9) The DORA will be served by the Brunswick Division of Fire, including applicable mutual aid communities, which is sufficient to ensure public safety in the DORA.
- 10) Existing and/or additional trash receptacles located upon private property in the DORA will be emptied and maintained by the property owner and/or business operator. Existing and/or additional trash receptacles located upon public property in the DORA will be emptied and maintained by the Medina County Park District per agreement with the City of Brunswick. Existing personnel is sufficient to execute the sanitation plan.
- 11) All beer, wine and intoxicating liquor shall be served solely in one-time use clear 16 ounce plastic cups, to be purchased at the sole cost and expense of the participating qualified liquor permit holder, with "BRUNSWICK DORA" printed thereon. The participating qualified liquor permit may include the date on which such cup was issued.
- 12) Participants in the DORA, who shall be aged 21 years or older, may visit multiple participating retail business establishments holding qualified liquor permits in the DORA, but must dispose of one-time use BRUNSWICK DORA cups before entering another retail business located in the DORA.

- 13) Initial Rules and Regulations of the DORA are detailed on Exhibit "E" attached hereto and incorporated herein by reference. Upon establishment of the DORA, the Rules and Regulations may be revised and/or amended as needed.



Carl S. DeForest, City Manager

Date: 7/5/2023

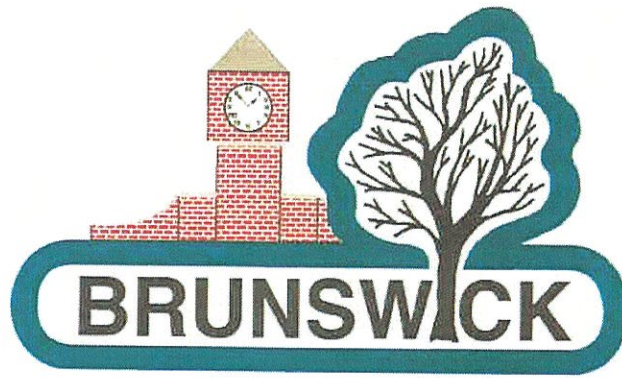


## Exhibit "B" - Retail Businesses within Brunswick DORA

| Address                                               | Business Name               | Property Owner                       | Industry   | Parcel         |
|-------------------------------------------------------|-----------------------------|--------------------------------------|------------|----------------|
| 1405 Parschen Rd+A3:E26, Brunswick, OH 44212          | Panera Bread                | DACOH HOLDINGS LLC                   | Restaurant | 003-18D-04-027 |
| 1418 Town Center Blvd Ste. A-30, Brunswick, OH 44212  | Pet Supplies Plus           | BRIXMOR/IA BRUNSWICK TOWN CENTER LLC | Retail     | 003-18D-04-034 |
| 1418 Town Center Blvd, Brunswick, OH 44212            | Pulp Juice ad Smoothie Bar  | BRIXMOR/IA BRUNSWICK TOWN CENTER LLC | Retail     | 003-18D-04-034 |
| 1418 Town Center Blvd, Brunswick, OH 44212            | Game Stop                   | BRIXMOR/IA BRUNSWICK TOWN CENTER LLC | Retail     | 003-18D-04-034 |
| 1421 Town Center Blvd B - 03, Brunswick, OH 44212     | Rettig Music                | BRIXMOR/IA BRUNSWICK TOWN CENTER LLC | Retail     | 003-18D-04-034 |
| 1421 Town Center Blvd B2, Brunswick, OH 44212         | Mucho Buenos                | BRIXMOR/IA BRUNSWICK TOWN CENTER LLC | Restaurant | 003-18D-04-034 |
| 1421 Town Center Blvd Suite B-10, Brunswick, OH 44212 | Applebee's                  | BRIXMOR/IA BRUNSWICK TOWN CENTER LLC | Restaurant | 003-18D-04-034 |
| 1434 Town Center Blvd c20, Brunswick, OH 44212        | Raw Vanity Nail Bar         | BRIXMOR/IA BRUNSWICK TOWN CENTER LLC | Service    | 003-18D-04-034 |
| 1434 Town Center Blvd Ste C10, Brunswick, OH 44212    | Great Clips                 | BRIXMOR/IA BRUNSWICK TOWN CENTER LLC | Service    | 003-18D-04-034 |
| 1434 Town Center Blvd, Brunswick, OH 44212            | Brunswick Auto Title Office | BRIXMOR/IA BRUNSWICK TOWN CENTER LLC | Office     | 003-18D-04-034 |
| 1439 Town Center Blvd D50, Brunswick, OH 44212        | Vita Bella Salon and Spa    | BRIXMOR/IA BRUNSWICK TOWN CENTER LLC | Service    | 003-18D-04-034 |
| 1439 Town Center Blvd Space D-01, Brunswick, OH 44212 | GNC                         | BRIXMOR/IA BRUNSWICK TOWN CENTER LLC | Retail     | 003-18D-04-034 |
| 1439 Town Center Blvd Space D-04, Brunswick, OH 44212 | Heights Running Shop        | BRIXMOR/IA BRUNSWICK TOWN CENTER LLC | Retail     | 003-18D-04-034 |
| 1439 Town Center Blvd, Brunswick, OH 44212            | Geeked Out Pub and Grille   | BRIXMOR/IA BRUNSWICK TOWN CENTER LLC | Restaurant | 003-18D-04-034 |
| 1464 Town Center Blvd, Brunswick, OH 44212            | Comfort Suites              | PINECRAFT LAND HOLDINGS LLC          | Service    | 003-18D-04-032 |
| 3340 Center Rd, Brunswick, OH 44212                   | Steak-n-shake               | CENTRO NP BRUNSWICK TOWN CENTER LLC  | Restaurant | 003-18D-04-021 |

|                                             |                    |                                         |            |                |
|---------------------------------------------|--------------------|-----------------------------------------|------------|----------------|
| 3362 Center Rd Ste E10, Brunswick, OH 44212 | Jersey Mike's Subs | CENTRO NP BRUNSWICK TOWN CENTER<br>LLC  | Restaurant | 003-18D-04-020 |
| 3362 Center Rd Ste E20, Brunswick, OH 44212 | Chipotle           | CENTRO NP BRUNSWICK TOWN CENTER<br>LLC  | Restaurant | 003-18D-04-020 |
| 3362 Center Rd Ste E30, Brunswick, OH 44212 | Verizon            | CENTRO NP BRUNSWICK TOWN CENTER<br>LLC  | Service    | 003-18D-04-020 |
| 3440 Center Rd, Brunswick, OH 44212         | Giant Eagle        | BRIXMOR/IA BRUNSWICK TOWN CENTER<br>LLC | Retail     | 003-18D-04-034 |
| 3470 Center Rd, Brunswick, OH 44212         | Chick-fil-A        | BRIXMOR/IA BRUNSWICK TOWN CENTER<br>LLC | Restaurant | 003-18D-04-033 |
| 3520 Center Rd, Brunswick, OH 44212         | Paninis Grill      | PARTNERS LLC                            | Restaurant | 003-18D-04-018 |

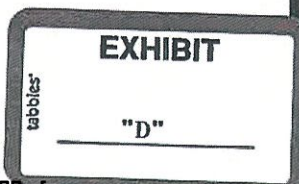
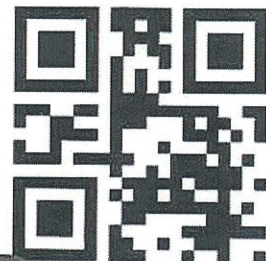
| Exhibit "C" - Retail Businesses (qualified liquor permit holders) within Brunswick DORA | Operator/Owner                                                               | Property Owner                       |            |                |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------|--------------------------------------|------------|----------------|
| 1439 Town Center Blvd, Brunswick, OH 44212                                              | Lambert United Enterprises LLC DBA Geeked Out Pub and Grille 49964300005, D5 | BRIXMOR/IA BRUNSWICK TOWN CENTER LLC | Restaurant | 003-18D-04-034 |
| 1421 Town Center Blvd Suite B-10, Brunswick, OH 44212                                   | Apple Ohio LLC DBA Applebee's 2498600165, D5, D6                             | BRIXMOR/IA BRUNSWICK TOWN CENTER LLC | Restaurant | 003-18D-04-034 |
| 3520 Center Rd, Brunswick, OH 44212                                                     | Brunswick Paninis DBA Paninis Grill 1051012, D5, D6                          | PARTNERS LLC                         | Restaurant | 003-18D-04-018 |
| 1421 Town Center Blvd B2, Brunswick, OH 44212                                           | Buenos Inc. DBA Mucho Buenos 1087738, D5, D6                                 | BRIXMOR/IA BRUNSWICK TOWN CENTER LLC | Restaurant | 003-18D-04-034 |
| 1464 Town Center Blvd, Brunswick, OH 44212                                              | Brunswick Hospitality DBA Comfort Suites 1053162, D5A, D6                    | BRUNSWICK HOSPITALITY                | Service    | 003-18D-04-032 |
| 3440 Center Road, Brunswick, OH 44212                                                   | Riser Foods Co. DBA Giant Eagle #229 73935330450, D1, D2, D6, D8             | BRIXMOR/IA BRUNSWICK TOWN CENTER LLC | Retail     | 003-18D-04-034 |



# DORA

## DESIGNATED OUTDOOR REFRESHMENT AREA

DORA CUPS NOT  
PERMITTED BEYOND THIS  
POINT. NO OUTSIDE ALCOHOL  
PERMITTED.



# Exhibit “E”

## BRUNSWICK DORA

### Rules and Regulations

Designated Outdoor Refreshment Area  
Thursday – Sunday 12:00 noon – 10:00 p.m.

#### What I CAN DO

- Participants aged 21+ can enjoy their favorite alcoholic beverage provided by a participating DORA establishment.
- Free to roam within the designated DORA boundaries with an alcoholic beverage in a designated DORA cup during operating hours.
- Visit establishments serving alcoholic beverages after discarding or finishing prior alcoholic beverage.
- Follow all rules, regulations, and laws, as same may be amended from time to time.

#### What I CANNOT DO

- Do Not bring your own alcoholic beverages.
- Do Not leave the designated DORA boundary with an alcoholic beverage.
- Do Not enter any retail establishment in the DORA with an alcoholic beverage.
- Do Not enter an establishment not marked with a DORA sign to purchase an alcoholic beverage for consumption outside such establishment (other than a patio).
- Do Not enter a vehicle with any alcoholic beverage.