

CITY OF BRUNSWICK, OHIO

MINUTES OF COUNCIL

Monday, June 26, 2023

Prayer and Pledge of Allegiance The regular meeting of Brunswick City Council was called to order by Mayor Ron Falconi at 7:00 p.m. at the Municipal Complex.

Roll Call of Members showed the following Council Members present: Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper.

Others Present: Mayor Ron Falconi, City Manager/Safety Director Carl DeForest, Law Director Ken Fisher, Clerk of Council Laura Timura.

Correspondence There was none.

Approval of Regular Council Meeting Minutes dated June 12, 2023 Nicholas Hanek moved to approve the Regular Council Meeting Minutes dated June 12, 2023, as written, seconded by Brandon Lambert. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

Mayor's Report:

Motion to approve Mayor's recommendation to reappoint Jeffrey Arona, John Rocha, and Joseph Shirilla to the Planning Commission.:

Joseph Delsanter moved to approve the Mayor's recommendation to reappoint Jeffrey Arona, John Rocha, and Joseph Shirilla to the Planning Commission, seconded by Kristy Piper. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

Clerk of Council's Report There was none.

Council Committee Reports:

Economic Development Committee.....Mr. Lambert:

Mr. Lambert had no formal reports this evening.

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

Mr. Smith had no formal reports this evening.

Finance Committee.....Mr. Hanek:

Mr. Hanek had no formal reports this evening.

Safety & Environment Committee.....Mr. Kuczma:

Safety & Environment Committee Minutes dated June 12, 2023:

Keith Kuczma moved to approve the Safety & Environment Committee Minutes dated June 12, 2023, as written, seconded by Kristy Piper. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

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

Planning & Zoning Committee Minutes dated June 12, 2023:

Joseph Delsanter moved to approve the Planning & Zoning Committee Minutes dated June 12, 2023, as written, seconded by Keith Kuczma. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

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

Mrs. Piper had no formal reports this evening.

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

Building & Building Code Committee Minutes dated June 12, 2023:

Michael Abella Jr. moved to approve the Building & Building Code Committee Minutes dated June 12, 2023, as written, seconded by Tim Smith. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

Other Committees, Boards and Commissions

Committee-of-the-Whole Minutes dated June 12, 2023:

Nicholas Hanek moved to approve the Committee-of-the-Whole Minutes dated June 12, 2023, as written, seconded by Joseph Delsanter. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

Petitions from the Public on Legislation There were none.

Reading of Legislation and Action on Legislation:

3rd Reading(s)

ORD. NO. 36-2023 - An ordinance authorizing the City Manager to forward a petition for detachment to the Medina County Commissioner's Office for the purpose of adjusting the City boundary lines to include an annexation into the City of Brunswick of PPN 001-02D-08-009. - **3rd Reading** (Committee-of-the-Whole, *Administration/Ken Fisher*):

Nicholas Hanek moved to adopt Ordinance Number 36-2023, seconded by Brandon Lambert. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Tim Smith, Kristy Piper. Nays - 0. Abstain - 1, Joseph Delsanter. Motion Carried.

2nd Reading(s)

ORD. NO. 44-2023 - An ordinance establishing Section 432.47 of the City of Brunswick Codified Ordinances Titled "Distracted Driving." - **2nd Reading** (Safety & Environment Committee, *Administration/Robert Safran*):

Mr. Kuczma moved this ordinance to third reading.

1st 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. - **1st Reading** (To be brought from Parks, Recreation & Community Committee, *Administration/Taylor Petkovsek*):

Mrs. Piper moved this resolution to second reading.

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*):

Nicholas Hanek moved to suspend the rules, seconded by Brandon Lambert.

Mr. Hanek noted that this ordinance would assert the City's home rule powers requiring that an interchange be approved by the City of Brunswick and to codify this in the City's law. He made it clear that the City is firmly committed in opposing the interstate and ensuring it does not destroy the Brunswick community. Mr. Hanek stated the interstate would be detrimental and this ordinance is one step in the process of combating the interstate.

Mr. Hanek mentioned that the study that was released is being looked over with the assistance of professional consultants. The study did not support the need for the interchange based on traffic. It did not study the impacts of increased traffic on Boston Road, especially if more commercial development arises. Strongsville's Comprehensive Plan did not account for the potential of the mall closing or being repurposed. This study says definitively that no current plans will impact the intersections of Route 82 and Howe Road. Mr. Hanek explained that what had been said was that this would help Howe Road and their own study reveals that it would not help this issue, as shown on page 182 of the study.

Mr. Hanek thanked residents for attending the Council meeting and expressed that it is the residents' right to complain and address Council with their concerns. He acknowledged that Council works for the residents of Brunswick and should be able to receive criticism. Mr. Hanek was appalled by Strongsville's treatment of Brunswick residents. He affirmed that this ordinance is another piece in the City's continued fight against this unwanted, destructive imposition on the community.

Mr. Delsanter noted that it was ridiculous that \$200,000 of Strongsville's money, in addition to a \$125,000 state grant from NOACA, was spent on the study. In his opinion, this puts them right back to where they started. He expressed that Strongsville did not gain any information to support their cause from the study and that he would be upset if he were a resident of Strongsville. Mr. Delsanter was dismayed that Strongsville tried to pass legislation without debate or the courtesy of all parties being heard. Brunswick will continue to oppose the interchange with residents' help and support.

Mr. Lambert stated it is clear to him that Strongsville did not have a leg to stand on. He also declared that after talking to the City's amazing residents, he suggested they reach out to NOACA and make their opinions heard. He noted that NOACA unequivocally heard them.

Roll Call – Ayes – 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays – 0. Motion Carried.

Nicholas Hanek moved to adopt Ordinance Number 48-2023, seconded by Brandon Lambert. Roll Call – Ayes – 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays – 0. Motion Carried.

55RES. 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*):

Nicholas Hanek moved to suspend the rules, seconded by Brandon Lambert.

Mr. Hanek thanked the County Commissioners and government for reworking the agreement, taking into

consideration the input and feedback they received, and working together to make this agreement acceptable.

Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

Nicholas Hanek moved to adopt Resolution Number 49-2023, seconded by Brandon Lambert. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

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*):

Tim Smith moved to suspend the rules, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

Mr. Smith moved to adopt Resolution Number 50-2023, seconded by Keith Kuczma. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

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. Hanek moved this ordinance to second reading.

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*):

Joseph Delsanter moved to suspend the rules, seconded by Tim Smith. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

Joseph Delsanter moved to adopt Ordinance Number 52-2023, seconded by Keith Kuczma. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

City Manager's Report Mr. DeForest informed residents that the City's Independence Day fireworks display is scheduled for July 3 at dusk behind Brunswick High School. The rain date will be July 5. He reminded the community that these are the only legal fireworks in the City.

He told residents that trash will be delayed by one day due to the holiday.

Open Forum Monica Weinle (3586 Boston Road) mentioned the ordinance pertaining to four-wheelers on private property. Ms. Weinle relayed that she has lived in the City of Brunswick for 20 years. Due to four-wheelers being used alongside her residence, she is unable to enjoy her beautiful property in peace. Her neighbors run 3 four wheelers consistently 50 feet from her home and her bedroom faces their driveway. The dust and exhaust enter her yard and prevents her from enjoying her patio and kill the birds in the bird feeder. Her window air conditioner sucks in the fumes from their exhaust and it enters her bedroom. Ms. Weinle went on to say that the exhaust fumes prevented her from enjoying her gardening hobby and would taint the food. The dust from the dirt was all over her patio and furniture. She explained that the police did notify the neighbors that they must stay on their

own property. Ms. Weinle expressed safety concerns as no helmets are worn and they ride close to Boston Road.

James Evanoff (3649 Ascot Drive) revealed that through public records requests, he learned that Drake Road was not included in the freeway study. He went on to say that Euthenics, who performed the study, is paid on average roughly \$400,000 per year by the City of Strongsville. Mr. Evanoff indicated that he had suspicions that the numbers in the study may have been padded. He revealed that through his requests, he discovered that the City of Strongsville had not completed any design work or any work to study if traffic would improve by widening Howe Road or by placing a freeway exit at Drake Road.

Unfinished Business There was none.

New Business Mrs. Piper noted there will be fireworks on July 3 as well as a Funkology concert. If it does rain, Funkology will still be performing on July 3. A family movie night featuring the Sandlot will take place on July 5 and the Lewis and Clark Circus will be on July 8 and 9. More information can be obtained from the Recreation Center's website.

Mr. Hanek explained that he would be making a motion to enter into Executive Session.

Executive Session

Nicholas Hanek moved to go into Executive Session to discuss the subject of pending or imminent court action, seconded by Joseph Delsanter. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

Joseph Delsanter moved to adjourn from Executive Session. Vote - Ayes - 7, Nays - 0. Motion Carried.

Adjournment Michael Abella Jr. moved to adjourn, seconded by Kristy Piper. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

There being no further business, the meeting adjourned at 8:25 p.m.

Respectfully submitted,

Laura Timura
Clerk of Council

Mayor Ron Falconi

Adopted