



# 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 25, 2023**

Caucus Room

At 7:00 P.M.

## **SPECIAL COUNCIL MEETING**

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Petitions from the Public on Legislation
4. Reading of Legislation and Action on Legislation:
  - a. 3rd Reading(s)
  - b. 2nd Reading(s)
  - c. 1st Reading(s)

**RES. NO. 62-2023** - An emergency resolution authorizing the City Manager to enter into an agreement with APP Architecture, Inc. for professional architectural and engineering services for the new Fire Station Headquarters in an amount not to exceed \$625,000.00. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

**ORD. NO. 63-2023** -An emergency ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for Vape and Smoke Shop uses in the C-N Neighborhood Commercial District, C-G General Commercial District, GW-C Gateway Commercial District and Brunswick Town Center Special Planning District No. 2 (Main Street District, Northwest Neighborhood and Southeast Neighborhood) and the issuance of such approvals. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

5. Open Forum
6. Adjournment



**THE CITY OF BRUNSWICK**  
**PROPOSED LEGISLATION**



**DATE:** 7/25/2023

**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. 62-2023** - An emergency resolution authorizing the City Manager to enter into an agreement with APP Architecture, Inc. for professional architectural and engineering services for the new Fire Station Headquarters in an amount not to exceed \$625,000.00. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

**BACKGROUND:** App Architecture, Inc. submitted a Statement of Qualifications for professional architectural and engineering services for the new Fire Station Headquarters. App Architecture was determined to be the most qualified.

**PURPOSE AND  
EXPLANATION:**

**IMPLEMENTATION  
SCHEDULE:**

One reading, emergency with suspension of the rules

**FINANCIAL  
INFORMATION:**

**FINANCIAL  
SUMMARY:**

Architectural design costs for a new Fire Station @ 1094 Hadcock Road will be paid from the local set aside dollars - Acct#964-0437-56882. Local funds for this project were derived from EMS billing revenues collected between 2010-2020 as approved by City Council via Resolution #113-2021 on December 20, 2021.

**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?

Declared to be an emergency for the immediate passage necessary to continue the design process for the Project in a timely manner.

**ADDITIONAL  
INFORMATION:**

CITY OF BRUNSWICK, OHIO  
RESOLUTION NO. 62-2023

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH APP ARCHITECTURE, INC. FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE NEW FIRE STATION HEADQUARTERS IN AN AMOUNT NOT TO EXCEED \$625,000.00.

WHEREAS: Pursuant to a Request for Qualifications, App Architecture, Inc. submitted a Statement of Qualifications for professional architectural and engineering services for the new Fire Station Headquarters (the "Project").

WHEREAS: Upon review of received Statements of Qualifications, App Architecture was determined to be the most qualified.

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 App Architecture for professional architectural and engineering services for the Project in an amount not to exceed \$625,000.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to continue the design process for the Project in a timely manner. 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:** 7/25/2023

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

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

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **ORD. NO. 63-2023** -An emergency ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for Vape and Smoke Shop uses in the C-N Neighborhood Commercial District, C-G General Commercial District, GW-C Gateway Commercial District and Brunswick Town Center Special Planning District No. 2 (Main Street District, Northwest Neighborhood and Southeast Neighborhood) and the issuance of such approvals. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

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

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

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

**FINANCIAL INFORMATION:**

**FINANCIAL SUMMARY:**

**RECOMMENDED ACTION:**

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

If emergency or suspension of the rules, why the request?  
Emergency with suspension of the rules.

**ADDITIONAL  
INFORMATION:**

CITY OF BRUNSWICK, OHIO  
ORDINANCE NO. 63-2023

BY: Committee-of-the-Whole

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

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

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

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

WHEREAS: On February 13, 2023, City Council adopted Ordinance No. 5-2023, establishing a six (6) month temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for Vape and Smoke Shop uses in the C-N Neighborhood Commercial District, C-G General Commercial District, GW-C Gateway Commercial District and Brunswick Town Center Special Planning District No. 2 (Main Street District, Northwest Neighborhood and Southeast Neighborhood) in the City, and on the issuance of such approvals.

WHEREAS: This Council believes that extending the temporary moratorium on the

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

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

SECTION 1: The six (6) month moratorium established by Ordinance No. 5-2023 shall be extended for a period of six (6) months up to and including February 13, 2024 wherein the City shall not accept or process any applications for zoning, occupancy and/or building permit approvals for Vape and Smoke Shop uses in the C-N Neighborhood Commercial District, C-G General Commercial District, GW-C Gateway Commercial District and Brunswick Town Center Special Planning District No. 2 (Main Street District, Northwest Neighborhood and Southeast Neighborhood) in the City, and further shall not issue any such approvals during said period.

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

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

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City and its residents and property owners and for the additional reason that it is required to permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

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

RULES SUSPENDED: AYES\_\_\_\_\_ NAYS\_\_\_\_\_

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

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