

# CITY OF BRUNSWICK, OHIO

## MINUTES OF COUNCIL

**Monday, September 25, 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** Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper.

**Others Present:** Mayor Ron Falconi, City Manager/Safety Director Carl DeForest, Acting Law Director Dennis Nevar, Clerk of Council Laura Timura.

Nicholas Hanek moved to excuse Tim Smith for just cause, seconded by Brandon Lambert. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

**Correspondence** There was none.

**Approval of Regular Council Meeting Minutes dated September 11, 2023.** Nicholas Hanek moved to approve the Regular Council Meeting Minutes dated September 11, 2023, as written, seconded by Kristy Piper. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

### **Mayor's Report:**

Proclamation in recognition of Wonder Years Child Care's grand re-opening:

Mayor Falconi congratulated Wonder Years for their almost 30 years of service to the City and on their grand re-opening.

**Clerk of Council's Report** Mrs. Timura noted that as a resident of the Brunswick community, she is thankful to Council for the steps that were taken to protect youth from vapes.

### **Council Committee Reports:**

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

Economic Development Committee Minutes dated September 11, 2023:

Brandon Lambert moved to approve the Economic Development Committee Minutes dated September 11, 2023, as written, seconded by Nicholas Hanek. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

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

Services, Utilities, Technology, & Cable Committee Minutes dated September 11, 2023:

Michael Abella Jr. moved to approve the Services, Utilities, Technology, & Cable Committee Minutes dated September 11, 2023, as written, seconded by Keith Kuczma. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

*Finance Committee*.....Mr. Hanek:

Mr. Hanek had no formal reports this evening.

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

Safety & Environment Committee Minutes dated September 11, 2023:

Keith Kuczma moved to approve the Safety & Environment Committee Minutes dated September 11, 2023, as written, seconded by Joseph Delsanter. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

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

Planning & Zoning Committee Minutes dated September 11, 2023:

Joseph Delsanter moved to approve the Planning & Zoning Committee Minutes dated September 11, 2023, as written, seconded by Kristy Piper. Roll Call - Ayes - 6, 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:

Parks, Recreation, & Community Committee Minutes dated September 12, 2023:

Kristy Piper moved to approve the Parks, Recreation, & Community Committee Minutes dated September 12, 2023, as written, seconded by Keith Kuczma. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

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

Mr. Abella had no formal reports this evening.

#### **Other Committees, Boards and Commissions**

Committee-of-the-Whole Minutes dated September 11, 2023:

Nicholas Hanek moved to approve the Committee-of-the-Whole Minutes dated September 11, 2023, as written, seconded by Brandon Lambert. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, 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. 45-2023** - An ordinance establishing Chapter 1292 of the City of Brunswick Codified Ordinances to regulate electric vehicle charging stations. - **3rd Reading** (Planning & Zoning Committee, Administration/Grant Aungst):

Joseph Delsanter moved to adopt Ordinance Number 45-2023, seconded by Brandon Lambert. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

**ORD. NO. 59-2023** - An ordinance rezoning the 20.1561 acre parcel of real property located at 897 N. Carpenter Road and further identified as PPN 003-18B-27-260 from the R-R Rural Residential District to the R-L Low Density Residential District. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*):

Joseph Delsanter moved to adopt Ordinance Number 59-2023, seconded by Keith Kuczma. Roll Call – Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

**2nd Reading(s)**

**RES. NO. 69-2023** - A resolution authorizing the City Manager to enter into a municipal engineering consulting services agreement with Chagrin Valley Engineering, LTD. for the provision of professional municipal engineering services and designating Matthew M. Jones, P.E., as Consulting Municipal Engineer. - **2nd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*):

Mr. Abella moved this resolution to third reading.

**1st Reading(s)**

**ORD. NO. 75-2023** - An ordinance terminating the temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or permit approvals for electric vehicle charging stations in all zoning districts of the City and the issuance of such approvals.- **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*):

Joseph Delsanter moved to suspend the rules, seconded by Nicholas Hanek. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

Joseph Delsanter moved to adopt Ordinance Number 75-2023, seconded by Keith Kuczma. Roll Call – Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

**ORD. NO. 76-2023** - An ordinance approving the final plat for the Market Highlands Glenmont Drive extension in the Market 42 Special Planning District No. 8, subject to final engineering approval and any other conditions imposed by Council. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*):

Mr. Delsanter moved this ordinance to second reading.

**RES. NO. 77-2023** - An emergency resolution authorizing the City Manager to purchase two (2) LUCAS 3 Chest Compression Systems from Stryker Medical in an amount not to exceed \$39,492.44. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Greg Glauner*):

Keith Kuczma moved to suspend the rules, seconded by Joseph Delsanter. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

Keith Kuczma moved to adopt Resolution Number 77-2023, seconded by Kristy Piper. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

**RES. NO. 78-2023** - An emergency resolution in support of the proposed repealment of Ohio Revised Code Section 5501.60 as contemplated by S.B. No. 155 and H.B. No. 276. - **1st Reading** (To be brought from Committee of the Whole, *Administration/Kenneth Fisher*):

Nicholas Hanek moved to suspend the rules, seconded by Kristy Piper. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried. Nicholas Hanek moved to adopt Resolution Number 78-2023, seconded by Brandon Lambert.

Councilman Hanek explained that this legislation is in support of the repeal of Ohio Revised Code Section 5501.60 which was inserted into the transportation budget this year. This would force the construction of an interchange in Brunswick or Strongsville. Strongsville's study revealed that an interchange at Boston Road would not alleviate traffic or improve safety throughout these two cities. He emphasized the stress that this has imposed upon the City and residents of the community. Mr. Hanek applauded the efforts of Senator Mark Romanchuk, Representative Melanie Miller, and Representative Sharon Ray to repeal this law. He continued by saying that this is an aggressive and unprecedented attack on how our government works and functions.

Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

**ORD. NO. 79-2023** - An emergency ordinance establishing a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for establishments that intend to engage in retail sales and/or distribution of tobacco products, vapor products, alternative nicotine products and/or electronic smoking devices in all zoning districts of the City and the issuance of such approvals. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*):

Joseph Delsanter moved to suspend the rules, seconded by Brandon Lambert.

Mr. Hanek explained that this legislation is necessary to handle a growing problem in the City. A moratorium was established for vape shops previously. However, a number of businesses were pretending to be a different type of establishment, when their clear intention was to sell vapes. There is an unprecedented issue in our schools involving children vaping. These products are being marketed and made accessible to children. Council is committed to making this the best community possible and children and families are important. This moratorium will allow the City more time to figure out the best way to regulate vape shops. Legislation that is appropriate and necessary for the safety and well-being of our children should be put into place.

Mr. Delsanter commented that there needs to be a balance of businesses in the community. The community should not be oversaturated by one type of business. He noted that homeowners measure their investment in a community by what they see around them in their commercial corridors. He emphasized that his concern is for minor children in the community, while the actions of adults are their own responsibility. The free choice of adults will be taken into consideration when determining regulations.

Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

Joseph Delsanter moved to adopt Ordinance Number 79-2023, seconded by Brandon Lambert. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

**ORD. NO. 80-2023** - An emergency ordinance to formally close the Ohio Environmental Infrastructure Program Section 594 Federal Grant Fund (#345). - **1st Reading** (To be brought from Finance Committee, Administration/Todd Fischer):

Nicholas Hanek moved to suspend the rules, seconded by Brandon Lambert. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

Nicholas Hanek moved to adopt Ordinance Number 80-2023, seconded by Joseph Delsanter. Roll Call – Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

**RES. NO. 81-2023** - An emergency resolution authorizing the City Manager to enter into an agreement with Deborah A. Hite for the purchase of a 0.0754 acre perpetual easement for the Plum Creek Greenway Phase 2 Project in the amount of \$15,000.00. - **1st Reading** (To be brought from Committee of the Whole, Administration/Matt Jones):

Nicholas Hanek moved to suspend the rules, seconded by Kristy Piper. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

Nicholas Hanek moved to adopt Resolution Number 81-2023, seconded by Brandon Lambert. Roll Call – Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

**RES. NO. 82-2023** - An emergency resolution authorizing the City Manager to enter into an agreement with TEC Communications for the purchase of a primary Quantum SAN solution from TEC Communications in an amount not to exceed \$61,959.00. – **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, Administration/Robert Marok):

Michael Abella Jr. moved to suspend the rules, seconded by Keith Kuczma. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

Michael Abella Jr. moved to adopt Resolution Number 82-2023, seconded by Joseph Delsanter. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

**City Manager's Report** Mr. DeForest thanked both the Brunswick and Strongsville residents who traveled to Columbus on September 14 to support the repeal of Ohio Revised Code 5501.60. It was nice to see people getting involved in government. He felt that traction was being gained with this issue and encouraged those involved with Homes not Highways to keep putting up the fight. He again thanked members of the community for their support.

Trike and Bike was held on September 15. Over a 4 year period, more than \$175,000 was raised for pediatric cancer research through the Cleveland Clinic. There were 109 riders. Mr. DeForest appreciated the support of the community, sponsors, and Brunswick City Schools. This year, \$38,323 was raised.

Mr. DeForest reminded the community that the Veteran's Breakfast will be held on Wednesday, October 25, at St. Ambrose. Doors open at 7:30 a.m. and the meal and program begins at 8 a.m. This is an opportunity for members of the City administration and the business community to thank veterans for their service. Those with a DD-214 are encouraged to sign up for the breakfast by calling the City Manager's Office at 330-558-6826.

**Open Forum** Sherri Hamm (15728 Boston Road) thanked everyone for standing by residents of the Strongsville community when the City of Strongsville would not support them. She stated that she has not received a response from her Strongsville ward councilperson. Ms. Hamm also thanked the City for including Strongsville residents on the bus ride to Columbus.

**Unfinished Business** Councilman Lambert announced that it was encouraging to see the Homes not Highways movement grow. He noted that 100s of homes have signs and not all of the homes are off of Boston and Carpenter roads. Mr. Lambert encouraged them to continue with their efforts. He was proud of the residents of Brunswick and Strongsville.

Mr. Kuczma thanked the City Manager and the Service Director for getting the light at Shenandoah Park repaired. He explained that it had taken several months of working with Ohio Edison to get the light repaired.

Mr. Hanek commented that it was nice to see residents come together and fight hard against the interchange. He thanked them for their efforts.

Mr. Delsanter thanked and praised the City Manager and Betsy Lehky for their hard work on Trike and Bike. He went on to thank the members of the community who went to the State House. Mr. Delsanter mentioned that Brunswick is partnering with its neighbors in Strongsville to combat the interchange. He felt that the interchange would increase criminal activity within a high-density, upper-middle-class environment. He divulged that Council is united in its efforts against the interchange.

Mayor Falconi thanked the entire administration, dedicated Councilmembers, state legislators, and the Vice Mayor for his unwavering commitment to the cause. Above all, he extended his deepest appreciation to members of the community who have been involved. Mayor Falconi added that it has been a privilege to listen to their concerns, their hopes, dreams, and worries. He divulged that their voices mattered and he was thankful that they had shared them with him. He continued that while Council may have different political views, they are united in their commitment to the residents of Brunswick and to this cause. Together they are a formidable force for the betterment of the community. He thanked members of the audience for their dedication and commitment and for standing up for what is right.

#### **New Business**

Consideration of liquor permit transfer from Free Enterprises Inc. to True North Energy, LLC. located at 3240 Center Road, Brunswick, OH 44212.:

Mr. DeForest declared that there were no objections from the administration.

**Adjournment** Nicholas Hanek moved to adjourn, seconded by Kristy Piper. Roll Call - Ayes - 6, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Kristy Piper. Nays - 0. Motion Carried.

There being no further business, the meeting adjourned at 7:36 p.m.

Respectfully submitted,

Laura Timura  
Clerk of Council

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Mayor Ron Falconi

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Adopted