



BRUNSWICK CITY COUNCIL AGENDA

Brandon Lambert Ward 3	Kristy Piper At-Large	Tim Smith At-Large	Dennis Nevan Law Director	Carl S. DeForest City Manager	Ron Falconi Mayor	Laura Timura Clerk of Council	Nicholas Hanek Ward 2	Michael Abella Jr. Ward 1	Joseph Delsanter At-Large	Keith Kuczma Ward 4
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Administration Representatives

FEBRUARY 12, 2024

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of Regular Council Meeting Minutes dated January 22, 2024.
5. Mayor's Report:
 - (a) Mayor's Court Financial Report for the month ending January 2024 will be posted on the website and added to the minutes for the record.
 - (b) Mayor's recommendation to reappoint Clifford Nowak to the Juvenile Diversion Board
 - (c) 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

Finance Committee.....Mr. Hanek

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

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

Planning & Zoning Committee Minutes dated January 18, 2024

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

Parks, Recreation & Community Committee Minutes dated January 30, 2024

Building & Building Code Committee.....Mr. Abella
8. Other Committees, Boards and Commissions
 - (a) Committee-of-the-Whole Minutes dated January 22, 2024

9. Petitions from the Public on Legislation
10. Reading of Legislation and Action on Legislation:

- a. 3rd Reading(s)

RES. NO. 1-2024 - A resolution authorizing the City Manager to purchase liquid asphalt emulsion for the Service Department from Leader Machinery Equipment in an amount not to exceed \$40,000.00. - **3rd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Paul Magovac*)

ORD. NO. 7-2024 - An ordinance establishing Codified Ordinance Chapter 868 of the City of Brunswick Codified Ordinances relative to the license of Tobacco Retail Establishments - **3rd Reading** (Committee-of-the-Whole, *Administration/Dennis Nevar*)

- b. 2nd Reading(s)

- c. 1st Reading(s)

ORD. NO. 9-2024 - An emergency ordinance extending 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 Committee-of-the-Whole, *Administration/Grant Aungst*)

RES. NO. 10-2024 - A resolution authorizing the City Manager to enter into a five (5) year agreement (with renewal options of up to four (4) years) with Kimble Recycling & Disposal, Inc. for the collection and disposal of residential solid waste and recycling. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Paul Magovac*)

ORD. NO. 11-2024 - An ordinance amending Section A(18) of the Design Guidelines for the Main Street District of the Brunswick Town Center Special Planning District No. 2 by imposing additional restrictions for vape and smoke shops. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 12-2024 - An ordinance amending Section A(3) of the Design Guidelines for the Southeast Neighborhood of the Brunswick Town Center Special Planning District No. 2 by imposing additional restrictions for vape and smoke shops. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 13-2024 - An ordinance amending Section 1256.04(m) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and

smoke shops. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 14-2024 - An ordinance amending Section A(9) of the Design Guidelines for the Northwest Neighborhood of the Brunswick Town Center Special Planning District No. 2 by imposing additional restrictions for vape and smoke shops. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

RES. NO. 15-2024 - An emergency resolution authorizing the City Manager to enter into an agreement with Set in Stone Contracting, LLC for the Magnolia Drive Phase 2 Improvement Project in an amount not to exceed \$619,000.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

ORD. NO. 16-2024 - An emergency ordinance amending ordinance #98-2023 to include amendments to the Appropriation Budget for the year ending December 31, 2024 as incorporated in Exhibit "A" attached hereto. - **1st Reading** (To be brought from the Finance Committee, *Administration/Todd Fischer*)

ORD. NO. 17-2024- An ordinance establishing Sections 1242.02(32.1) and (84.1) of the Codified Ordinances of the City of Brunswick by defining "Electronic Smoking Device" and "tobacco products". - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 18-2024- An ordinance establishing Section 1274.17 of the Codified Ordinances of the City of Brunswick by providing additional conditional use standards for vape and smoke shops.- **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 19-2024 - An ordinance amending Section 1242.02(94) of the Codified Ordinances of the City of Brunswick by updating the definition of vape and smoke shops. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 20-2024 - An ordinance repealing and replacing Section 636.19 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

RES. NO. 21-2024 - An emergency resolution accepting a water main easement from Industrial Parkway Partners LLC. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

ORD. NO. 22-2024 - An emergency ordinance to transfer and advance funds. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

11. City Manager's Report

12. Open Forum
13. Unfinished Business
14. New Business
 - (a) A liquor permit request from Jalisco 71 LLC at 3329 Center Road, Brunswick, Ohio 44212
15. Adjournment

PLANNING & ZONING COMMITTEE

January 18, 2024

IN ATTENDANCE: Chairman Joseph Delsanter, Committee Member Kristy Piper, Community & Economic Development Director Grant Aungst.

The meeting convened at 5:40 p.m.

Mrs. Piper moved to excuse Mr. Lambert for just cause. Vote – 2 Ayes, 0 Nays.

DISCUSSION ITEMS:

a) Review and Update on Planning and Zoning and Comprehensive Plan

Mr. Aungst revealed that the Administration did research with an outside consultant in 2023 to develop a diagnostic of the Planning & Zoning Code. Based on that, the Division of Planning has developed a preliminary Request For Proposal (RFP). The Administration is planning to continue its work with the outside consultant and distribute the RFP within the next thirty to forty-five days. This is a large and expensive project that will take about a year and a half to complete, but it is well worth it.

Mr. Aungst continued that the diagnostic and RFP allow the Administration, external attorneys, professional engineers, professional planners, and other additional consultants to go line-by-line through the Planning & Zoning Code. The biggest goal of the code overview is to streamline the code, eliminate duplications and crossovers, and add aspects that help people read the code more easily. He noted that a trend over the last ten years is to include graphics and drawings in the code. The Division of Building has also been developing packets that address frequently asked questions. The Division of Planning will handle how to navigate the parameters of the code.

Mr. Delsanter inquired about implementing three-dimensional software to go along with the code so that residents could apply it to their structures.

Mr. Aungst replied that while this is a great idea, it would be extremely expensive. He offered that there are free programs available for people to obtain on their own. He added that the current priority is to update the Division of Building's software, which has already been a tremendous expense and lengthy process as various departments are overseeing this transition.

Mr. Delsanter asked how long it would take to update the code.

Mr. Aungst replied that it would take up to a year and a half to complete the overview of the code. He stated that the City Administration wants to ensure this is being done correctly, as a project of this nature only happens once every twenty years or so.

Mr. Aungst revealed that there has been a discussion about eliminating parking minimums. Having some parameters in the code will aid in speeding up processes to get businesses approved

and built. It will also assist in limiting an excess of asphalt parking lots and promote buildings that are acceptable for the City and what it is growing into.

Mr. Aungst reminded that in order to update the Comprehensive Plan, it took Council two years. However, the plan is used constantly by the City, builders, and developers.

Mr. Aungst added that another addition to the code would pertain to eliminating excess curb cuts through the implementation of cross-access easements.

Mr. Aungst advised that creative businesses may come to the City in the future and bring unique plans, such as Market 42. As a result, the Division of Planning wants to have flexibility within the City to explore these options.

Mr. Delsanter expressed concern over the need for bypass roads within Brunswick Town Center. He continued that the City should pay close attention to increasing traffic and how to mitigate this impending issue.

Mr. Aungst responded that the Division of Planning is ensuring that people have different ways to move around the City. This includes walking trails, biking paths, and measures to control traffic in certain corridors. He noted that some of these projects are dictated by what the Division of Planning is allowed to do within the City. He suggested a few ideas, such as adding flashers in crosswalks or medians on roads to protect bikers.

Mr. Aungst revealed that, in order to widen Pearl Road, the City would most likely have to seek a grant or some sort of funding as other surrounding cities were forced to pay for this project themselves.

Mr. Delsanter voiced that the City has increased in population and should be prepared for more of an influx in the future by creating bypass roads.

Mr. Aungst agreed with Mr. Delsanter. He disclosed that enforcing cross-access easements is challenging as people have property rights.

Mr. Aungst divulged that there are not any significant zoning changes currently, but things could change in the next year or two.

Mrs. Piper asked if the Division of Planning is going to add more trash receptacles in the vicinity of the Designated Outdoor Refreshment Area (DORA).

Mr. Aungst answered that the Division of Parks would handle trash cans in the public parks, and private businesses would be handled by their respective owners. The Division of Planning will observe and supplement trash collection if needed.

Mr. Aungst disclosed that the State Liquor Agency required that all of the documents and maps regarding the DORA be certified by a PE Engineer. The last aspect of the DORA is the DORA

cups, which are being worked on. The cups are challenging because the design must be complicated enough that people cannot copy them, and they must comply with codes. He stated that companies should be purchasing the cups directly from the City-recognized vendor. There could be some challenges if another vendor begins to sell the cups at a cheaper rate.

Mr. Aungst noted that the City does not manage the sale of the DORA cups and added that other DORAs across the state are managed by external organizations.

Mr. Delsanter asked if businesses participating in the DORA have to collaborate on events.

Mr. Aungst answered that they do not. If a business wants to have an event while utilizing the DORA, they must fill out an event form from the City. As the DORA is only in effect from Thursday to Sunday from noon to ten p.m., businesses must schedule their event within that time frame if they want to use the DORA.

Mr. Aungst clarified that businesses must purchase DORA cups in order to participate in the DORA.

Mrs. Piper asked about how food trucks factor into the DORA.

Mr. Aungst replied that if food trucks have purchased the DORA cups and have a liquor license, they can participate in the DORA. He stated that the DORA is not designed for events; it is intended for social purposes within the time frame that it is in effect.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mrs. Piper moved to adjourn at 6:15 p.m. Vote – 2 Ayes, 0 Nays.

Respectfully submitted,

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

Joseph Delsanter
Chairman

PARKS, RECREATION & COMMUNITY COMMITTEE

January 30, 2024

IN ATTENDANCE: Chairwoman Kristy Piper, Committee Member Keith Kuczma, Committee Member Tim Smith, Parks & Recreation Director Taylor Petkovsek, James Kutrubs, Louise Melnik, Seth Bender, Dana Baker, Bryan Keller, Kathy Salvo, Dom DePompei, Adam Hymes, Madisyn Woodring.

The meeting convened at 6:00 p.m.

DISCUSSION ITEMS:

a) City Flag

Mr. Bender gave a presentation on flag designs. He noted that he is passionate about creating digital flag designs and shared several different options that reflect the history and spirit of Brunswick.

b) Brunswick Dodgers

Mr. DePompei and Mr. Hymes gave a presentation on their organization, called the Brunswick Dodgers. They also displayed several items, including two uniform shirts, their baseball average belt, their most recent trophy, and a batting hat covered with various stickers that the children can earn as they play through the season.

c) Fishing Derby

Mr. Smith indicated that he is looking to have the fishing derby at Brunswick Lake instead of North Park since the lake is being dredged this year, and the park will be closed on the day of the event. The fishing derby will be held on May 11, 2024.

d) Freedom Celebration

Mrs. Petkovsek announced the dates for the Freedom Celebration. On July 3, 2024, there will be a Funkology concert at the Recreation Center, followed by fireworks. On July 5, 2024, there will be a Family Movie Night at the Recreation Center. The parade will be on July 7, 2024.

Mrs. Petkovsek disclosed that she is still looking into having the circus come to the City during the celebration.

OLD BUSINESS:

a) Summer Music Concert Series

The concert series will be on Wednesdays, from 6 p.m. – 8 p.m., at the Recreation Center starting July 3, 2024.

Mrs. Petkovsek explained that contracts with the bands have all been sent out. She added that she will be looking into pricing for an awning over the Recreation Center stage.

b) BBQ

Mrs. Petkovsek noted that she is still waiting to hear back on safety and security for the event. She continued that there may be a discussion about having the BBQ in the strip of Brunswick Town Center in front of the shops instead of Brunswick Lake.

c) Huntington Park

Mrs. Piper inquired about making part of Huntington Park a sensory-friendly park.

Mrs. Piper further questioned about creating small community gardens at several of the City's parks that are located in neighborhoods.

Mrs. Piper asked if the restroom buildings at City parks could be painted with community murals.

d) Disc Golf

Mr. Smith revealed that he had explored Rolling Hills Park and that the topography of the park was suitable for a disc golf course. However, the park lacked a pavilion and restroom facilities.

Mr. Smith divulged that he has created a presentation regarding disc golf to be shown at the upcoming Council Meeting.

Mr. Smith explained that a disc golf course would cost \$27,000.

e) Storybook Trail

Mrs. Petkovsek stated that the application for Storybook Trail was not submitted because part of the application needed to include trail maintenance. At this time, there is not adequate staff to maintain this trail.

Mrs. Petkovsek suggested that there could be some collaboration with the Brunswick Public Library to create stands for books to create the City's own type of book trail at a lesser cost.

GENERAL DISCUSSION:

Ms. Melnik gave a presentation regarding adding a therapy pool to the Recreation Center.

Mrs. Piper announced that the next Parks, Recreation & Community Committee meeting would be on March 12, 2024, at 6 p.m. at the Recreation Center.

ADJOURNMENT:

Being no further business, Mr. Smith moved to adjourn at 7:02 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,



Kristy Piper
Chairwoman



COMMITTEE OF THE WHOLE

January 22, 2024

IN ATTENDANCE: Nicholas Hanek, Joseph Delsanter, Keith Kuczma, Michael Abella Jr., Tim Smith, Kristy Piper, Brandon Lambert, City Manager/Safety Director Carl DeForest, Mayor Ron Falconi, Law Director Dennis Nevar, Clerk of Council Laura Timura, Love Insurance Senior Account Manager Cathy Rice, News Media.

The meeting convened at 6:00 p.m.

Mayor Ron Falconi arrived at 6:15 p.m.

DISCUSSION ITEMS:

a) Committee Assignments

Mr. Hanek noted that he has assigned all Council to their respective committees. He requested that Council email him if they would like to make any changes.

b) Council Rules

Mr. Hanek agreed with all of the suggested changes and highlighted the amendment to conduct annual reviews of the Council Clerk and City Manager.

Mrs. Piper moved to approve the Council Rules as attached. Vote – 7 Ayes, 0 Nays.

REVIEW LEGISLATION:

- a) **RES. NO. 8-2024** - An emergency resolution authorizing the City Manager to enter into a one (1) year contract for property, automobile, inland marine, general liability, public officials liability, police liability, boiler and machines, crime coverage, cyber coverage, employment practice and umbrella insurance coverage. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*)

Mr. DeForest stated that this resolution is regarding insurance for the City. He requested an emergency with suspension of the rules as the legislation must be ready for February.

Mr. DeForest added that Ms. Rice from Love Insurance would be available to answer any questions.

Mr. Delsanter moved Resolution Number 8-2024 to tonight's Council Agenda of January 22, 2024, as an emergency with a suspension of the rules. Vote – 7 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

EXECUTIVE SESSION:

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

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

The Committee-of-the-Whole reconvened.

Mrs. Piper moved to authorize the City Manager to consult with legal counsel to direct a letter to Brunswick Youth Sports as written in the draft.

Mr. Delsanter requested that the Administration communicate with the news media to convey Council's purpose of moving forward with the letter, as it will provide clarity for the public.

Mr. Hanek stated that he hopes Council and the Administration move forward in a productive way so that baseball can be retained in the City. He continued that much of this will be contingent on the Administration's ability to work with both existing organizations and any potential transitions. He asked that the Administration keep residents and children in mind when making decisions regarding this matter.

Mr. Abella disclosed that he is one hundred percent against this proposal.

Vote – 5 Ayes, 2 Nays (Mr. Delsanter, Mr. Abella).

ADJOURNMENT:

Being no further business, Mr. Delsanter moved to adjourn the Committee-of-the-Whole Meeting at 6:50 p.m. Vote – 7 Ayes, 0 Nays.

Submitted Respectfully,



Irene Jayapandian
Assistant Clerk of Council

PROPOSED LEGISLATION



DATE: 2/12/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Magovac

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 1-2024** - A resolution authorizing the City Manager to purchase liquid asphalt emulsion for the Service Department from Leader Machinery Equipment in an amount not to exceed \$40,000.00. - **3rd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Paul Magovac*)

BACKGROUND: This emulsion is one component that is used in the durapatch machine to be able to patch potholes throughout the city. This emulsion is a proprietary product that is a specified design for use in our machine.

PURPOSE AND EXPLANATION: Service Department has a Durapatcher which is a trailer mounted spray injection machine that will allow for the mixing of asphalt emulsion and stone to create an asphalt patch at the site of the pothole. This legislation will allow for the purchase of hot liquid asphalt emulsion which is delivered in bulk and stored in a heated tank that will be stationary at Streets West 130th Street yard.

IMPLEMENTATION SCHEDULE: Spring of 2024

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Purchase to be split 50% between Road Improvement Fund #333 & Streets R&M Fund #117 - - \$20,000.00 333-0474-56870 \$20,000.00 117-0420-55303

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:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 1-2024

BY: Mr. Smith, Mr. Abella, Mr. Kuczma

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE LIQUID ASPHALT EMULSION FOR THE SERVICE DEPARTMENT FROM LEADER MACHINERY EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$40,000.00.

WHEREAS: The liquid asphalt emulsion is a component used by the Service Department in its Durapatch Machine to patch potholes on roads within the City.

WHEREAS: The liquid asphalt emulsion is a proprietary product that is specified for use in the Service Department's Durapatch Machine.

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

SECTION 1: That the City Manager is hereby authorized to purchase liquid asphalt emulsion from Leader Machinery Equipment in an amount not to exceed \$40,000.00.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laure E. Timura

PROPOSED LEGISLATION



DATE: 2/12/2024

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. 7-2024** - An ordinance establishing Codified Ordinance Chapter 868 of the City of Brunswick Codified Ordinances relative to the license of Tobacco Retail Establishments - **3rd Reading** (Committee-of-the-Whole, *Administration/Dennis Nevar*)

BACKGROUND: This Council recognizes that young people are particularly susceptible to the addictive properties of tobacco and nicotine and that youth who begin using tobacco and nicotine products are more likely to become lifelong users, reversing previous progress in the reduction of the overall tobacco use rate. This Council has the authority to protect life, health, and safety by requiring tobacco and nicotine retailers in the City to obtain and maintain a tobacco retailer license as a condition for engaging in the business of selling tobacco products.

A tobacco retailer license is an evidence-based strategy to reduce initiation to nicotine and tobacco through improved compliance with minimum legal sales age and other important sales regulations. A tobacco retailer license is a regulatory tool that further enables the City to monitor nicotine and tobacco sales, fund compliance efforts, and create effective penalty and suspension structures for repeated violations. Tobacco retailer license laws in other communities have been effective in reducing the number of illegal nicotine and tobacco sales to underage purchasers.

PURPOSE AND EXPLANATION:

IMPLEMENTATION SCHEDULE: Three readings

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

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

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 7-2024

BY: Committee-of-the-Whole

AN ORDINANCE ESTABLISHING CHAPTER 868 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES RELATIVE TO THE LICENSE OF
TOBACCO RETAIL ESTABLISHMENTS.

- WHEREAS: This Council recognizes the health risks associated with nicotine and tobacco use and addiction, especially for young people.
- WHEREAS: US Food and Drug Administration data indicates that one in five Ohio retailers illegally sell nicotine and tobacco products to underage buyers.
- WHEREAS: Tobacco retailers may choose to concentrate near schools and in low-income neighborhoods.
- WHEREAS: Tobacco use is the foremost preventable cause of premature death in the U.S., causing a half million deaths annually, and has been responsible for 20.8 million premature deaths in the U.S. since the first U.S. Surgeon General's report on smoking in 1964.
- WHEREAS: This Council recognizes that young people are particularly susceptible to the addictive properties of tobacco and nicotine, and that youth who begin using tobacco and nicotine products are more likely to become lifelong users, reversing previous progress in the reduction of the overall tobacco use rate.
- WHEREAS: This Council has the authority to protect life, health and safety by requiring tobacco and nicotine retailers in the City to obtain and maintain a tobacco retailer license as a condition for engaging in the business of selling tobacco products.
- WHEREAS: A tobacco retailer license is an evidence-based strategy to reduce initiation to nicotine and tobacco through improved compliance with minimum legal sales age and other important sales regulations.
- WHEREAS: A tobacco retailer license is a regulatory tool that further enables the City to monitor nicotine and tobacco sales, fund compliance efforts, and create effective penalty and suspension structures for repeated violations.
- WHEREAS: Tobacco retailer license laws in other communities have been effective in reducing the number of illegal nicotine and tobacco sales to underage purchasers.
- WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the Chapter 868 of the Codified Ordinances titled “Tobacco Retailer Licenses” is hereby established to read as follows:

“868.01 DEFINITIONS.

(A) Definitions. For the purposes of this Section, the following definitions shall apply:

- (1) “Applicant” means the applicant for a license under this Chapter, including any person or entity that holds an interest in the applicant.
- (2) “Compliance Check” means the system utilized by the Licensing Agent to investigate and ensure that those authorized to sell Tobacco Products are following and complying with the requirements of this Chapter. Compliance checks may be conducted by the Licensing Agent, the City of Brunswick and/or other units of government or designated agencies for educational, research and/or training purposes, of for investigating and enforcing federal, state and local laws pertaining to Tobacco Products.
- (3) “Distribute” means giving, providing, or delivering Tobacco Products.
- (4) “Educational Facility” means any public or private educational facility, including, without limitation, child-care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers.
- (5) “Electronic Smoking Device” means any device that may be used to deliver any aerosolized or vaporized nicotine or any other substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic Smoking Device includes any component, part, or accessory to such a device, whether or not sold separately, and also includes any substance intended to be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic Smoking Device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.
- (6) “Licensee” means the holder of a valid Tobacco Retailer License or Temporary Event License.
- (7) “Licensing Agent” means the City of Brunswick or its duly authorized designee.

- (8) “Person” means any natural person.
- (9) “Premises” means the location to which any License or Temporary Event License issued under this Chapter has been issued.
- (10) “Public Place” means any area in which the public is invited or permitted, including, without limitation, any public park or playground, but excluding any public right-of-way.
- (11) “Purchaser” means any person who obtains or attempts to obtain a Tobacco Product.
- (12) “Religious Institution” means a church, synagogue, temple or building which is used primarily for religious worship and related religious activities.
- (13) “Sale”, “Sell” or “Sold” means transferring, or offering or attempting to transfer, a Tobacco Product for money, trade, barter, exchange or other consideration.
- (14) “Temporary Event” means an event open to the public, whether on private or public property, that is temporary in nature.
- (15) “Temporary Event License” means a license issued by the Licensing Agent or its authorized designee for the sale of Tobacco Products at a Temporary Event.
- (16) “Tobacco” or “Tobacco Product(s)” means: (a) any product containing, made of, or derived from tobacco or containing any form of nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, dissolved, inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff or snus; (b) any Electronic Smoking Device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; (c) any component, part, or accessory of (a) or (b), whether or not any of these contain tobacco or nicotine, including, but not limited to, filters, rolling papers, blunt or hemp wraps, or pipes. Tobacco Product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.
- (17) “Tobacco Retailer” means any individual, firm, partnership, joint venture, association, joint stock company, corporation, unincorporated business entity, or any other group acting as a unit that owns a business where Tobacco Products are

available for sale, including the employees thereof. Tobacco Retailer, as used herein, includes any manufacturer, producer, distributor or wholesaler of Tobacco Products. Tobacco Retailer does not mean the employees or agents of an owner of a business where Tobacco Products are available to the general public.

(18) “Tobacco Retail Establishment” means any place of business where Tobacco Products are available for sale, whether or not the business is open to the general public, whether pursuant to a License or Temporary Event License issued pursuant to this Chapter.

(19) “Tobacco Retailer License” or “License” means a license issued by the Licensing Agent or its authorized designee for the sale of Tobacco Products pursuant to this Chapter.

868.02 LICENSE REQUIRED/APPLICATION.

(A) License Required. No Person, Tobacco Retailer or Tobacco Retail Establishment shall sell, offer to sell or distribute any Tobacco Product without first having obtained a License or Temporary Event License from the Licensing Agent.

(B) Application. An application for a License or Temporary Event License to sell or distribute Tobacco Products must be made on a form provided by the Licensing Agent. The application must contain the full legal and doing business as name of the Applicant, the location of the Premises or Temporary Event, the Applicant’s business address, phone number and email address, the name and social security number of each and every person(s) holding any interest in the Applicant (if the Applicant is not a natural Person), confirmation that the Applicant and all employees of the Applicant have completed the Instruction Program as required herein, and such additional information as may be required by the Licensing Agent. If the Licensing Agent determines that an application is incomplete, the application will be returned to the Applicant with notice of the deficiency and the requisite information necessary to make the application complete.

(C) Term. The term of any License issued pursuant to this Chapter is for a period of one (1) year commencing on the first day of September up to and including the last day of August. Any License issued after the first day of September will expire on the last day of August and remain subject to the full, non-prorated License fee regardless of the date of issuance. Any Temporary Event License issued pursuant to this Chapter shall be valid for no more than five (5) days during the calendar year in which it was issued.

(D) Violation; Suspension; Revocation. Any License or Temporary Event License issued under this Chapter may be suspended or revoked as follows:

- (1) Any Licensee that violates any provision of this Chapter, or any other federal, state or local law relative to the distribution or sale of Tobacco Products, shall be subject to the penalties prescribed in this Chapter and/or Codified Ordinance Section 636.19.
 - (2) A previous violation of any other federal, state or local law relating to the distribution or sale of Tobacco Products that occurred within the previous thirty-six (36) months shall be considered a prior violation when determining any penalty under this Chapter and/or Codified Ordinance Section 636.19.
- (E) Transfers. All Licenses or Temporary Event Licenses issued under this Chapter are valid only with respect to the Licensee and for the Premises or Temporary Event location for which same was issued. The transfer of any License or Temporary Event License to any other Person, Tobacco Retailer, Tobacco Retail Establishment and/or other Premises (or other Temporary Event location) is prohibited with the exception that the change in ownership of a Licensee shall not be deemed to constitute a transfer of a License or Temporary Event License.
- (F) Display. All Licenses or Temporary Event Licenses must be posted and displayed at all times in plain view of the general public of the Tobacco Retail Establishment or at the Temporary Event location. Failure to properly display any License or Temporary Event License issued pursuant to this Chapter is a violation hereof.
- (G) Renewals. The renewal of a License issued pursuant to this Chapter shall be subject to the same application process as provided hereinabove. The request for renewal must be made at least thirty (30) days prior to the expiration of the current License. The issuance of a License pursuant to this Chapter is a privilege and does not entitle the Licensee to the automatic renewal thereof. The failure to timely renew and/or the denial of the renewal of a License previously issued pursuant to this Chapter shall result in the revocation thereof. Temporary Event Licenses shall not be subject to renewal.
- (H) Instructional Program. As a condition of the issuance of a License or Temporary Event License pursuant to this Chapter, the Licensee shall complete and ensure that all employees complete an annual training program pre-approved by the Licensing Agent related to the legal requirements for the distribution or sale of Tobacco Products. Documentation evidencing compliance with this requirement is a condition precedent to the issuance of any Temporary Event License, License or renewal thereof.

868.03 DENIAL OF LICENSE/TEMPORARY EVENT LICENSE.

- (A) The Licensing Agent shall deny an application for a Temporary Event License, License, or renewal thereof, in the following circumstances:

- (1) The Applicant is under the age of 21.
 - (2) The Applicant has been convicted of any violation of a federal, state or local law relating to the distribution or sale of Tobacco Products within the previous five (5) years.
 - (3) The Applicant has had a License or Temporary Event License issued under this Chapter revoked within the previous two (2) years.
 - (4) The Applicant fails to provide the information required on the application or provides false, incomplete or misleading information.
 - (5) The Applicant is prohibited by federal, state or local law from distributing or selling Tobacco Products.
 - (6) The Applicant is delinquent on the payment of any fee, tax or penalty imposed by this Chapter or any other provision of the Codified Ordinances.
 - (7) The maximum number of available Licenses under this Chapter have been issued.
 - (8) The Premises is not in compliance with the proximity requirements contained in this Chapter.
 - (9) The Applicant has been found to have been distributing or selling Tobacco Products without a License or Temporary Event License issued pursuant to this Chapter on two (2) occasions within any twelve (12) month period.
- (B) In the event a License or Temporary Event License is mistakenly issued or renewed, the Licensing Agent may revoke same upon the discovery that the Applicant was ineligible under this Chapter. In such event, the Licensing Agent will provide the Licensee with notice of revocation along with information as to Licensee's rights of appeal consistent with this Chapter.
- (C) If a License or Temporary Event License is suspended or revoked pursuant to this Chapter, the License fee is deemed forfeited and non-refundable.

868.04 LICENSE/TEMPORARY EVENT LICENSE FEE; FINES.

- (A) No License or Temporary Event License shall be issued under this Chapter until the appropriate, non-refundable License/Temporary Event License fee is paid in full.
- (B) The fee for a License (or renewal thereof) under this Chapter shall be a minimum of \$750.00 payable to the Licensing Agent. The Licensing Agent shall have the

authority to adjust the License fee as deemed necessary, but in no event shall the License fee be less than \$750.00. The fee for a Temporary Event License under this Chapter shall be a minimum of \$150.00 payable to the Licensing Agent. The Licensing Agent shall have the authority to adjust the Temporary Event License fee as deemed necessary, but in no event shall the Temporary Event License fee be less than \$150.00.

- (C) License/Temporary Event License fees and fines collected pursuant to this Chapter shall be for the benefit of and payable to the Licensing Agent and shall be used to fund tobacco retail licensure compliance and enforcement measures, including, but not limited to, issuing Licenses/Temporary Event Licenses, administering the licensing program, tobacco retailer education, tobacco retailer inspection and compliance checks, documentation of violations and appellate proceedings. Funds may also be designated for other tobacco control, prevention and education programs as determined by the Licensing Agent.

868.05 NUMBER OF LICENSES.

- (A) The total number of Licenses issued within the City shall be limited to one (1) License for each one thousand one hundred (1,100) residents of the City, as established by the most recent Federal Decennial Census. Notwithstanding the foregoing:
 - (1) Any Person or Tobacco Retailer lawfully engaged in the operation of a Tobacco Retail Establishment that is in full compliance with all applicable law as of the effective date of this Chapter shall be entitled to a License subject to full satisfaction of the requirements of this Chapter; and
 - (2) City Council shall have the authority, as part of a duly approved Development Agreement as otherwise required by the Codified Ordinances, to authorize the Licensing Agent to issue additional Licenses, subject to full satisfaction of the requirements of this Chapter, to any Applicant that proposes the construction of a new, single-tenant commercial/retail structure.
- (B) The Licensing Agent shall maintain a list of all applications for Licenses which, if issued, would exceed the maximum number of licenses permitted pursuant to this Chapter. In the event of revocation and/or non-renewal of a License, the Licensing Agent may proceed with the processing of applications on file in the order in which they were received.
- (C) There are no maximum number of Temporary Event Licenses that may be issued by the Licensing Agent pursuant to this Chapter.

868.06 PROXIMITY REQUIREMENTS.

- (A) No License/Temporary Event License shall be granted under this Chapter to an Applicant that is located (or Temporary Event that is located) within 1,000 feet of any existing Licensee, as measured from the nearest property lines of each respective property. This restriction does not apply to any Applicant that holds a state tax license to sell Tobacco Products at the same Premises for at least one (1) year prior to the effective date of this Chapter.
- (B) No License/Temporary Event License shall be granted under this Chapter to an Applicant that is located (or Temporary Event that is located) within 3,500 feet of any Educational Facility, Religious Institution or Public Place, as measured from the nearest property lines of each respective property. This restriction does not apply to any Applicant that holds a state tax license to sell Tobacco Products at the same Premises for at least one (1) year prior to the effective date of this Chapter.

868.07 COMPLIANCE WITH CODIFIED ORDINANCE SECTION 636.19.

- (A) All Licensees shall comply with the requirements of Codified Ordinance Section 636.19, which is incorporated herein by reference, as same may be amended from time to time.

868.08 COMPLIANCE CHECKS AND INSPECTIONS.

- (A) The Tobacco Retail Establishment for which any License/Temporary Event License is issued pursuant to this Chapter shall be open to inspection by the Licensing Agent during regular business hours. The Tobacco Retail Establishment shall be subject to not less than two (2) unannounced compliance checks per License year (or during any Temporary Event) which may include, without limitation, checks to verify that the Tobacco Retail Establishment:
- (1) Maintains and properly displays the License/Temporary Event License to distribute or sell Tobacco Products; and
 - (2) Does not permit sale to persons under the age of 21.
- (B) Unannounced follow-up compliance checks of all non-compliant Tobacco Retail Establishments shall be conducted by the Licensing Agent within three (3) months of any violation of this Chapter.
- (C) The results of all compliance checks shall be published annually and made available to the public by the Licensing Agent.

868.09 PENALTY.

Notwithstanding any other penalty that may be imposed by applicable federal, state or local law, including, without limitation, those penalties prescribed by Codified Ordinance Section 636.19, any Person, Tobacco Retailer or Tobacco Retail Establishment that violates any provision of this Chapter or any provision of Codified Ordinance Section 636.19 shall be subject to the following penalties:

- (A) For a first violation, a fine of \$500.00.
- (B) For second violation within a thirty-six (36) month period, a fine of \$1,000.00 and a License/Temporary Event License suspension of thirty (30) days.
- (C) For a third violation within a thirty-six (36) month period, a fine of \$1,500.00 and License/Temporary Event License suspension of sixty (60) days.
- (D) For a fourth violation within a thirty-six (36) month period, a fine of \$2,000.00 and License/Temporary Event License revocation.

Any Person, Tobacco Retailer or Tobacco Retail Establishment found to be selling Tobacco Products without the License/Temporary Event License required under this Chapter shall be subject to the following penalties:

- (A) For a first violation, a fine of \$1,000.00.
- (B) For a second violation and each subsequent violation within a thirty-six (36) month period, a fine of \$2,000.00 per occurrence and ineligibility for a License/Temporary Event License for a period of three (3) years.

Additionally, in the event that the Licensing Agent determines that it is probable that any Person, Tobacco Retailer or Tobacco Retail Establishment has violated any provision of Codified Ordinance Section 636.19, the Licensing Agent will report same to the Division of Police for review of possible charges thereunder.

868.10 SEVERABILITY.

The provisions of this Chapter are severable, and if any provision, clause, sentence or paragraph of this Chapter or the application thereof to any person or circumstances are held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such a ruling shall not affect the other parts of this Section that can be given effect.

868.11 NOTICES; APPEALS.

In the event that a violation is issued or a License/Temporary Event License is denied, suspended or revoked pursuant to this Chapter, the Licensing Agent shall inform the Applicant and/or Licensee in writing to be sent by certified mail, return receipt requested, to the address of

the Applicant/Licensee as contained in the application. Such notice shall provide that the Applicant and/or Licensee shall have a right to appeal any such decision directly to the Licensing Agent, which appeal shall be in writing, contain all operative facts in support of such appeal and be filed with the Licensing Agent within thirty (30) days of the date of the notice. The determination of the Licensing Agent shall be considered a final order.”

SECTION 2: The provisions of this Ordinance shall be effective and enforceable as of September 1, 2024.

SECTION 3: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____

AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 2/12/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 9-2024** - An emergency ordinance extending 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 Committee-of-the-Whole, *Administration/Grant Aungst*)

BACKGROUND: The City of Brunswick may legitimately regulate the location and approval of 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 the City, as defined in Codified Ordinance Section 636.19.

PURPOSE AND EXPLANATION: The six (6) month temporary moratorium established by Ordinance No. 79-2023 shall be extended for a period of six (6) months up to and including September 25, 2024, wherein the City shall not accept or process any 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 further shall not issue any such approvals during said period.

IMPLEMENTATION SCHEDULE:

Immediately.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading

Yes

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

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

This Ordinance is 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/or Planning Commission necessary time to undertake a review of the Brunswick Codified Ordinances for possible amendment thereof.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 9-2024

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 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.

WHEREAS: The City of Brunswick may legitimately regulate the location and approval of 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 the City, as defined in Codified Ordinance Section 636.19.

WHEREAS: On September 25, 2023, City Council adopted Ordinance No. 79-2023 establishing a six (6) month 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.

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 establishments that intent 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 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/or Planning Commission necessary time to continue to undertake a review of the Brunswick Codified Ordinances for possible amendment thereof.

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

SECTION 1: The six (6) month temporary moratorium established by Ordinance No. 79-2023 shall be extended for a period of six (6) months up to and including September 25, 2024, wherein the City shall not accept or process any 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

PROPOSED LEGISLATION



DATE: 2/12/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Magovac

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 10-2024** - A resolution authorizing the City Manager to enter into a five (5) year agreement (with renewal options of up to four (4) years) with Kimble Recycling & Disposal, Inc. for the collection and disposal of residential solid waste and recycling. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Paul Magovac*)

BACKGROUND: The current Residential Solid Waste contract expires on June 30, 2024. The proposed Agreement with Kimble, the lowest and best bid, commences on July 1, 2024 and will expire on June 30, 2029 with up to four (4) option years upon mutual agreement of both parties.

PURPOSE AND EXPLANATION: This agreement will allow for the residential curbside collection of Refuse and Recyclables starting on July 1, 2024 and expires on June 20, 2029. The agreement provides for four (4) years extension upon mutual agreement of both parties.

IMPLEMENTATION SCHEDULE: Introduction on February 12, 2024 for three readings. The new service is scheduled to begin on July 1, 2024.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Agreement for both residential curbside collection of Refuse and Recyclables. The cost shall be as shown in Alternate No 1, Variable Rate, for five (5) years agreement, with a four (4) year option, agreeable by both parties. The bid rates shall be fixed for each five (5) years of the agreement. Variable costs in the bid apply and pertain to changes in tipping fees, diesel fuel price changes and recycling revenue sharing. It is anticipated that the initial rate to be charged to the customer will be \$23.50 per month or \$70.50 per quarter, with the goal to sustain that rate for the first 3 years or as long as practically possible. \$23.50 would be an increase of \$2.25/month from existing billable rates. The cost of this new hauler contract will be based on a first year fixed cost price per home of \$20.93 (an increase of \$3.33/month per home from expiring contract), plus additional

costs for administration, billing, and variable items such as fuel and tipping fees, etc. Variable costs are calculated monthly based on the diesel fuel costs released by the Department of Energy and tipping fee charges assessed by Medina County, etc. Fixed costs also increase annually in accordance with the bid proposal. Estimated costs for this contract are budgeted in the Refuse Fund - account #223-0710-54260. All costs for this contract remain under the appropriation authority of City Council and billing rates charged to the customers must follow local law. The cost of this new bid was also above original expectations. Therefore, it will also require a legislative increase in appropriations to pay estimated obligations under this contract. Please note that the proposed billable rate increase of \$2.25/month per customer is below the \$3.33/month fixed cost increase in this bid. This is because of the initial cart fee expiring effective July 1, 2024, and with updated estimates for variable costs pertaining to the lowest and best overall bid.

**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:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 10-2024

BY: Committee-of-the-Whole

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A FIVE (5) YEAR AGREEMENT (WITH RENEWAL OPTIONS OF UP TO FOUR (4) YEARS) WITH KIMBLE RECYCLING & DISPOSAL, INC. FOR THE COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE AND RECYCLING.

WHEREAS: The City of Brunswick received three (3) bids for the collection and disposal of residential solid waste and recycling, in accordance with public bidding requirements;

WHEREAS: The three (3) received public bids were opened on January 16, 2024 with Kimble Recycling & Disposal, Inc. ("Kimble"), determined to be the lowest and best bidder; and

WHEREAS: The current agreement with Browning Ferris Industries of Ohio, Inc., a subsidiary of Republic Services, Inc., for residential solid waste and recycling collection and disposal in the City expires on June 30, 2024.

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

SECTION 1: That the City Manager, upon approval of the Law Director, is hereby authorized and directed to enter into an Agreement, as attached hereto as Exhibit "A", with Kimble for the collection and disposal of residential solid waste and recycling in the City.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____

AYES ____ NAYS ____

ATTEST: _____

Clerk of Council
Laura E. Timura, CMC

PROPOSED LEGISLATION



DATE: 2/12/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 11-2024** - An ordinance amending Section A(18) of the Design Guidelines for the Main Street District of the Brunswick Town Center Special Planning District No. 2 by imposing additional restrictions for vape and smoke shops. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: In order to be consistent with the location of vape and smoke shops in other zoning districts in the City of Brunswick, vape and smoke shops, which shall be permitted as a conditionally permitted use subject to the provisions of Chapter 1274, shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries upon which any religious institution, educational institution or city park is located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line of any religious institution, educational institution or city park.

PURPOSE AND EXPLANATION: The proposed amendment will make the location of vape and smoke shops consistent with other zoning districts in the City of Brunswick.

IMPLEMENTATION SCHEDULE: First reading on February 12, 2024, then refer to the Planning Commission for a public hearing.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	No
Two Readings	No
Three Readings	Yes

Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?
Recommend adoption.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 11-2024

BY: Mr. Delsanter, Mr. Lambert, Mr. Kuczma

AN ORDINANCE AMENDING SECTION A(18) OF THE DESIGN GUIDELINES FOR THE MAIN STREET DISTRICT OF THE BRUNSWICK TOWN CENTER SPECIAL PLANNING DISTRICT NO. 2 BY IMPOSING ADDITIONAL RESTRICTIONS FOR VAPE AND SMOKE SHOPS.

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

SECTION 1: That Section A(18) of General Requirements is hereby amended to read as follows:

“(18) Vape and smoke shops, which shall be permitted as a conditionally permitted use subject to the provisions of Chapter 1274, shall not be permitted within ~~one thousand (1,000) feet of~~ 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries upon which any of the following are located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line upon which any of the following are located:

- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
- (2) A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers. ~~School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.~~
- (3) A playground that is open to the public or a City park.”

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

PASSED: 1st Reading _____
2nd Reading _____
3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura, CMC

PROPOSED LEGISLATION



DATE: 2/12/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 12-2024** - An ordinance amending Section A(3) of the Design Guidelines for the Southeast Neighborhood of the Brunswick Town Center Special Planning District No. 2 by imposing additional restrictions for vape and smoke shops. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: In order to be consistent with the location of vape and smoke shops in other zoning districts in the City of Brunswick , Section A(3) of the Brunswick Town Center SPD-2 Southeast Neighborhood Design Guidelines has been amended as follows: “Conditional Uses. Home occupations, hotels, vape and smoke shops, and tattoo and body piercing parlors as conditional uses, subject to Section 1274.09. **Vape and smoke shops shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries upon which any religious institution, educational institution or city park is located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line upon which any religious institution, educational institution or city park is located.**”

-

PURPOSE AND EXPLANATION: The proposed amendment will make the location of vape and smoke shops in Brunswick Town Center SPD-2 Southeast Neighborhood consistent with other zoning districts in the City of Brunswick.

IMPLEMENTATION SCHEDULE: First reading on February 12, 2024, refer back to the Planning Commission for a public hearing.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

If emergency or suspension of the rules, why the request?
Recommend adoption.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 12-2024

BY: Mr. Delsanter, Mr. Lambert, Mr. Kuczma

AN ORDINANCE AMENDING SECTION A(3) OF THE DESIGN GUIDELINES FOR THE SOUTHEAST NEIGHBORHOOD OF THE BRUNSWICK TOWN CENTER SPECIAL PLANNING DISTRICT NO. 2 BY IMPOSING ADDITIONAL RESTRICTIONS FOR VAPE AND SMOKE SHOPS.

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

SECTION 1: That Section A(3) of the General Requirements shall be amended to read as follows:

“Conditional Uses. Home occupations, hotels, vape and smoke shops, and tattoo and body piercing parlors as conditional uses, subject to Section 1274.09. **Vape and smoke shops shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries upon which any of the following are located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line upon which any of the following are located:**

(1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

(2) A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers.

(3) A playground that is open to the public or a City park.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura, CMC

PROPOSED LEGISLATION



DATE: 2/12/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 13-2024** - An ordinance amending Section 1256.04(m) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **1st Reading** (To be brought from Planning & Zoning Committee, Administration/Grant Aungst)

BACKGROUND: Section 1256.04(m) of the Codified Ordinances is hereby amended to read as follows:

Vape and smoke shops shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries upon which any of the following are located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line upon which any religious institution, educational institution or city park is located.

**PURPOSE AND
EXPLANATION:**

The proposed amendment will make the location of vape and smoke shops in the C-N Neighborhood Commercial District consistent with other zoning districts in the City of Brunswick.

**IMPLEMENTATION
SCHEDULE:**

First reading on February 12, 2024; refer back to the Planning Commission for a public hearing.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

**RECOMMENDED
ACTION:**

One Reading	No
Two Readings	No

Three Readings	Yes
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?
Recommend adoption.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 13-2024

BY: Mr. Delsanter, Mr. Lambert, Mr. Kuczma

AN ORDINANCE AMENDING SECTION 1256.04(m) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY IMPOSING ADDITIONAL RESTRICTIONS FOR VAPE AND SMOKE SHOPS.

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

SECTION 1: That Section 1256.04(m) of the Codified Ordinances is hereby amended to read as follows:

“(m) Vape and smoke shops shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries upon which any of the following are located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line upon which any of the following are located, which shall not be permitted within one thousand (1,000) feet of:

- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
- (2) A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers. ~~School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.~~
- (3) A playground that is open to the public or City park.”

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

PASSED: 1st Reading _____
2nd Reading _____
3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura, CMC

PROPOSED LEGISLATION



DATE: 2/12/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 14-2024** - An ordinance amending Section A(9) of the Design Guidelines for the Northwest Neighborhood of the Brunswick Town Center Special Planning District No. 2 by imposing additional restrictions for vape and smoke shops. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: That Section A(9) of General Requirements shall be amended to read as follows:

“(9) Vape and smoke shops, **which shall be permitted as a conditionally permitted use subject to the provisions of Chapter 1274, shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries upon which any religious institution, educational institution, or city park is located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line upon which any religious institution, educational institution, or city park is located.**”

**PURPOSE AND
EXPLANATION:**

The proposed amendment will make the location of vape and smoke shops in the Northwest Neighborhood of Brunswick Town Center SPD-2 consistent with other zoning districts in the City of Brunswick.

IMPLEMENTATION

SCHEDULE: First reading on February 12, 2024; refer back to the Planning Commission for a public hearing.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

**RECOMMENDED
ACTION:**

One Reading

No

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

If emergency or suspension of the rules, why the request?
Recommend adoption.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 14-2024

BY: Mr. Delsanter, Mr. Lambert, and Mr. Kuczma

AN ORDINANCE AMENDING SECTION A(9) OF THE DESIGN GUIDELINES FOR THE NORTHWEST NEIGHBORHOOD OF THE BRUNSWICK TOWN CENTER SPECIAL PLANNING DISTRICT NO. 2 BY IMPOSING ADDITIONAL RESTRICTIONS FOR VAPE AND SMOKE SHOPS.

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

SECTION 1: That Section A(9) of General Requirements shall be amended to read as follows:

“(9) Vape and smoke shops, which shall be permitted as a conditionally permitted use subject to the provisions of Chapter 1274, shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries upon which any of the following are located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line upon which any of the following are located:

(1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

(2) A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers.

(3) A playground that is open to the public or a City park.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura, CMC

PROPOSED LEGISLATION



DATE: 2/12/2024

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. 15-2024** - An emergency resolution authorizing the City Manager to enter into an agreement with Set in Stone Contracting, LLC for the Magnolia Drive Phase 2 Improvement Project in an amount not to exceed \$619,000.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

BACKGROUND: Authorization for a public bid was granted by City Council motion on December 18, 2023. The lowest and best bid received on January 31, 2024, was from Set in Stone Contracting, LLC in the amount of \$619,000.

PURPOSE AND EXPLANATION: The proposed project will remove and replace deteriorated concrete pavement joints/slabs and install a chip seal interlayer and an asphalt overlay on Magnolia Drive between Judita Drive and just east of Sunflower Drive. Sidewalk and curb ramps will also be removed and replaced as needed. This project is being partially funded by a grant from the Ohio Public Works Commission.

IMPLEMENTATION SCHEDULE: The project is anticipated to commence in April and be completed in August.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: This project is being partially funded with a \$665,000 grant and \$160,000 loan (0% loan) from the Ohio Public Works Commission. The OPWC portion will be accounted for in the OPWC Magnolia Drive Improvement Fund #374 with the remaining costs being funded from the City's Road Improvement Fund #333.

The estimated total construction costs of \$619,000 are expected to be broken down between OPWC and the City based on the percentages listed in the OPWC award/application. The OPWC portion of construction costs is expected to be \$506,309.60 and charged to account #374-0556-56881 and the City's portion of the construction costs

is expected to be \$112,690.40 and charged to account #333-0556-56881.

**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, health, safety, or welfare, and providing for the usual daily operation of a municipality, and for the further reason that this project may commence and be completed during the 2024 construction season.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 15-2024

BY: Mr. Smith, Mr. Abella, and Mrs. Piper

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SET IN STONE CONTRACTING, LLC FOR THE MAGNOLIA DRIVE PHASE 2 IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$619,000.00.

WHEREAS: The City of Brunswick received four (4) bids for the Magnolia Drive Phase 2 Improvement Project (the “Project”), in accordance with public bidding requirements;

WHEREAS: The four (4) received public bids were opened on January 31, 2024, with Set in Stone Contracting, LLC determined to be the lowest and best bidder; and

WHEREAS: The Project is being partially funded with a grant from the Ohio Public Works Commission.

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 Set in Stone Contracting, LLC for the construction of the Project in an amount not to exceed \$619,000.00.

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 during the 2024 construction season. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES ____ NAYS ____

ADOPTED: _____ AYES ____ NAYS ____

ATTEST: _____
Clerk of Council
Laura E. Timura, CMC

BID TABULATION**Magnolia Drive Reconstruction Phase 2****City of Brunswick****DATE: January 31, 2024****CVE JOB NO. 23145 Engineer's Estimate \$801,500**

				SET IN STONE CONTRACTING, LLC		A & J CEMENT CONTRACTORS, INC.	
ITEM	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	ODOT 254 PAVEMENT PLANING, PORTLAND CEMENT CONCRETE	SY	2,750	\$7.00	\$19,250.00	\$8.00	\$22,000.00
2	ODOT 255 FULL DEPTH PAVEMENT REMOVAL & RIGID REPLACEMENT	SY	2,000	\$135.50	\$271,000.00	\$140.00	\$280,000.00
3	ODOT 251 PARTIAL DEPTH PAVEMENT REPAIR	SY	400	\$20.00	\$8,000.00	\$45.00	\$18,000.00
4	SUBGRADE REMOVAL AND REPLACEMENT	CY	150	\$25.00	\$3,750.00	\$60.00	\$9,000.00
5	ODOT 882 SINGLE CH IP SEAL(INTERLAYER)	SY	8,420	\$3.25	\$27,365.00	\$3.50	\$29,470.00
6	ODOT 441 ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE 2,(448), PG 64-22	CY	280	\$220.00	\$61,600.00	\$225.00	\$63,000.00
7	ODOT 441 ASPHALT CONCRETE SURFACE COURSE, TYPE 1,(448),PG 64-22	CY	245	\$308.00	\$75,460.00	\$300.00	\$73,500.00
8	6" CONCRETE DRIVE APRON - RESIDENTIAL	SF	4,550	\$12.00	\$54,600.00	\$10.00	\$45,500.00
9	CONCRETE WALK AND CURB RAMPS REMOVED	SF	1,440	\$2.00	\$2,880.00	\$1.00	\$1,440.00
10	4" CONCRETE SIDEWALK	SF	245	\$13.00	\$3,185.00	\$7.00	\$1,715.00
11	CURB RAMP	SF	1,000	\$23.00	\$23,000.00	\$15.00	\$15,000.00
12	STORM SEWER REMOVED, 24" AND UNDER	LF	20	\$5.00	\$100.00	\$20.00	\$400.00
13	12" STORM SEWER	LF	20	\$50.00	\$1,000.00	\$100.00	\$2,000.00
14	CATCH BASIN ADJUSTED TO GRADE	EACH	15	\$1,000.00	\$15,000.00	\$1,000.00	\$15,000.00
15	CATCH BASIN RECONSTRUCTED TO GRADE	EACH	5	\$1,200.00	\$6,000.00	\$1,250.00	\$6,250.00
16	MANHOLE CASTING ADJUSTED TO GRADE	EACH	6	\$1,000.00	\$6,000.00	\$900.00	\$5,400.00
17	WATER LINE VALVE & VALVE BOX ADJUSTED TO GRADE	EACH	3	\$350.00	\$1,050.00	\$250.00	\$750.00
18	MISCELLANEOUS METAL	LBS	7,000	\$0.50	\$3,500.00	\$1.50	\$10,500.00
19	MONUMENT BOX ASSEMBLY	EACH	10	\$400.00	\$4,000.00	\$1,000.00	\$10,000.00
20	LINEAR GRADING	LUMP	1	\$5,200.00	\$5,200.00	\$10,000.00	\$10,000.00
21	MAINTAINING TRAFFIC AND DETOUR SIGNING	LUMP	1	\$17,000.00	\$17,000.00	\$50,000.00	\$50,000.00
22	PAVEMENT MARKING AND SIGNAGE	LUMP	1	\$7,500.00	\$7,500.00	\$10,000.00	\$10,000.00
23	EROSION CONTROL	LUMP	1	\$2,560.00	\$2,560.00	\$2,000.00	\$2,000.00
TOTAL PROJECT COST				TOTAL	\$619,000.00	TOTAL	\$680,925.00
				NUMBER OF DAYS TO COMPLETE: 60		NUMBER OF DAYS TO COMPLETE: 60 WORK DAYS	

				TRI MOR CORPORATION		KONSTRUCTION KING, INC.	
ITEM	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	ODOT 254 PAVEMENT PLANING, PORTLAND CEMENT CONCRETE	SY	2,750	\$5.50	\$15,125.00	\$7.00	\$19,250.00
2	ODOT 255 FULL DEPTH PAVEMENT REMOVAL & RIGID REPLACEMENT	SY	2,000	\$145.00	\$290,000.00	\$167.00	\$334,000.00
3	ODOT 251 PARTIAL DEPTH PAVEMENT REPAIR	SY	400	\$50.00	\$20,000.00	\$35.00	\$14,000.00
4	SUBGRADE REMOVAL AND REPLACEMENT	CY	150	\$125.00	\$18,750.00	\$40.00	\$6,000.00
5	ODOT 882 SINGLE CH IP SEAL(INTERLAYER)	SY	8,420	\$2.50	\$21,050.00	\$2.80	\$23,576.00
6	ODOT 441 ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE 2,(448), PG 64-22	CY	280	\$250.00	\$70,000.00	\$205.00	\$57,400.00
7	ODOT 441 ASPHALT CONCRETE SURFACE COURSE, TYPE 1,(448),PG 64-22	CY	245	\$325.00	\$79,625.00	\$275.00	\$67,375.00
8	6" CONCRETE DRIVE APRON - RESIDENTIAL	SF	4,550	\$13.50	\$61,425.00	\$13.50	\$61,425.00
9	CONCRETE WALK AND CURB RAMPS REMOVED	SF	1,440	\$4.00	\$5,760.00	\$2.50	\$3,600.00
10	4" CONCRETE SIDEWALK	SF	245	\$12.00	\$2,940.00	\$15.00	\$3,675.00
11	CURB RAMP	SF	1,000	\$18.00	\$18,000.00	\$18.00	\$18,000.00
12	STORM SEWER REMOVED, 24" AND UNDER	LF	20	\$25.00	\$500.00	\$50.00	\$1,000.00
13	12" STORM SEWER	LF	20	\$220.00	\$4,400.00	\$100.00	\$2,000.00
14	CATCH BASIN ADJUSTED TO GRADE	EACH	15	\$1,650.00	\$24,750.00	\$1,500.00	\$22,500.00
15	CATCH BASIN RECONSTRUCTED TO GRADE	EACH	5	\$2,300.00	\$11,500.00	\$1,800.00	\$9,000.00
16	MANHOLE CASTING ADJUSTED TO GRADE	EACH	6	\$1,200.00	\$7,200.00	\$1,250.00	\$7,500.00
17	WATER LINE VALVE & VALVE BOX ADJUSTED TO GRADE	EACH	3	\$400.00	\$1,200.00	\$450.00	\$1,350.00
18	MISCELLANEOUS METAL	LBS	7,000	\$2.25	\$15,750.00	\$1.00	\$7,000.00
19	MONUMENT BOX ASSEMBLY	EACH	10	\$800.00	\$8,000.00	\$500.00	\$5,000.00
20	LINEAR GRADING	LUMP	1	\$3,500.00	\$3,500.00	\$8,000.00	\$8,000.00
21	MAINTAINING TRAFFIC AND DETOUR SIGNING	LUMP	1	\$16,000.00	\$16,000.00	\$30,000.00	\$30,000.00
22	PAVEMENT MARKING AND SIGNAGE	LUMP	1	\$8,000.00	\$8,000.00	\$10,000.00	\$10,000.00
23	EROSION CONTROL	LUMP	1	\$3,000.00	\$3,000.00	\$2,000.00	\$2,000.00
TOTAL PROJECT COST				TOTAL	\$706,475.00	TOTAL	\$713,651.00
				NUMBER OF DAYS TO COMPLETE: 75		NUMBER OF DAYS TO COMPLETE: 90	

MEMO

Engineering Department



TO: City Council
FROM: Matthew M. Jones, P.E.
DATE: February 12, 2024
RE: Magnolia Drive Phase 2

On January 31, 2024, public bids were opened for the Magnolia Drive Phase 2 project. A tabulation of the bid results is attached for your reference. Four companies submitted bids for the project. The low bidder for the project was Set In Stone Contracting, LLC. at \$619,000.00. The Engineer's estimate was \$801,500.00. A&J Cement Contractors, Inc. was the second low bidder with a bid of \$680,925.00.

This project will remove and replace deteriorated concrete pavement joints/slabs and install a chip seal interlayer and an asphalt overlay on Magnolia Drive between Judita Drive and Sunflower Drive. Sidewalk and curb ramps will also be removed and replaced as needed.

This project is being partially funded by a grant and loan from the Ohio Public Works Commission.

CVE staff has contacted a sampling of municipal references provided by Set In Stone. The reference check did not find any reoccurring issues with Set In Stone. Three municipalities were contacted regarding three separate projects, and all characterized them as an above average contractor. Additionally, Set In Stone was the contractor on Skyview Drive Phase 2 in 2022 and the annual Asphalt Road Program in 2023 and performed both contracts to the City's satisfaction.

Based upon a review of the bid documents and other municipal references, it is my opinion that Set In Stone has the needed experience, personnel and equipment to successfully complete the work as bid and should be considered the lowest and best bidder for this project.

Therefore, I respectfully request that City Council consider emergency legislation to award a contract in the amount of \$619,000.00 to Set In Stone Contracting, LLC to complete the Magnolia Drive Phase 2 project.

If you have any questions or require any additional information please contact me at your convenience.

Attachments

C: Carl DeForest, City Manager
Paul Magovac, Service Director
Todd Fischer, Finance Director
Dennis Nevar, Law Director

PROPOSED LEGISLATION



DATE: 2/12/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Todd Fischer

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 16-2024** - An emergency ordinance amending ordinance #98-2023 to include amendments to the Appropriation Budget for the year ending December 31, 2024 as incorporated in Exhibit "A" attached hereto. - **1st Reading** (To be brought from the Finance Committee, *Administration/Todd Fischer*)

BACKGROUND: In order to comply with the Ohio Revised Code Section 5705, any and all activity of the City must be included in the budget. As actual information is obtained and compared to estimates or new items are requested to be added or deleted by the respective departments, it is necessary and required to present the proposed budget amendments to Council for approval. This process is required by law and audited under the direction of the Auditor of State for compliance every year.

PURPOSE AND EXPLANATION: See the fiscal section and related attachments for additional information.

IMPLEMENTATION SCHEDULE: Discuss at the February 12, 2024, Finance Committee meeting and move to the February 12, 2024, Council agenda as an emergency with the suspension of the rules.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The total financial impact of this legislation is a net increase to the overall City appropriation budget by \$6,969,505.07. The largest components of the net increase, in no particular order, relate to:

- 1) \$1,811,263.13 in proposed increases in appropriations for the Division of Fire's local monies for the Fire Station. The \$1,811,263.13 represents the remaining Fire Station set aside monies not previously encumbered as of December 31, 2023, nor included in the 2024 Original budget presentation.
- 2) \$1,161,982 in advances out to and from various funds to temporarily fund and cover

costs of new grants until grant reimbursements are received. The advances to return the money are also included in this amendment. Advances, albeit appropriated, are not "true" expenditures but are rather a movement of money from one fund to another in the form of a loan.

3) \$1,082,712.03 in transfers from the General Fund to the Road Improvement Fund #333 to comply with the Fund Balance Reserve Policy and increase the neighborhood road improvement program. The City projects that we will be able to increase the neighborhood road improvement program by \$800,000 each year for both 2024 and 2025. The total neighborhood road improvement program will now be expanded from a total of \$1.2 million to \$2.0 million due to the City's ability to generate more interest revenues in 2023 and related interest revenue projections for 2024. These additional revenues are as a result of continued improvements in the City's Fund Balance Reserve Policy, higher interest rates and an expanding portfolio. Transfers, albeit appropriated, are not "true" expenditures but are rather a movement of money from one fund to another.

4) \$495,889.63 pertains to the remaining unspent grant monies for the ongoing Pearl Road Improvement Project. Various grants were received from the Federal Highway Administration and the State of Ohio for this project. Exhibit B lists the remaining grant amounts by funding source for this project. As the construction work is completed and related invoices are submitted, Chagrin Valley Engineering is expected to continue to identify and breakdown the appropriate and eligible expenditures by grant/funding source. The Finance Department will then record the expenditure activity accordingly. The City has recorded a gross-up receipt and expense for the first 11 pay estimates received. All 11 pay estimates were approved by the State of Ohio and the City to date. Additional pay estimates exist, but are still being analyzed, etc. More pay estimates are expected as we continue through 2024.

5) \$800,000 increased appropriation to the Road Improvement Fund for the 2024 neighborhood road improvement program as previously referenced.

6) \$500,000 Transportation Improvement District Program Grant Award from the State of Ohio for North Industrial Parkway improvements.

7) \$625,000 in local cost share for the North Industrial Parkway Improvement Project. This includes a local match to the \$500,000 grant award plus estimated costs for engineering and inspection costs.

8) \$80,991 in new NOPEC grant award received.

All other items below \$75,000 are not specifically listed in this summary, but are detailed with a description with listed amounts in the attached Exhibit B.

Exhibit A is the legal document required to be reviewed and adopted by Council pursuant

to Ohio Revised Code Section 5705 for these budget amendments to be adopted.

Exhibit B is provided for informational and review purposes only.

It's important to note that this legislation only has a budgetary impact and actual expenditures are still subject to state and local laws.

**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?

Recommended approval as an emergency with the suspension of the rules. The emergency clause is necessary in order to remain in compliance with the Ohio Revised Code, allow for the daily operations of the City of Brunswick to continue without interruptions, meet grant deadlines and keep the budget as up-to-date as possible in order to provide accurate accountability to the City's financial readers and interested parties.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 16-2024

By: Mr. Hanek, Mr. Abella, and Mr. Lambert

AN EMERGENCY ORDINANCE AMENDING ORDINANCE #98-2023 TO INCLUDE AMENDMENTS TO THE APPROPRIATION BUDGET FOR THE YEAR ENDING DECEMBER 31, 2024 AS INCORPORATED IN EXHIBIT "A" ATTACHED HERETO.

WHEREAS: Ordinance #98-2023 adopted appropriations for 2024; and

WHEREAS: "Exhibit A" reflects the appropriations as required by the Ohio Revised Code Section 5705.38(C); and

WHEREAS: The amendments are described in detail and attached hereto as "Exhibit B" for informational purposes only; and

WHEREAS: In order to properly budget in accordance with State law for expenditures presently anticipated it is necessary to amend Ordinance #98-2023.

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

SECTION 1: Ordinance #98-2023 is hereby amended to reflect the appropriations as attached hereto and incorporated herein as Exhibit "A."

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the usual daily operation of a municipal government and for the additional reason that Council wishes to maintain accurate appropriations. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

PASSED: 1st Reading _____

RULES SUSPENDED: AYES ____ NAYS ____

ADOPTED: _____ AYES ____ NAYS ____

ATTEST: _____

Clerk of Council
Laura E. Timura, CMC

EXHIBIT A

February 12, 2024

Fund Number		Fund Name / Department	Personal Service	Other	Total
General Fund					
001		General Fund			
		City Council	192,919.00	90,359.00	\$ 283,278.00
		Mayor	111,341.00	98,139.00	\$ 209,480.00
		City Manager	201,060.00	135,145.00	\$ 336,205.00
		Information Technologies	185,620.00	355,385.00	\$ 541,005.00
		Engineering	25,723.00	669,247.00	\$ 694,970.00
		Building Department	361,000.00	303,838.00	\$ 664,838.00
		Cemetery Maintenance	-	24,500.00	\$ 24,500.00
		Janitorial Contract	-	23,100.00	\$ 23,100.00
		City Hall Building & Grounds	5,843.00	49,704.00	\$ 55,547.00
		Administrative Services	100,989.00	59,730.00	\$ 160,719.00
		Economic Development	120,517.00	259,847.00	\$ 380,364.00
		Animal Control	81,109.00	73,012.00	\$ 154,121.00
		Law Department	191,671.00	349,585.00	\$ 541,256.00
		Finance Department	274,410.00	240,883.00	\$ 515,293.00
		Income Tax Department	216,279.00	265,169.09	\$ 481,448.09
		Parks & Recreation Director	81,299.00	64,056.00	\$ 145,355.00
		General Fund Administration	-	1,345,747.25	\$ 1,345,747.25
		Planning Division/Community Development	77,096.00	224,157.00	\$ 301,253.00
		Board of Building Appeals	516.00	1,222.00	\$ 1,738.00
		Board of Zoning Appeals	1,281.00	4,613.00	\$ 5,894.00
		Board of Civil Service	11,849.00	49,092.00	\$ 60,941.00
		Board of Ethics	4,080.00	4,650.00	\$ 8,730.00
		Board of Charter Review	-	-	\$ -
		Board of Commemorative Affairs	-	34,500.00	\$ 34,500.00
		General Fund Transfers / Advances	-	29,959,346.36	\$ 29,959,346.36
001		Total General Fund	\$ 2,244,602.00	\$ 34,685,026.70	\$ 36,929,628.70
Special Revenue Funds:					
110		Court Computerization Fund	5,705.00	16,396.00	\$ 22,101.00
111		FEMA Grant Fund	-	-	\$ -
114		Police Fund	4,891,325.00	5,165,937.70	\$ 10,057,262.70
115		Fire Fund	2,737,861.00	5,024,065.83	\$ 7,761,926.83
117		Street Repair & Maintenance Fund	1,295,714.00	2,770,840.60	\$ 4,066,554.60
118		State Highway Fund	-	165,960.00	\$ 165,960.00
119		Law Enforcement Fund	-	10,615.00	\$ 10,615.00
120		Brunswick Transit Alternative (BTA) Fund	-	45,000.00	\$ 45,000.00
123		Brunswick Area Television (BAT) Fund	159,317.00	277,679.00	\$ 436,996.00
127		Parks Fund	212,807.00	441,518.00	\$ 654,325.00
129		Department of Justice Federal Grant Fund	-	112,117.69	\$ 112,117.69
130		DUI Enforcement & Education Fund	-	9,700.00	\$ 9,700.00
131		Recreation Center Fund	413,973.00	642,396.00	\$ 1,056,369.00
133		Home Improvement Grant Fund (CDBG)	-	-	\$ -
140		Local Fiscal Recovery Fund	-	-	\$ -
141		Opioid Settlement Fund	-	4,567.79	\$ 4,567.79
Enterprise Funds:					
223		Refuse Fund	74,701.00	3,118,543.00	\$ 3,193,244.00
224		Storm Water Management Fund	35,224.00	1,365,878.25	\$ 1,401,102.25
Capital Improvement Funds:					
300		General Permanent Improvement Fund	-	3,460,733.99	\$ 3,460,733.99
332		Road Levy Fund	-	2,629,373.00	\$ 2,629,373.00
333		Road Improvement Fund	-	6,536,322.81	\$ 6,536,322.81
334		Traffic Control Fund	-	3,125.00	\$ 3,125.00

335	Public Square Fund	-	12,297.56	\$	12,297.56
336	City Building Improvement Fund	-	344,215.00	\$	344,215.00
337	EPA Grant Fund		1,500,000.00	\$	1,500,000.00
339	Fire Improvement Fund	-	79,618.16	\$	79,618.16
341	Park Improvement Fund	-	500,000.00	\$	500,000.00
345	U.S. Army Corp of Engineer's Grant Fund	-	2,255,000.00	\$	2,255,000.00
347	North Carpenter Road Improvement Fund	-	1,736,328.34	\$	1,736,328.34
348	Boston Road Improvement Fund	-	-	\$	-
353	I-71 / Rt. 303 Enhancement Fund	-	3,895.03	\$	3,895.03
359	Fire Station Construction Fund	-	12,000,000.00	\$	12,000,000.00
360	Brunswick Lake Improvement Fund	-	602,572.55	\$	602,572.55
373	OPWC Skyview Drive Improvement Fund	-	912,030.90	\$	912,030.90
374	OPWC Magnolia Drive Improvement Fund	-	1,582,139.25	\$	1,582,139.25
375	OPWC Pepperwood Drive Improvement Fund	-	1,317,000.00	\$	1,317,000.00
Self Insurance Fund:					
600	Self Insurance Fund	-	3,799,560.00	\$	3,799,560.00
Debt Service Funds:					
771	General Obligation Bond Retirement Fund	-	-	\$	-
772	General Obligation Fire Station Bond Retirement Fund	-	1,153,500.00	\$	1,153,500.00
782	Special Assessment BRF: Laurel Road (2006)	-	35,462.50	\$	35,462.50
783	Special Assessment BRF: Brunswick Lake - Dam	-	18,948.80	\$	18,948.80
784	Special Assessment BRF: Brunswick Lake - Dredging	-	11,826.18	\$	11,826.18
Agency Funds:					
881	General Trust Agency Fund	-	750,000.00	\$	750,000.00
882	Unclaimed Money Agency Fund	-	20,000.00	\$	20,000.00
885	Flexible Spending Agency Fund	-	140,000.00	\$	140,000.00
886	Non-Residential 3% Building Permit Agency Fund	-	35,000.00	\$	35,000.00
887	Residential 1% Building Permit Agency Fund	-	10,000.00	\$	10,000.00
Grand Total				\$	107,376,419.63

City of Brunswick, Finance Office

"Exhibit B" : Schedule of Amendments to the Permanent Budget #1 - For informational purposes only

For the Budget Year Ending December 31, 2024

2/12/2024

Fund Name / Account Name	Account Number	Appropriation Adjustment Amount	Description
General (#001)			
COUNCIL MEMBERS	001-0100-51022	(818.00)	Amend original 2024 budget estimate to be in compliance with Ordinance #59-95 and related information. Original Budget slightly overestimated.
PERS	001-0100-52223	(114.00)	Amend original 2024 budget estimate to be in compliance with Ordinance #59-95 and related information. Original Budget slightly overestimated.
MEDITAX	001-0100-52226	(11.00)	Amend original 2024 budget estimate to be in compliance with Ordinance #59-95 and related information. Original Budget slightly overestimated.
WORKER'S COMP - COUNCIL	001-0100-52274	(24.00)	Amend original 2024 budget estimate to be in compliance with Ordinance #59-95 and related information. Original Budget slightly overestimated.
HOSPITALIZATION	001-0100-52275	639.00	Estimated costs of medical insurance plan changes selected by employees from 2023 into 2024 after compilation of budget.
 MAYOR	 001-0200-51012	 (137.00)	 Amend original 2024 budget estimate to be in compliance with Ordinance #59-95 and related information. Original Budget slightly overestimated.
PERS	001-0200-52223	(19.00)	Amend original 2024 budget estimate to be in compliance with Ordinance #59-95 and related information. Original Budget slightly overestimated.
MEDITAX	001-0200-52226	(1.00)	Amend original 2024 budget estimate to be in compliance with Ordinance #59-95 and related information. Original Budget slightly overestimated.
WORKER'S COMP - MAYOR	001-0200-52274	(4.00)	Amend original 2024 budget estimate to be in compliance with Ordinance #59-95 and related information. Original Budget slightly overestimated.
EQUIPMENT SERVICE CONTRACT	001-0302-54253	(7,805.00)	Police license renewal/gray shift expenses. The original PO/exp was incorrectly charged to Info Tech Dept vs what should have been the Div of Police.
 PURCH SERV/CEMETERY MAINT	 001-0440-54260	 1,500.00	 Increase to cover for 2 indigent burial costs per ORC
ADMINISTRATIVE SERVICES COORD' PS	001-0461-51085	4,896.00	Increase to cover services for an employee expected to be out on 12 week FMLA leave.
PERS	001-0461-52223	686.00	Increase to cover services for an employee expected to be out on 12 week FMLA leave.
MEDITAX	001-0461-52226	71.00	Increase to cover services for an employee expected to be out on 12 week FMLA leave.
WORKER'S COMP - ADM SERVICES	001-0461-52274	147.00	Increase to cover services for an employee expected to be out on 12 week FMLA leave.
 NO MEDICAL COVERAGE	 001-0720-52225	 375.00	 Anticipated qualifying event for family health insurance (versus orig budget). Earliest to be effective April 1, 2024 but yet to be determined.
HOSPITALIZATION	001-0720-52275	15,077.09	Anticipated qualifying event for family health insurance (versus orig budget). Earliest to be effective April 1, 2024 but yet to be determined.
OFFICE SUPPLY	001-0720-55242	1,000.00	Estimated cost increases in printing of various tax/refund forms through printer
 EQUIP. SERVICE CONTRACT	 001-0880-54253	 3,200.00	 Estimated costs for community shredding day.
STREET LIGHTS	001-0880-54271	5,000.00	Estimated costs to cover an additional 3-5 street light repairs.
 NO MEDICAL COVERAGE	 001-0900-52225	 600.00	 Employee selection of health care single coverage in lieu of family. Updating the 2024 budget accordingly.
PROFESSIONAL SERVICES	001-0900-54218	40,000.00	Increase estimated expenses for ongoing legal matters pertaining to zoning cases.
 ADVANCE OUT TO FUND #333 - ROADS CAPITAL II	 001-0999-99870	 500,000.00	 Advance Out to cover State TID Grant expenditures budgeted in Fund #300 until reimbursed. Advance expected to be repaid once project is completed.
ADVANCE OUT TO FUND #336 (NOPEC GRANT)	001-0999-99899	80,991.00	Advance out to Fund #336 to temporarily cover the \$80,991 NOPEC grant expenditures until reimbursed. Advance will be returned after reimbursement.
TRANSFER OUT TO FUND #333	001-0999-99909	1,082,712.03	Increase transfer Out to the Roads Capital Improv Fund #333 to comply with Fund Balance Reserve Policy & increase neighborhood road improvements.
 General Fund Total		 <u>1,727,961.12</u>	
 Police Fund (#114)			
PATROLMEN SALARIES	114-0520-51110	(9,604.00)	Update budget for 6 week overlap plan to promote a patrolman to sergeant to cover until Chief Ohlin retires. Reduce patrol & increase sergeant lines.
LIEUTENANT PS	114-0520-51113	10,320.00	Update budget for 6 week overlap plan to promote a patrolman to sergeant to cover until Chief Ohlin retires. Reduce patrol & increase sergeant lines.
MEDITAX	114-0520-52226	11.00	Calculated benefit costs for 6 week overlap plan to promote a patrolman to sergeant to cover until Chief Ohlin retires. See above wage amendments.
POLICE OP&F PENSION	114-0520-52227	238.00	Calculated benefit costs for 6 week overlap plan to promote a patrolman to sergeant to cover until Chief Ohlin retires. See above wage amendments.
WORKER'S COMP	114-0520-52274	22.00	Calculated benefit costs for 6 week overlap plan to promote a patrolman to sergeant to cover until Chief Ohlin retires. See above wage amendments.
HOSPITALIZATION	114-0520-52275	19,032.00	Estimated costs of medical insurance plan changes selected by employees from 2023 into 2024 after compilation of budget.
EQUIPMENT SERVICE CONTRACT	114-0520-54253	7,805.00	Police license renewal/gray key expenses. The original PO/exp was incorrectly charged to Info Tech Dept vs what should have been the Div of Police.
DONATIONS - POLICE CAPITAL	961-0520-56253	7,478.70	Appropriate Eagles donations received in Dec 2023, but not spent as of 12/31/2023.
Police Fund Total		<u>35,302.70</u>	
 Fire Fund (#115/952)			
HOSPITALIZATION	115-0510-52275	(1,751.00)	Estimated costs of medical insurance plan changes selected by employees from 2023 into 2024 after compilation of budget.
CAPITAL OUTLAY-DONATIONS EAGLES	952-0510-56253	7,478.70	Appropriate Eagles donations received in Dec 2023, but not spent as of 12/31/2023.
CONSTRUCTION - FIRE STATION	964-0437-56881	1,811,263.13	Appropriate remaining unencumbered local funds for Fire Station Construction Project
Fire Fund Total		<u>1,816,990.83</u>	

City of Brunswick, Finance Office

"Exhibit B" : Schedule of Amendments to the Permanent Budget #1 - For informational purposes only

For the Budget Year Ending December 31, 2024

2/12/2024

Fund Name / Account Name	Account Number	Appropriation Adjustment Amount	Description
Street R & M Fund (#117)			
HOSPITALIZATION	117-0420-52275	(237.00)	Estimated costs of medical insurance plan changes selected by employees from 2023 into 2024 after compilation of budget.
CONTRACT SERVICES	117-0420-54263	1,500.00	Various estimated copier expenses accidentally left out of the original 2024 budget proposal.
SALT AND CINDERS	117-0420-55300	50,000.00	Additional salt purchases are possible beyond the original budget as a result of January 2024 usage being above expectations.
Street R & M Fund Total		51,263.00	
Cable TV Fund (#123/#956)			
PUBLICATION BROCHRES	123-0460-54285	3,750.00	Increase appropriations for notifications and City Manager newsletter costs. Additional pages expected to be needed in 2024.
Cable TV Fund Total		3,750.00	
Opioid Settlement Fund (#141)			
JANSEN OPIOID SETTLEMENT PURCH SERVICES	141-0439-54254	1,750.73	Increase appropriations by the amount of opioid settlement funds received during Jan 2024.
NOAT TRUST II (MALLINCRODT) PURCH SERV	141-0439-54255	2,817.06	Increase appropriations by the amount of opioid settlement funds received during Jan 2024.
Total Opioid Settlement Fund		4,567.79	
Refuse Fund (#223)			
CONTRACTED REFUSE COLLECTION SERVICES	223-0710-54260	64,616.00	Update appropriations as a result of latest bid results and anticipation of a new hauler contract effective July 1, 2024.
Total Refuse Fund		64,616.00	
Road Levy Improvement Fund #332			
CONSTRUCTION	332-0473-56881	36,000.00	Increase Appropriations by \$50,000 total as a result of left over funds from 2023, increased 2024 property tax estimate, and some additional reserves.
ENGINEERING/INSPECTION	332-0473-56883	14,000.00	Increase Appropriations by \$50,000 total as a result of left over funds from 2023, increased 2024 property tax estimate, and some additional reserves.
Road Levy Improvement Fund Total		50,000.00	
Road Capital Projects Fund (#333)			
ENG/CONTRACT ADMINISTRATION	333-0410-56883	48,800.00	Appropriation for anticipated engineering expenses on additional \$800,000 neighborhood road improvement program.
N IND PKWY PROJECT - LOCAL COST SHARE -	333-0558-56700	625,000.00	City estimated costs share for the North Industrial State TID Grant Project. Includes estimated construction match, engineering & inspections
N IND PKWY PROJECT - OHIO TID GRANT -	333-0558-56800	500,000.00	State of Ohio has awarded the City of Brunswick a \$500,000 FY 24 TID Grant to improve North Industrial Parkway.
FHWA 4TA7 CONSTRUCTION-PEARL RD	333-0464-56251	256,534.70	Appropriate remaining grants for the improvement of Pearl Road. Total original Grant Awards from all sources = \$4,072,086.08. State let (gross-up only)
FHWA 4PF7(U) CONSTRUCTION URBAN-PEARL RD	333-0464-56261	12,975.98	Appropriate remaining grants for the improvement of Pearl Road. Total original Grant Awards from all sources = \$4,072,086.08. State let (gross-up only)
FHWA LABR(U) INSPECTION URBAN-PEARL RD	333-0464-56263	106,604.10	Appropriate remaining grants for the improvement of Pearl Road. Total original Grant Awards from all sources = \$4,072,086.08. State let (gross-up only)
FHWA 4PF7(R) CONSTRUCTION RURAL-PEARL RD	333-0464-56271	66,999.57	Appropriate remaining grants for the improvement of Pearl Road. Total original Grant Awards from all sources = \$4,072,086.08. State let (gross-up only)
FHWA LABR(R) INSPECTION RURAL-PEARL RD	333-0464-56273	28,820.31	Appropriate remaining grants for the improvement of Pearl Road. Total original Grant Awards from all sources = \$4,072,086.08. State let (gross-up only)
STATE 4PS7(R) CONSTR RURAL - PERAL ROAD	333-0464-56281	16,749.89	Appropriate remaining grants for the improvement of Pearl Road. Total original Grant Awards from all sources = \$4,072,086.08. State let (gross-up only)
STATE LABR(R) INSPECTION RURAL-PEARL RD	333-0464-56283	7,205.08	Appropriate remaining grants for the improvement of Pearl Road. Total original Grant Awards from all sources = \$4,072,086.08. State let (gross-up only)
CONCRETE/ ASPHALT REPAIR	333-0474-56870	800,000.00	Increase 2024 neighborhood road improvement program from \$1.2 million to \$2 million due to excess funds from reserve fund balance policy.
ADVANCE OUT TO THE GF	333-0999-80185	500,000.00	Advance Out back to the General Fund once State TID Grant is reimbursed. Advance expected to be repaid once project is completed.
Road Capital Projects Fund Total		2,969,689.63	
City Hall Expansion Fund (#336)			
NOPEC GRANT 2023	336-2023-56800	5,007.00	Appropriate remaining 2023 NOPEC grant award available to be spent as of 01/01/2024. (Carryover from 2023 but not in original 2024 budget).
NOPEC GRANT 2024	336-2024-56800	80,991.00	Establish appropriations for 2024 NOPEC Grant Award Received. Eligible grant projects must be energy efficient projects for reimbursement.
ADVANCE OUT	336-0999-99900	80,991.00	Advance out to General Fund once \$80,991 in NOPEC grant expenditures are reimbursed and grant is closed.
City Hall Expansion Fund Total		166,989.00	
G.O. Fire Station Bond Ret SubFund (#772)			
ISSUANCE COSTS	772-0001-54239	37,475.00	Update issuance costs on \$12 M Bond issuance based on latest expectations.
AUDITOR TREASURER FEES	772-0001-54278	900.00	Update estimated auditor treasurer fees on property tax collections for bond levy to \$10K for the year.
BOND PRINCIPAL	772-0001-58000	40,000.00	Update estimated 2024 principal payments on \$12 M Bond issuance based on latest expectations of interest rates, market conditions, credit rating, etc.
G.O. Fire Station Bond Ret SubFund Total		78,375.00	

PROPOSED LEGISLATION



DATE: 2/12/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 17-2024-** An ordinance establishing Sections 1242.02(32.1) and (84.1) of the Codified Ordinances of the City of Brunswick by defining "Electronic Smoking Device" and "tobacco products". - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: Section 1242.02(32.1) of the Codified Ordinances of the City of Brunswick has been created to establish a definition of an "electronic smoking device"; and Section 1242.02(84.1) has been created to establish a definition of "tobacco products".

PURPOSE AND EXPLANATION: Definitions of "electronic smoking device" and "tobacco products" are necessary.

IMPLEMENTATION SCHEDULE: First reading on February 12, 2024; then refer back to the Planning Commission for a public hearing.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

If emergency or suspension of the rules, why the request?
Recommend adoption.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 17-2024

BY: Mr. Delsanter, Mr. Lambert, and Mr. Kuczma

AN ORDINANCE ESTABLISHING SECTIONS 1242.02(32.1) AND (84.1) OF
THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY DEFINING
“ELECTRONIC SMOKING DEVICE” AND “TOBACCO PRODUCTS”.

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

SECTION 1: That Section 1242.02(32.1) of the Codified Ordinances is hereby established to read as follows:

“(32.1) Electronic Smoking Device: Any device that may be used to deliver any aerosolized or vaporized nicotine or any other substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic Smoking Device includes any component, part, or accessory to such a device, whether or not sold separately, and also includes any substance intended to be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic Smoking Device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.”

SECTION 2: That Section 1242.02(84.1) of the Codified Ordinances is hereby established to read as follows:

“(84.1) Tobacco Products: (a) Any product containing, made of, or derived from tobacco or containing any form of nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, dissolved, inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff or snus; (b) any Electronic Smoking Device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; and (c) any component, part, or accessory of (a) or (b), whether or not any of these contain tobacco or nicotine, including, but not limited to, filters, rolling papers, blunt or hemp wraps, or pipes. Tobacco Products do not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.”

SECTION 3: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____

AYES ____ NAYS ____

ATTEST: _____

Clerk of Council
Laura E. Timura, CMC

PROPOSED LEGISLATION



DATE: 2/12/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 18-2024-** An ordinance establishing Section 1274.17 of the Codified Ordinances of the City of Brunswick by providing additional conditional use standards for vape and smoke shops.- **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: Section 1274.17 of the Codified Ordinances has been established to create additional conditional use standards for vape and smoke shops.

-

PURPOSE AND EXPLANATION: Vape and smoke shops are conditionally permitted uses in specified Zoning Districts in the City, as same may be amended from time to time. In addition to the specific requirements contained in the Zoning Code for each specified Zoning District, vape and smoke shops are subject to the specific provisions of Chapter 1274 and the provisions created in this ordinance.

IMPLEMENTATION SCHEDULE: First reading on February 12, 2024; then refer back to the Planning Commission for a public hearing.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	No
Two Readings	No

Three Readings	Yes
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?
Recommend adoption.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 18-2024

BY: Mr. Delsanter, Mr. Lambert, and Mr. Kuczma

AN ORDINANCE ESTABLISHING SECTION 1274.17 OF THE CODIFIED
ORDINANCES OF THE CITY OF BRUNSWICK BY PROVIDING ADDITIONAL
CONDITIONAL USE STANDARDS FOR VAPE AND SMOKE SHOPS.

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

SECTION 1: That Section 1274.17 of the Codified Ordinances is hereby established to read as follows:

“1274.17 Additional Conditional Use Standards for Vape and Smoke Shops.

Vape and smoke shops are conditionally permitted uses in specified Zoning Districts in the City, as same may be amended from time to time. In addition to the specific requirements contained in the Zoning Code for each specified Zoning District, vape and smoke shops are subject to the specific provisions of this Chapter 1274 and the provisions below:

- (a) No vape/smoke shop shall be permitted to be located within 1,000 feet of any existing vape/smoke shop, as measured from the nearest property lines of each respective property and/or unified site. This restriction does not apply to any vape/smoke shop that is currently operating in accordance with all applicable law as of the effective date of this Ordinance.
- (b) Any Conditional Use Permit issued pursuant to this Chapter shall be valid only with respect to the person/entity and location for which same was issued. The transfer of any Conditional Use Permit issues pursuant to this Chapter is prohibited.
- (c) Any Conditional Use Permit issued shall be revoked and the person/entity and location for which same was issued shall be prohibited from applying for or being issued a new Conditional Use Permit for a period of one (1) year from the date of revocation consistent with the penalty provisions contained in Section 636.19.”

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

PASSED: 1st Reading _____
 2nd Reading _____
 3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
 Clerk of Council
 Laura E. Timura, CMC

PROPOSED LEGISLATION



DATE: 2/12/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 19-2024** - An ordinance amending Section 1242.02(94) of the Codified Ordinances of the City of Brunswick by updating the definition of vape and smoke shops. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: Section 1242.02(94) of the Codified Ordinances is hereby amended to read as follows:

“(94) Vape and Smoke Shop: A retail establishment that offers Electronic Smoking Devices and/or Tobacco Products for retail sale.”

PURPOSE AND EXPLANATION: To be consistent with other proposed legislation regarding electronic smoking devices and/or tobacco products for retail sale, an amendment to Section 1242.02(94) is necessary.

IMPLEMENTATION SCHEDULE: First reading on February 12, 2024; then refer back to the Planning Commission for a public hearing.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

If emergency or suspension of the rules, why the request?
Recommend adoption.

**ADDITIONAL
INFORMATION:**

ORDINANCE NO. 19-2024 _____

BY: Mr. Delsanter, Mr. Lambert, and Mr. Kuczma

AN ORDINANCE AMENDING SECTION 1242.02(94) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY UPDATING THE DEFINITION OF VAPE AND SMOKE SHOPS.

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

SECTION 1: That Section 1242.02(94) of the Codified Ordinances are hereby amended to read as follows:

“(94) Vape and Smoke Shop: 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 and in which the sale of other products is merely incidental.~~offers Electronic Smoking Devices and/or Tobacco Products for retail sale.”

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

PASSED: 1st Reading

2nd Reading

3rd Reading _____

ADOPTED: _____

_____ NAYS _____

_____ AYES _____

ATTEST: _____
Clerk of Council
Laura E. Timura, CMC

PROPOSED LEGISLATION



DATE: 2/12/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 20-2024** - An ordinance repealing and replacing Section 636.19 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: It is estimated that 95% of all adult smokers begin smoking before the age of twenty-one. An earlier age of initiation is associated with greater levels of nicotine dependence and greater intensity and persistence of smoking beyond adolescence and through adulthood.

**PURPOSE AND
EXPLANATION:**

The parts of the brain most responsible for decision-making, impulse control, sensation seeking, and susceptibility to peer pressure continue to develop and change through young adulthood, and adolescent brains are uniquely vulnerable to the effects of nicotine and nicotine addiction. Data from the 2021 National Youth Tobacco Survey on the use of e-cigarettes shows that over 11% of, or more than two million, U.S. middle and high school students reported current e-cigarette use, where almost 40% used e-cigarettes on a frequent basis.

IMPLEMENTATION

SCHEDULE: Immediately.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

**RECOMMENDED
ACTION:**

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	No

Suspension of Rules No

If emergency or suspension of the rules, why the request?
Recommend adoption.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 20-2024

BY: Mr. Delsanter, Mr. Lambert, Mr. Kuczma

AN ORDINANCE REPEALING AND REPLACING SECTION 636.19 OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES.

WHEREAS: It is estimated that 95% of all adult smokers began smoking before the age of twenty-one.

WHEREAS: An earlier age of initiation is associated with greater levels of nicotine dependence and greater intensity and persistence of smoking beyond adolescence and through adulthood.

WHEREAS: The parts of the brain most responsible for decision making, impulse control, sensation seeking, and susceptibility to peer pressure continue to develop and change through young adulthood, and adolescent brains are uniquely vulnerable to the effects of nicotine and nicotine addiction.

WHEREAS: Data from the 2021 National Youth Tobacco Survey on the use of e-cigarettes shows that over 11% of, or more than two million, U.S. middle and high school students reported current e-cigarette use, where almost 40% used e-cigarettes on a frequent basis.

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

SECTION 1: That the existing version of Section 636.19 of the Codified Ordinances is hereby replaced in its entirety to read as follows:

“636.19 ILLEGAL DISTRIBUTION OF TOBACCO PRODUCTS.

(A) Definitions. For the purposes of this Section, the following definitions shall apply:

- (1) “Distribute” means giving, providing, or delivering Tobacco Products.
- (2) “Electronic Smoking Device” means any device that may be used to deliver any aerosolized or vaporized nicotine or any other substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic Smoking Device includes any component, part, or accessory to such a device, whether or not sold separately, and also includes any substance intended to be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic Smoking Device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

- (3) “Purchaser” means any person who obtains or attempts to obtain a Tobacco Product.
- (4) “Sale”, “Sell” or “Sold” means transferring, or offering or attempting to transfer, a Tobacco Product for money, trade, barter, exchange or other consideration.
- (5) “Self-Service Display” means the open display or storage of Tobacco Products in a manner that is physically accessible in any way to the general public without the assistance of the Tobacco Retailer or its agent, employee, or representative or without a direct person-to-person transfer between the Purchaser and the Tobacco Retailer or its agent, employee or representative.
- (6) “Tobacco” or “Tobacco Product(s)” means: (a) any product containing, made of, or derived from tobacco or containing any form of nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, dissolved, inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff or snus; (b) any Electronic Smoking Device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; (c) any component, part, or accessory of (a) or (b), whether or not any of these contain tobacco or nicotine, including, but not limited to, filters, rolling papers, blunt or hemp wraps, or pipes. Tobacco Product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.
- (7) “Tobacco Retailer” means any individual, firm, partnership, joint venture, association, joint stock company, corporation, unincorporated business entity, or any other group acting as a unit that owns a business where Tobacco Products are available for sale to the general public and are licensed pursuant to Chapter 868 of the Codified Ordinances. Tobacco Retailer, as used herein, includes any manufacturer, producer, distributor or wholesaler of Tobacco Products. Tobacco Retailer does not mean the employees or agents of an owner of a business where Tobacco Products are available to the general public.
- (8) “Vending Machine” has the same meaning as “Coin Machine” in Ohio Revised Code Section 2913.01, as same may be amended from time to time.

(B) Restrictions on the Sale of Tobacco Products.

- (1) Age Restriction. No Tobacco Retailer, or its agent, employee or representative, nor any other person, shall sell or distribute any Tobacco Product to any person under twenty-one years of age, except if a person is participating in a research protocol described in Sections (C)(1)(a) and (C)(2) herein and meets the requirements provided therein.

- (2) Age Verification. Tobacco Retailers or their agents, employees or representatives shall verify by means of government-issued photographic identification that the Purchaser is at least twenty-one years of age. No Tobacco Retailer, or its agents, employees, or representatives, nor any other person, shall sell or distribute any Tobacco Product to any individual who does not demonstrate, through a government-issued photographic identification, that the individual is at least twenty-one years of age. Verification is not required for a person over thirty years of age; provided however, that the Purchaser appeared to be thirty years of age or older shall not constitute a defense to a violation of this Section in any proceeding alleging the sale of Tobacco Products to an individual under the age of twenty-one.
- (3) Signage. Signs reading “THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER 21 IS PROHIBITED BY LAW” shall be legibly printed in letters at least one inch high and shall be posted clearly and conspicuously in every location where Tobacco Products are sold. Selling Tobacco Products in any place that does not have a sign consistent with this Section is prohibited by law and punishable as provided herein.
- (4) Self-Service Display Prohibition. No Tobacco Retailer or its agent, employee or representative, nor any other person, shall sell or distribute Tobacco Products by or from a Self-Service Display.
- (5) Vending Machine Prohibition. No Tobacco Retailer or its agent, employee or representative, nor any other person, shall sell or distribute Tobacco Products by or from a Vending Machine.
- (6) False Information. No Tobacco Retailer or its agent, employee or representative, nor any other person, shall knowingly furnish any false information regarding the name, age, or other identification of any person under twenty-one years of age with purposes to sell or distribute Tobacco Products.
- (7) No Tobacco Retailer or its agent, employee or representative, nor any other person, shall manufacture, sell or distribute any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco.
- (8) No Tobacco Retailer or its agent, employee or representative, nor any other person, shall sell any Tobacco Product in a smaller quantity than that placed in the pack or container by the manufacturer.
- (9) No Tobacco Retailer or its agent, employee or representative, nor any other

person, shall sell or distribute any Tobacco Product in a smaller quantity than was intended for retail when the Tobacco Product was packaged by the manufacturer.

(C) Affirmative Defenses.

(1) The following are affirmative defenses to a charge under Sections (B)(1) and (B)(2) hereof:

- (a) The parent, guardian, or legal custodian of a person under the age of eighteen has consented in writing to a person under the age of eighteen participating in research protocol, or a person over the age of eighteen, but under the age of twenty-one, has consented in writing, on his or her own behalf, to participate in research protocol.
- (b) The person who has sold or distributed Tobacco Products to a person under the age of twenty-one is a parent, spouse who is twenty-one years of age or older, or legal guardian of the person who is under the age of twenty-one.

(2) It is not a violation of Sections (B)(1) or (B)(2) hereof to sell or distribute Tobacco Products to a person under the age of twenty-one while the person under the age of twenty-one is participating in a research protocol if all of the following apply:

- (a) The parent, guardian, or legal custodian of a person under the age of eighteen has consented in writing to a person under the age of eighteen participating in the research protocol, or a person over the age of eighteen, but under the age of twenty-one, has consented in writing, on his or her own behalf, to participate in the research protocol.
- (b) An institutional human subjects protection review board, or equivalent entity, has approved the research protocol.
- (c) The person under the age of twenty-one is participating in the research protocol at the facility or location specified in the research protocol.

(D) Severability. The provisions of this Section are severable, and if any provision, clause, sentence or paragraph of this Section or the application thereof to any person or circumstances are held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such a ruling shall not affect the other parts of this Section that can be given effect.

(E) Penalty. Whoever violates Section (B) is guilty of illegal distribution of Tobacco Products. Except as otherwise provided herein, illegal distribution or sale of Tobacco Products is a misdemeanor of the fourth degree. If the offender has

previously been convicted of or pleaded guilty to a violation of Section (B) within the previous twelve (12) months, or any previous version of the Codified Ordinances relating to illegal distribution or sale of Tobacco Products, then illegal distribution or sale of Tobacco Products is a misdemeanor of the third degree. If the offender has been convicted of or pleaded guilty to two (2) or more violations of Section (B) within the previous twelve (12) months, or any previous version of the Codified Ordinances relating to illegal distribution or sale of Tobacco Products, then illegal distribution of sale of Tobacco Products is a misdemeanor of the first degree and any Conditional Use Permit issued shall be revoked in accordance with the provisions of Section 1274.17.”

SECTION 2: The provisions of this Ordinance prohibiting the sale of Tobacco Products from a Self-Service Display or Vending Machine shall be effective and enforceable one hundred eighty (180) days after the effective date of this Ordinance. All other provisions contained herein shall be effective and enforceable upon the effective date of this Ordinance.

SECTION 3: Upon the effective date of this Ordinance, existing Section 636.19 shall be repealed in its entirety and replaced with the provisions contained in this Ordinance.

SECTION 4: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura, CMC

PROPOSED LEGISLATION



DATE: 2/12/2024

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. 21-2024** - An emergency resolution accepting a water main easement from Industrial Parkway Partners LLC. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

BACKGROUND: New legislation request

**PURPOSE AND
EXPLANATION:**

The legislation will accept an easement to allow for installation and maintenance of a water main for the purpose of supplying water service to the new western building for All Construction Services, and to maintain service to their existing building. The installation will be performed by the Grantor at his expense. Maintenance of the water main will be the responsibility of the City of Cleveland Division of Water under the terms of their existing agreement with the City of Brunswick.

IMPLEMENTATION

SCHEDULE: The easement will be recorded at the Medina County Recorder's Office by the Grantor immediately following acceptance by City Council.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:** \$0.00 N/A

**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 daily operation of a municipality, and for the further reason that the easement may be filed and recorded in a timely manner per Cleveland Division of Water requirements.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 21-2024

BY: Mr. Smith, Mr. Abella, and Mrs. Piper

AN EMERGENCY RESOLUTION ACCEPTING A WATER MAIN
EASEMENT FROM INDUSTRIAL PARKWAY PARTNERS LLC.

WHEREAS: The acceptance of a Water Main Easement from Industrial Parkway Partners LLC will allow for the installation and maintenance of a water main for the purpose of supplying water service to the new western building for All Construction Services and allow water service to be maintained to the existing building.

WHEREAS: The installation of the water main will be performed by Industrial Parkway Partners LLC at its sole cost and expense.

WHEREAS: The maintenance of the water main will be the responsibility of the City of Cleveland Division of Water in accordance with the terms of the existing Water Service Agreement entered into with the City of Brunswick.

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

SECTION 1: That the City of Brunswick hereby accepts the Water Main Easement, in the form as attached hereto as Exhibit "A", from Industrial Parkway Partners LLC.

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 allow the Water Main Easement to be timely recorded per Cleveland Division of Water requirements. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura, CMC



City of Cleveland
Justin M. Bibb, Mayor



Department of Public Utilities
Division of Water
1201 Lakeside Avenue
(216) 664-2444
www.clevelandwater.com

December 21, 2023

Davey Resource Group, Inc.
1310 Sharon Copley Rd.
PO Box 37
Sharon Center, Ohio 44274

Re: Water Main Easement for Job 12264
All Construction Services
945 Industrial Parkway North
Brunswick, Ohio 44212

Enclosed is the original water main easement for the above-referenced location that has been accepted by the Director of Public Utilities. However, the city of Brunswick will need signatures from the Director of Law, Council, the resolution/ordinance number, and a signature of the clerk before the easement can be filed with the county.

Please have the easement officially recorded at the County Recorder's Office and forward a copy of the recorded easement to the Cleveland Division of Water/Distribution Engineering section sent to my attention.

Thank you,

Carole Medley
Distribution Engineering
Division of Water

Enclosures

cc: File

STANDARD EASEMENT
FOR THE
INSTALLATION AND MAINTENANCE OF A WATER MAIN
FOR THE PURPOSE OF SUPPLYING WATER SERVICE

(I, We) Dave LeHotan, the
Grantor herein, for valuable consideration received and to be received to (my, our) full
satisfaction, do hereby grant and convey to the (City, Village, Township, District) of
Brunswick, and to the City of Cleveland, political
subdivision of the State of Ohio and Grantees herein, the perpetual right-of-way and
easement for the purposes hereinafter mentioned in the following described premises (the
"Premises"):

Situated in the (City, Village, Township, District) of
Brunswick, County of Medina, State of Ohio,
known as being part of the Original Brunswick Township Township Lot No.
21 and 28, and bounded and described as follows:

Tract No. 2

Insert legal description of proposed
Easement area by metes and bounds, or
Attach description as Exhibit "A" and
Insert here: "A copy of the legal
Description is attached hereto as
Exhibit "A" and made a part hereof as
If fully written herein."

Exhibit A

Grantor and Grantee agree that all references to either part in this instrument shall
include that party and the party's heirs, administrators, successors and/or assigns.

In consideration of the mutual covenants contained herein, the Grantor hereby
grants and conveys unto the Grantees the right and easement to enter upon the premises
to lay, install and maintain therein a water main and appurtenances, including service
connections and pipes; to set all water meters and make all repairs to water mains, service
meters and appurtenances which the Grantee deems to be necessary or advisable from
time to time; to turn off water to any service connection or water main; or to do any other
thing which the Grantees deems to be necessary or advisable in order to operate or
maintain said mains, meters, connections, pipes and appurtenances in accordance with the
ordinances, rules and regulation of the Grantees which are now in effect or may be
adopted hereafter.

In consideration of acceptance of the easement by the Grantees, the Grantor agrees to pay the entire cost of installing a water main and appurtenances upon the premises, which main shall be located not less than nine (9) feet from either lateral limit of the premises, The water main and appurtenances, including valves and hydrants, shall upon completion, and approval by the Grantees, become and remain the property of the Grantee (City, Village, Township, District) of Brunswick, and shall be a distribution water main of said Grantee within the purview and subject to the terms of any Water Service Agreement between said Grantee and Grantee, the City of Cleveland, now or hereafter in effect.

All service connections shall be installed in accordance with the ordinances, rules and regulations of the Grantees at the expense of owners of abutting property or others who seek water service thereby. Service connections shall be assigned to specific street mailing addresses by Grantee, City of Cleveland, when said Grantee receives the official designation of such addresses from Grantee, the (City, Village, Township, District) of Brunswick.

All water meters shall be furnished and set by Grantee, City of Cleveland, at the expense of the Grantor. All water shall be supplied by Grantee, City of Cleveland, in the same manner and to the same extent that said Grantee supplies water to properties abutting on public streets in the City of Cleveland.

The Grantor hereby restricts the premises against the construction thereon of any temporary or permanent structures, except that Grantor may install or cause to be installed sidewalks or pavements, or tunnels, railroad switch tracks, sewers, ducts, pipes or pole lines which cross over or under the premises at an angle of not less than forty-five (45) degrees with the center line of the water main, or which clear the water main by not less than one and one-half (1 - ½) feet above or one and one-half (1 - ½) feet below.

The Grantor agrees to keep the premises free of materials, equipment, vehicles, trees, shrubbery, and any other obstructions which would interfere with Grantees' access to or maintenance of water mains and appurtenances. Grantor further agrees to make no alterations to the premises which would increase the dept of the water main to more than six (6) feet or reduce its depth to less than five (5) feet.

The Grantor agrees to construct a hard surface driveway, of at least fifteen (15) feet in width, adjacent to the water main. The Access driveway shall be constructed of concrete or asphalt and shall conform to current Ohio Department Of Transportation specifications.

If the Grantor desires to alter the premises in any way other than is expressly permitted herein, he must obtain the prior written approval of the Grantees. Upon receipt of such approval, the Grantor shall at his own expense relocate or reconstruct all or any portion of the water main and appurtenances which are affected by such alteration and, where necessary, grant a new easement of not less than fifty (50) feet in width under the same terms and conditions as herein provided. The relocated or reconstructed water main and appurtenances shall, upon completion, and approval by the Grantees, become the property of Grantee, the (City, Village, Township, District) of
Brunswick.

If the Grantor violates any of the provisions of this easement, the Grantees, either jointly or separately and at the expense of the Grantor, may enter upon the premises and discontinue water service or make such alterations as are necessary to bring the premises into compliance with the provisions of this easement.

Whenever maintenance or work of any kind is performed on the premises under the terms of this easement, the Grantees, jointly and separately, shall bear no responsibility for restoration of the premises or their environs to their original topographical condition.

The Grantor indemnifies and holds harmless the Grantees from any and all damage, injury or loss to any person or property caused by, related to or resulting from any leaks in the water main or appurtenances or the maintenance, construction, reconstruction or relocation of said main or appurtenances, other than damage, injury or loss caused by, related to or resulting from the sole negligence of the Grantees. The Grantor further indemnifies and holds harmless the Grantees from any and all expense incurred and damage to the water main and appurtenances caused by, related to or resulting from the Grantor's construction or maintenance of any paving, walks, switch tracks, tunnels, sewers, ducts, pipes or pole line within or upon the premises or from any other use of the premises by the Grantor.

The Grantor hereby reserves the right to use the premises for the passage or transportation of personnel, materials or equipment, and to make such other use of the premises as is not expressly prohibited by or inconsistent with the terms of this easement.

The Grantor and the Grantees mutually agree that neither the recording of this instrument nor its acceptance by the Grantees shall be construed as a dedication of the premises or an agreement by the Grantees to accept the premises for dedication for public use as a street.

The Grantor covenants with the Grantees that it is well seized of the premises as a good and indefeasible estate in fee simple and has the right to grant and convey the premises in the manner and form above written. The Grantor further covenants that he will warrant and defend the premises with the appurtenances thereunto belonging to the Grantees against all lawful claims and demands whatsoever for the purposes described herein.

TO HAVE AND TO HOLD the above granted easement, right-of-way, water lines, appurtenances and additions installed by the Grantor, for the purposes above mentioned, unto the Grantees forever.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands at Sharon Center OH this 13 day of December, 2023.

Signed in the Presence of:

Tyler Smith
Tyler Smith
(print or type name)

Rhonda Chapman
Rhonda Chapman
(print or type name)

GRANTOR: INDUSTRIAL PARKWAY PARTNERS LLC
David J. Lehotan
DAVID J. LEHOTAN
(print or type name)

This Instrument Prepared By:

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said County and State, personally appeared the above-named David J. Lehotan, who acknowledged that (he, they) did sign the foregoing instrument and that the same is (his, their) free act and deed, personally and as such officer(s) and the free act and deed of said (corporation, partnership).

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Sharon Center, Ohio this 13 day of December, 2023.

Rhonda Chapman
NOTARY



RHONDA CHAPMAN
Notary Public, State of Ohio
My Commission Expires:
February 26, 2025

The legal form and correctness
of the within instrument is
hereby approved:

Director of Law

(City, Village, Township, District)

(Date)

Accepted by the Council of _____ by

(Resolution/Ordinance) No. _____

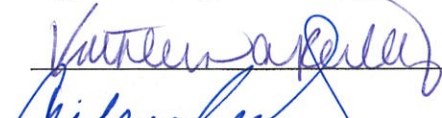
Passed _____, 20____.

Clerk or Assistant

(Date)

The City of Cleveland, by and through its Director of Public Utilities, does hereby
accept the within easement and all the terms and conditions thereof this 15th
day of December, 2023, as authorized by Section 129.20 of the
Codified Ordinances of Cleveland, Ohio, 1976, passed by the Council of the City of
Cleveland on June 17, 1991.

Signed in the presence of:


Arlene Rodriguez

The legal form and correctness
of the within instrument is
hereby approved:

Mark Gantfin

Director of Law

By: Bridget Dever
~~Chief~~, Assistant Director of Law

Date: 12/20/23

CITY OF CLEVELAND

By: 

Director of Public Utilities
MARTIN J. KEANE

Boundary Description for
Industrial Parkway Partners Limited
Water Easement No. 1
0.4211 Acre Easement

Situated in the City of Brunswick, County of Medina and State of Ohio and known as being part of original Brunswick Township Tract No. 2, Lot No. 28, further known as being part of Sublot No. 2B as shown on Brunswick Industrial Parkway North Subdivision Phase 1 Replat No. 2, recorded in Document No. 2021PL000042 of the Medina County Recorder's Records and is bounded and described as follows: Beginning at the southeasterly corner of Sublot No. 2B, said point also being on the northerly right of way line of Industrial Parkway North, 60 feet in width;

thence southwesterly with the northerly right of way of Industrial Parkway North and the arc of a curve deflecting to the left, 36.44 feet to a point of non-tangency thereon, said curve having a radius of 70.00 feet, a central angle of 29°49'46" and a chord that bears South 67°49'45" West, 36.03 feet;

thence North 07°27'10" West, 110.19 feet to a point;

thence North 01°24'01" West, 95.35 feet to a point;

thence South 88°35'59" West, 15.00 feet to a point;

thence North 01°24'01" West, 30.00 feet to a point;

thence North 88°35'59" East, 15.00 feet to a point;

thence North 01°24'01" West, 244.01 feet to a point;

thence South 88°35'59" West, 15.00 feet to a point;

thence North 01°24'01" West, 28.00 feet to a point;

thence North 88°35'59" East, 49.78 feet to a point on an easterly line of Sublot No. 2B, as aforementioned;



Page 1 of 2
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CONSTRUCTION\SURVEY INFO\DESCRIPTIONS\WATER EASEMENTS\2326 WATER ESMT 1
DESC.docx

Corporate Headquarters
295 South Water Street, Suite 300
Kent, OH 44240
800-828-8312

Local Office
1310 Sharon Copley Rd
PO Box 37
Sharon Center, OH 44274
330-590-8004

thence South 01°27'14" East, with an easterly line of Sublot No. 2B, 395.14 feet to an angle point thereon;

thence South 07°15'22" East, with an easterly line of Sublot No. 2B, 99.53 feet to the Principal Place of Beginning, containing 18,342 square feet or 0.4211 acres of land, more or less, according to a survey by Jeremy M. Sack, P.S. No. S-8557, for Davey Resource Group in December, 2023. Subject to all highways, easements and covenants of legal record.

Bearings based on Ohio State Plane Coordinate System, North Zone, NAD 1983, ground.



Page 2 of 2
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Corporate Headquarters
295 South Water Street, Suite 300
Kent, OH 44240
800-828-8312

Local Office
1310 Sharon Copley Rd
PO Box 37
Sharon Center, OH 44274
330-590-8004

Boundary Description for
Trason Florida Limited Partners, LTD
Trason Colorado Springs LLC
36-Macarthur LLC
Water Easement No. 2
0.2522 Acre Easement

Situated in the City of Brunswick, County of Medina and State of Ohio and known as being part of original Brunswick Township Tract No. 2, Lot No. 28, further known as being part of Sublot No. 1A as shown on Brunswick Industrial Parkway North Subdivision Phase 1 Replat No. 1, recorded in Document No. 2016PL000020 of the Medina County Recorder's Records and is bounded and described as follows: Beginning at the southwesterly corner of Sublot No. 1A, said point also being on the northerly right of way line of Industrial Parkway North, 60 feet in width;

thence North 07°15'22" West, with a westerly line of Sublot No. 1A, 99.53 feet to an angle point thereon;

thence North 01°27'14" West, with a westerly line of Sublot No. 1A 395.14 feet to a point thereon;

thence North 88°35'59" East, 14.22 feet to a point;

thence South 01°24'01" East, 229.97 feet to a point;

thence North 88°35'59" East, 25.00 feet to a point;

thence South 01°24'01" East, 37.00 feet to a point;

thence South 88°35'59" West, 25.00 feet to a point;

thence South 01°24'01" East, 89.22 feet to a point;

thence South 21°03'55" East, 156.95 feet to a point on a southeasterly line of Sublot No. 1A;

thence South 41°54'05" West, with a southeasterly line of Sublot No. 1A, 7.56 feet to a point of non-tangent curvature on the northerly right of way line of Industrial Parkway North, as aforementioned;



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DESC.docx
Local Office
1310 Sharon Copley Rd
PO Box 37
Sharon Center, OH 44274
330-590-8004

thence northwesterly with the northerly right of way line of Industrial Parkway North and the arc of a curve deflecting to the left, 54.97 feet to the Principal Place of Beginning, said curve having a radius of 70.00 feet, a central angle of 44°59'27" and a chord that bears North 74°45'39" West, 53.57 feet, containing 10,988 square feet or 0.2522 acres of land, more or less, according to a survey by Jeremy M. Sack, P.S. No. S-8557, for Davey Resource Group in December, 2023. Subject to all highways, easements and covenants of legal record.

Bearings based on Ohio State Plane Coordinate System, North Zone, NAD 1983, ground.



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295 South Water Street, Suite 300
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800-828-8312

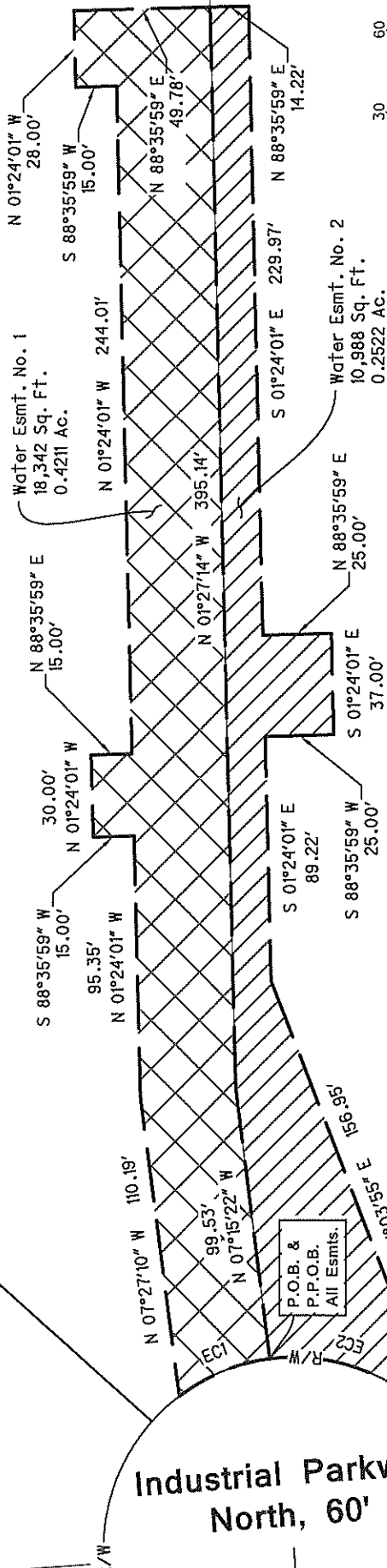
Local Office
1310 Sharon Copley Rd
PO Box 37
Sharon Center, OH 44274
330-590-8004

Industrial Parkway
Partners Limited
09/07/2021
Doc. No. 2021OR026111

Brunswick Industrial Parkway North
Subdivision Phase I - Replat No. 2
Doc. No. 2021PL000042

Sublot 2B

Sublot 2A



Trason Florida Limited Partners, LTD
Trason Colorado Springs LLC
36-Macarthur LLC
Doc. No. 2021OR012800
04/30/2021

Brunswick Industrial Parkway North
Subdivision Phase I - Replat No. 1
Doc. No. 2016PL000020

Sublot 1A

SKETCH OF

WATER EASEMENTS

Situated in the City of Brunswick, County of Medina and State of Ohio and known as being part of Original Brunswick Township Tract No. 2, Lot No. 28, further known as being part of Sublot No. 2B as shown on Brunswick Industrial Parkway North Subdivision Phase 1 Replat No. 2 as recorded in Document No. 2021PL000042 of The Medina County Recorder's Records and part of Sublot No. 1A as shown on Brunswick Industrial Parkway North Subdivision Phase 1 Replat No. 1 as recorded in Document No. 2016PL000020 of The Medina County Recorder's Records



EASEMENT CURVE TABLE					
SEGMENT	LENGTH	RADIUS	CHORD	CHORD BEARING	DELTA
EC1	36.44'	70.00'	36.03'	S 67°49'45" W	29°49'46"
EC2	54.97'	70.00'	53.57'	N 74°45'39" W	44°59'27"

PROPOSED LEGISLATION



DATE: 2/12/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Todd Fischer

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 22-2024** - An emergency ordinance to transfer and advance funds. - **1st Reading**
(To be brought from Finance Committee, *Administration/Todd Fischer*)

BACKGROUND: In order to comply with the Ohio Revised Code Section 5705 transfers and advances may become necessary as certain financial situations arise. Transfers and Advances may also occur as a result of the City's Fund Balance Reserve Policy passed and last amended by City Council via Ordinance #100-2023. A transfer is the permanent movement of money from one fund to another. An advance is the temporary movement of money from one fund to another fund that will be repaid upon the completion of an anticipated event. The process of transferring and advancing funds is required by law in certain financial situations and is audited under the direction of the Auditor of State for compliance every year. Transfers and Advance legislation is generally presented two to three times a year or more, if deemed necessary.

PURPOSE AND EXPLANATION: Refer to background section.

IMPLEMENTATION SCHEDULE: Discuss at the February 12, 2024 Finance Committee meeting and move to the February 12, 2024 Council agenda as an emergency with suspension of the rules.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Transfers and advances do not have a financial impact on the City funds as a collective whole. Transfers and advances are merely the movement of money from one fund to another and are defined in Ohio Revised Code Section 5705 and in the Auditor of State Compliance Supplement. Transfers and advances are required to be included in the City's adopted budget and are also required to be approved by City Council.

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?

Recommended approval as an emergency with suspension of the rules. Emergency clause necessary to allow funding to be in place to administer plans and/or purchase orders for various projects, grants, etc.

**ADDITIONAL
INFORMATION:**

None.



CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 22-2024

By: Mr. Hanek, Mr. Abella, and Mr. Lambert

AN EMERGENCY ORDINANCE TO TRANSFER AND ADVANCE FUNDS

- WHEREAS: The City of Brunswick wishes to transfer funds from the General Fund #001 to the Road Capital Projects Fund #333 to set aside funds for current and future road improvement projects, and;
- WHEREAS: The City of Brunswick wishes to transfer funds from the General Fund #001 to the Capital Projects Improvement Fund #300 for various capital improvements or may be authorized by Council, and;
- WHEREAS: The City of Brunswick wishes to transfer funds from the General Fund #001 to the Recreation Center Fund #131 to help subsidize operational, contractual and capital expenses as a result of the health pandemic and aging building, and;
- WHEREAS: The City of Brunswick wishes to return previously advanced monies from the Road Levy Improvement Fund (#332) to the General Fund #001 since the 2023 road levy projects are near completion, and;
- WHEREAS: The City of Brunswick wishes to advance monies from the General Fund #001 to the Road Levy Improvement Fund #332 to allow for the 2024 neighborhood road improvement program to occur during the upcoming construction season versus otherwise waiting for all levy proceeds to be received, and;
- WHEREAS: The City of Brunswick wishes to return previously advanced monies from the Department of Justice Federal Grant Fund #129 to the General Fund #001 since the 2022-JG-A03-6712E Bola Wrap Edward Byrne Memorial Justice Assistance Grant has been materially completed and all grant reimbursements have been received, and;
- WHEREAS: The City of Brunswick wishes to advance monies from the General Fund #001 to City Hall Expansion Fund #336 to temporarily fund the 2024 NOPEC grant expenses until the 2024 NOPEC grant reimbursements are received, and;
- WHEREAS: The City of Brunswick wishes to return previously advanced monies from the City Hall Expansion Fund #336 to the General Fund since the 2022 NOPEC grant is completed and reimbursements have been received, and;



CITY OF BRUNSWICK, OHIO

ORDINANCE NO. 22-2024

WHEREAS: The City of Brunswick wishes to advance monies from the General Fund #001 to the Road Capital Projects Fund #333 to temporarily fund the State of Ohio's Transportation Improvement District Grant award for the North Industrial Parkway Improvement Project until grant reimbursements are received, and;

WHEREAS: The City of Brunswick wishes to advance monies from the General Fund #001 to the OPWC Pepperwood Drive Improvement Fund #375 to temporarily fund the anticipated Pepperwood Drive OPWC improvement project until OPWC grant reimbursements are received, and;

WHEREAS: The City of Brunswick wishes to advance monies from the General Fund #001 to the U.S. Army Corp Engineer Grant Fund (#345) to set aside 50% of the funds to cover a pending U.S. Army Corp of Engineers Section 219 Environmental Infrastructure Grant to fund anticipated grant expenses until grant reimbursements are received, and;

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the following funds are hereby transferred:

FROM:	General Fund (#001)
TO:	Road Capital Projects Fund (#333)
AMOUNT:	\$3,082,712.03
FROM:	General Fund (#001)
TO:	Capital Projects Improvement Fund (#300)
AMOUNT:	\$3,003,333.33
FROM:	General Fund (#001)
TO:	Recreation Center Fund (#131)
AMOUNT:	\$375,000.00

SECTION 2: That the following funds are hereby advanced:

FROM:	Road Levy Improvement Fund (#332)
TO:	General Fund (#001)
AMOUNT:	\$861,000.00
FROM:	General Fund (#001)
TO:	Road Levy Improvement Fund (#332)
AMOUNT:	\$861,000.00
FROM:	Department of Justice Federal Grant Fund (#129)
TO:	General Fund (#001)



CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 22-2024

AMOUNT: \$8,034.42

FROM: General Fund (#001)
TO: City Hall Expansion Fund (#336)
AMOUNT: \$80,991.00

FROM: City Hall Expansion Fund (#336)
TO: General Fund (#001)
AMOUNT: \$85,836.00

FROM: General Fund (#001)
TO: Road Capital Projects Fund (#333)
AMOUNT: \$500,000.00

FROM: General Fund (#001)
TO: OPWC Pepperwood Drive Improvement Fund (#375)
AMOUNT: \$658,500.00

FROM: General Fund (#001)
TO: U.S. Army Corp Engineer Grant Fund (#345)
AMOUNT: \$2,255,000.00

SECTION 3: This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, welfare, and providing for the usual daily operation of a municipal department, and for the further reason that proper funding sources be transferred and advanced. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura, CMC

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6808 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3168

TO

4220627	NEW	JALISCO 71 LLC
PERMIT NUMBER	TYPE	3329 CENTER RD
ISSUE DATE		BRUNSWICK OH 44212
01 24 2024		
FILING DATE		
D1 D2 D3		
PERMIT CLASSES		
52	022	C
TAX DISTRICT		RECEIPT NO. E08153

FROM 02/05/2024

PERMIT NUMBER	TYPE
ISSUE DATE	
FILING DATE	
PERMIT CLASSES	
TAX DISTRICT	RECEIPT NO.



MAILED 02/05/2024

RESPONSES MUST BE POSTMARKED NO LATER THAN. 03/07/2024

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

C NEW 4220627

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF BRUNSWICK CITY COUNCIL
4095 CENTER RD
BRUNSWICK OHIO 44212