

# CITY OF BRUNSWICK, OHIO

## MINUTES OF COUNCIL

Monday, February 12, 2024

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

**Roll Call of Members** Nicholas Hanek, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper.

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

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

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

**Correspondence** There was none.

**Approval of Regular Council Meeting Minutes dated January 22, 2024.** Joseph Delsanter moved to approve the Regular Council Meeting Minutes dated January 22, 2024, as written, seconded by Keith Kuczma. Roll Call - Ayes - 6, Nicholas Hanek, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

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

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.

Mayor's recommendation to reappoint Clifford Nowak to the Juvenile Diversion Board:

If anyone on Council has questions regarding this recommendation, they should contact the Mayor.

**Clerk of Council's Report** There was none.

### **Council Committee Reports:**

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

Mr. Lambert had no formal reports this evening.

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

Mr. Smith had no formal reports this evening.

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

Mr. Hanek had no formal reports this evening.

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

Mr. Kuczma had no formal reports this evening.

**Planning & Zoning Committee.....Mr. Delsanter:****Planning & Zoning Committee Minutes dated January 18, 2024:**

Joseph Delsanter moved to approve the Planning & Zoning Committee Minutes dated January 18, 2024, as written, seconded by Keith Kuczma. Roll Call - Ayes - 6, Nicholas Hanek, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

**Parks, Recreation & Community Committee.....Mrs. Piper:****Parks, Recreation & Community Committee Minutes dated January 30, 2024:**

Kristy Piper moved to approve the Parks, Recreation & Community Committee Minutes dated January 30, 2024, as written, seconded by Tim Smith. Roll Call - Ayes - 6, Nicholas Hanek, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

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

Mr. Abella had no formal reports this evening.

**Other Committees, Boards and Commissions****Committee-of-the-Whole Minutes dated January 22, 2024:**

Joseph Delsanter moved to approve the Committee-of-the-Whole Minutes dated January 22, 2024, as written, seconded by Tim Smith. Roll Call - Ayes - 6, Nicholas Hanek, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

**Petitions from the Public on Legislation** There were none.

**Reading of Legislation and Action on Legislation:****3rd Reading(s)**

**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*):

Tim Smith moved to adopt Resolution Number 1-2024, seconded by Michael Abella Jr. Roll Call - Ayes - 6, Nicholas Hanek, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

**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*):

Joseph Delsanter moved to table Ordinance Number 7-2024, seconded by Keith Kuczma. Roll Call - Ayes - 6, Nicholas Hanek, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

**2nd Reading(s)**

**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*):

Mr. Delsanter moved this ordinance to second reading.

**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*):

Mr. Delsanter moved this resolution to second reading.

**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*):

Mr. Delsanter moved this ordinance to second reading and referred back to Planning Commission for review.

**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*):

Mr. Delsanter moved this ordinance to second reading and referred it back to the Planning Commission for review.

**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*):

Mr. Delsanter moved this ordinance to second reading and referred it back of Planning Commission for review.

**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*):

Mr. Delsanter moved this ordinance to second reading and referred it back to the Planning Commission for review.

**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*):



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

Tim Smith moved to adopt Resolution Number 15-2024, seconded by Keith Kuczma. Roll Call - Ayes - 6, Nicholas Hanek, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

**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*) :

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

Michael Abella Jr. moved to adopt Ordinance Number 16-2024, seconded by Keith Kuczma. Roll Call - Ayes - 6, Nicholas Hanek, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

**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*):

Mr. Delsanter moved this ordinance to second reading and referred it back to the Planning Commission for review.

**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*):

Mr. Delsanter moved this ordinance to second reading and referred it back to the Planning Commission for review.

**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*):

Mr. Delsanter moved this ordinance to second reading and referred it back to the Planning Commission for review.

**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*) :

Mr. Delsanter moved this ordinance to second reading.

**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*):

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

Tim Smith moved to adopt Resolution Number 21-2-24, seconded by Joseph Delsanter. Roll Call - Ayes - 6, Nicholas Hanek, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

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

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

Michael Abella Jr. moved to adopt Ordinance Number 22-2024, seconded by Keith Kuczma. Roll Call - Ayes - 6, Nicholas Hanek, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

**City Manager's Report** Carl DeForest announced that Lt. Robert Safran will be promoted to Police Chief on Tuesday, February 27 at 4:30 p.m. at City Hall. Chief Brian Ohlin will be retiring effective February 24. Sergeant Chris Spencer will be promoted to Lieutenant on February 27.

Mr. DeForest then informed that City Hall would be closed on Monday, February 19 in observance of President's Day. This will not affect trash pick-up.

**Open Forum** There was none.

**Unfinished Business** There was none.

**New Business**

A liquor permit request from Jalisco 71 LLC at 3329 Center Road, Brunswick, Ohio 44212:

There were no objections from the administration.

Mr. Smith wished everyone a Happy Valentine's Day.

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

There being no further business, the meeting adjourned at 7:18 p.m.

Respectfully submitted,



Laura Timura  
Clerk of Council

  
Mayor Ron Falconi

February 26, 2024

Adopted