

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda

NOVEMBER 25, 2024

6:30 PM

or Immediately Following
Services, Utilities, Technology & Cable Committee

1. Discussion Items
2. Motion Items
 - (a) Motion to enter into an agreement with the Medina County Office for Older Adults (MCOOA) to organize senior services within the City of Brunswick at the Brunswick Community Recreation and Fitness Center.
3. Review Legislation
 - (a) **RES. NO. 98-2024** - An emergency resolution authorizing the City Manager to enter into a revised Municipal Engineering Consulting Services Agreement with Chagrin Valley Engineering, Ltd. for the provision of professional Municipal Engineering Consulting Services and designating Jennifer R. Zoldak, P.E., as Consulting Municipal Engineer and designating Matthew M. Jones, P.E. as Assistant Consulting Municipal Engineer. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Todd Fischer*)
 - (b) **RES. NO. 99-2024** - An emergency resolution permitting the City Administration to sell, through public internet auctions, personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired, for the year 2025. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*)
 - (c) **ORD. NO. 100-2024**- An emergency ordinance extending a temporary moratorium on the issuance of building permits and/or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing or retail sale of recreational marijuana to allow the City Administration, Council and Planning Commission an opportunity to review applicable law and to consider possible amendments to the Brunswick Zoning Code. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)
4. General Discussion
5. Executive Session

- (a) Motion to go into Executive Session to discuss the subject of pending or imminent court action.

6. Adjournment

PROPOSED MOTION



DATE: 11/25/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Taylor Petkovsek

COPY: Mayor Ron Falconi

MOTION: Motion to enter into an agreement with the Medina County Office for Older Adults (MCOOA) to organize senior services within the City of Brunswick at the Brunswick Community Recreation and Fitness Center.

BACKGROUND: The City of Brunswick entered into a three-year agreement with the Medina County Office for Older Adults for the purpose of organizing and facilitating senior services at the Brunswick Community Recreation and Fitness Center. That contract will be expiring on December 31, 2024. It is the desire of the administration to enter into a new three-year agreement for the purpose of organizing and facilitating senior services at the Brunswick Community Recreation & Fitness Center.

PURPOSE AND EXPLANATION: If this motion is accepted, this would be the fourth time the City of Brunswick has entered into a three-year agreement with Medina County Office for Older Adults.

IMPLEMENTATION SCHEDULE: The new contract would start January 1, 2025 and continue through December 31, 2027.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The cost of the senior services would be the following:
2025 - \$23,000.00
2026 - \$24,000.00
2027 - \$25,000.00

This request in added costs is to accommodate the one (1) part-time staff member, administrative duties and utility costs, supplies, and entertainment budget. The account # is 131-0830-54286. Payment by year for this contract will also be contingent upon sufficient Council adopted appropriations. Council appropriates on an annual basis by state law.

RECOMMENDED ACTION:

ADDITIONAL

INFORMATION:

PROPOSED LEGISLATION



DATE: 11/25/2024

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. 98-2024** - An emergency resolution authorizing the City Manager to enter into a revised Municipal Engineering Consulting Services Agreement with Chagrin Valley Engineering, Ltd. for the provision of professional Municipal Engineering Consulting Services and designating Jennifer R. Zoldak, P.E., as Consulting Municipal Engineer and designating Matthew M. Jones, P.E. as Assistant Consulting Municipal Engineer. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Todd Fischer*)

BACKGROUND: On October 9, 2023, this Council adopted Resolution No. 69-2023 authorizing the City Manager to enter into a Municipal Engineering Consulting Services Agreement with Chagrin Valley Engineering, Ltd. for the provision of professional municipal engineering consulting services wherein Matthew M. Jones, P.E., was designated as the Consulting Municipal Engineer and Jennifer R. Zoldak, P.E., was designated as the Assistant Consulting Municipal Engineer.

PURPOSE AND EXPLANATION: Chagrin Valley Engineering, Ltd. has requested that the existing Municipal Engineering Consulting Services Agreement be revised to designate Jennifer R. Zoldak, P.E., as the Consulting Municipal Engineer and Matthew M. Jones, P.E., as the Assistant Consulting Municipal Engineer, the expiration of which shall remain as of December 31, 2025.

IMPLEMENTATION SCHEDULE: The term of the Municipal Consulting Services Agreement expires on December 31, 2025.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The revisions to the Chagrin Valley Engineering contract would only include name and title changes. There will be no changes in terms, rates or services.

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?

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 update the Consulting Municipal Engineer as of January 1, 2025. 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.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 98-2024

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A REVISED MUNICIPAL ENGINEERING CONSULTING SERVICES AGREEMENT WITH CHAGRIN VALLEY ENGINEERING, LTD. FOR THE PROVISION OF PROFESSIONAL MUNICIPAL ENGINEERING CONSULTING SERVICES AND DESIGNATING JENNIFER R. ZOLDAK, P.E., AS CONSULTING MUNICIPAL ENGINEER AND DESIGNATING MATTHEW M. JONES, P.E., AS ASSISTANT CONSULTING MUNICIPAL ENGINEER.

WHEREAS: On October 9, 2023, this Council adopted Resolution No. 69-2023 authorizing the City Manager to enter into a Municipal Engineering Consulting Services Agreement with Chagrin Valley Engineering, Ltd. for the provision of professional municipal engineering consulting services wherein Matthew M. Jones, P.E., was designated as the Consulting Municipal Engineer and Jennifer R. Zoldak, P.E., was designated as the Assistant Consulting Municipal Engineer;

WHEREAS: The term of the Municipal Consulting Services Agreement expires on December 31, 2025; and

WHEREAS: Chagrin Valley Engineering, Ltd. has requested that the existing Municipal Engineering Consulting Services Agreement be revised to designate Jennifer R. Zoldak, P.E., as the Consulting Municipal Engineer and Matthew M. Jones, P.E., as the Assistant Consulting Municipal Engineer, the expiration of which shall remain as of December 31, 2025.

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

SECTION 1: That the City Manager, upon approval of the Law Director, is authorized and directed to enter into a revised Municipal Engineering Consulting Services Agreement with Chagrin Valley Engineering, Ltd., as attached hereto as Exhibit "A", for the provision of professional municipal engineering consulting services upon such terms and conditions as provided therein.

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 update the Consulting Municipal Engineer as of January 1, 2025. 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

**PROPOSAL FOR THE PROVISION OF
MUNICIPAL ENGINEERING CONSULTING SERVICES
TO THE CITY OF BRUNSWICK, OHIO**

This agreement is set between the City of Brunswick, Ohio (City) and Chagrin Valley Engineering, Ltd. (CVE), for the provision of Municipal Engineering Consulting Services.

Section 1. Chagrin Valley Engineering, Ltd. (CVE) with Jennifer R. Zoldak P.E., an Engineer with Chagrin Valley Engineering Ltd., duly licensed as a Professional Engineer, is hereby designated as the Consulting Municipal Engineer for the City of Brunswick, Ohio, and Matthew M. Jones P.E., a Partner of Chagrin Valley Engineering Ltd., duly licensed as a Professional Engineer, is hereby designated as Assistant Consulting Municipal Engineer for the City of Brunswick, Ohio, for a term beginning November 26, 2024 and ending December 31, 2025 at the pleasure of the City Manager, upon the terms, provisions and conditions thereafter set forth herein and ratified by the City Council.

Section 2. That said Consulting Municipal Engineer/Assistant Consulting Municipal Engineer in conjunction with Chagrin Valley Engineering, Ltd. shall furnish services to this City, as required by the City, through the City Council or its designee, including the following services covered by the compensation as described in Section 4 of this Agreement. Services involving the use of additional staff members (other than the Consulting Municipal Engineer or Assistant Consulting Municipal Engineer), shall be compensated as described with Section 3 of this agreement:

- (A) Act as a technical consultant and advisor on engineering matters referred by the City Manager.
- (B) Advise the City in matters relating to resident's problems pertaining to engineering as they may relate to public sewers, public water supplies, drainage patterns and building grades.
- (C) Assist the City on municipal engineering matters. The Consulting Municipal Engineer shall also act as the Floodplain Administrator of the National Flood Insurance Program for the City of Brunswick.
- (D) Attend Council meetings and other meetings as requested by the City Manager or City Council. The monthly retainer amount presented in Section 4 is based upon the regular attendance of the Consulting Municipal Engineer, Assistant Consulting Municipal Engineer or a designated CVE staff member at Planning Commission meetings and City Council Work Session meetings. Attendance by a designated CVE staff member in place of the Municipal Consulting Engineer or Assistant Consulting Municipal Engineer at meetings will not be billed in addition to the retainer amount.
- (E) Preparation of preliminary sketches and estimates, concerning the advisability of proceeding with public improvements such as pavement improvements, storm water collection, water distribution, or other infrastructure improvements contemplated by the City Manager.
- (F) Performing such other duties as is normally required of Consulting Municipal Engineers/Assistant Consulting Municipal Engineers not requiring the use of additional staff members such as field crews, etc.

Section 3. For services in connection with the construction of public improvements as described above, Chagrin Valley Engineering, Ltd., shall receive compensation as a percentage of the actual cost of construction of all improvements authorized by City Council and under its control. The percentages paid shall be as follows:

<u>COST OF CONSTRUCTION</u>	<u>FEE</u>
\$ 0 - \$150,000	Hourly
\$ 150,001 - \$250,000	\$ 18,750 plus 8.7% of the amount over \$150,001
\$ 250,001 - \$500,000	\$ 26,000 plus 7.6% of the amount over \$250,001
\$ 500,001 - \$1,000,000	\$ 45,000 plus 6.7% of the amount over \$500,001
\$1,000,001 - \$5,000,000	\$ 78,000 plus 6.1% of the amount over \$1,000,001
\$5,000,001 - \$10,000,000	\$322,000 plus 5.5% of the amount over \$5,000,001

The fees provided in this subsection shall cover engineering services including complete detailed plans and specifications, preparation of monthly and final estimates for contractor's payments and providing an Engineer for construction management to administer the construction contract. The above schedule of fees does not cover various supplementary services. Supplemental services not included within the presented fee schedule are, but not limited to: wetland delineations, stream quality assessments, preparation and acquisition of U.S. Army Corps of Engineers / Ohio Environmental Protection Agency wetland or stream fill permits, property, boundary, or right-of-way surveys, topographic surveys, profile surveys, grade stakes for construction, inspection of construction, laboratory inspection of materials, review of material submittals for use in construction, cost of test borings, or other subsurface exploration, traffic studies, or calculations of special assessments. These supplementary services may be provided by the Chagrin Valley Engineering, Ltd. on an hourly basis in accordance with the schedule of rates hereinafter set forth below or upon invoice submitted by the entity providing such supplemental services. Any such supplemental services performed by CVE cannot therefore be included in any municipal contract nor subject to an additional percentage of contracts nor be included in the cost of construction of any contract or this contract. The Engineer shall at all times notify the Service Director, in writing, of any supplementary services associated with a proposed public improvement at the time that a preliminary estimate, covered under Section 2 of this contract, is submitted for consideration or approval. Additionally, inspection and contract administration costs are not to be included in the cost of construction for purposes of calculating the engineering fee for projects covered under this section.

Chagrin Valley Engineering, Ltd. shall be entitled to progress payments in proportion to services performed on monthly basis. Upon authorization by City Council and until such time as bids are taken and contracts awarded, compensation shall be determined by the following percentages and the Engineer's estimated construction cost. As the work is constructed, Chagrin Valley Engineering, Ltd. shall receive additional compensation equal to the balance of the fee based upon a percentage of the certificates of payment to the contractor, provided said payment is authorized by City Council. As soon as the final certificate of payment to the contractor is issued, any adjustment shall be made so the total fee shall be a sum equal to the schedule percentage. The compensation for basic services shall be based upon the following percentages of the total fee attributable to various phases of the work:

1. Preliminary Report Phase	15%
2. Preliminary Design Phase	20%
3. Final Design Phase	45%
4. Bidding and Project Award Phase	10%
5. Contract Administration	10%

In the event proceedings for work are abandoned or postponed and then revived and actively pressed either by this or by a succeeding City Council within five (5) years of the date of said abandonment or postponement, Chagrin Valley Engineering, Ltd. shall credit against the total compensation the payment previously made hereunder, providing that Chagrin Valley Engineering, Ltd. is at that time employed by this or by a succeeding City Council to provide Municipal Engineering Consulting Services. In the event of the revival of a project within the time frame specified above, Chagrin Valley Engineering, Ltd. could, at its discretion, elect to negotiate additional fees with the City of Brunswick. Additional fees would address conditions that have incurred solely as a result of changes in existing conditions since the abandonment or postponement of the project, or design parameters that have been established by governmental review and approval subsequent to such delay.

Engineering charges for federally funded work must be in accordance with Federal Regulations and are set and approved as part of the funding procedure, and therefore are not part of this document.

HOURLY RATE SCHEDULE: For additional services for which the Engineer shall have been authorized to prepare material or work not let by Contract or for the performance of any of the following tasks:

- Special Surveys
- Preparation of Reports
- Preparation of Special Assessments
- Field Elevation Checks of Walks, Basements, Sewers, etc.
- Storm Water Management Inventory Assistance
- Storm Water Drainage: Plan / Calculation Review
- Erosion and Sediment Control: Plan Review / Site Inspections
- Sanitary "Tap-In" Reviews and Fee Determinations
- Residential / Commercial / Industrial Site Plan and or Subdivision Review
- Survey Plat Review
- Development / Implementation of Phase II Storm Water Management Program

Compensation shall be made on the basis of time spent by the Engineer or his employees and associates at the rates set forth in the following schedule of hourly rates, plus reimbursable expenses.

2024-25 Hourly Rates

Engineer - Partner	\$106.00 per hour
Professional Traffic Operations Engineer (PTOE)	\$145.00 per hour
Engineer	\$98.00 per hour
Contract Administrator	\$76.00 per hour
Storm Water Specialist	\$82.00 per hour
Professional Surveyor	\$95.00 per hour
Designer / Technician	\$85.00 per hour
Geographic Information Systems (GIS) Technician	\$88.00 per hour
Clerical	\$42.00 per hour
1 Man Survey Field Crew	\$124.00 per hour
2 Man Survey Field Crew	\$136.00 per hour
3 Man Survey Field Crew	\$152.00 per hour

November 11, 2024

Environmental Scientist	\$90.00 per hour
Inspector	\$55.00 per hour
Landscape Architect	\$85.00 per hour
Prints, Materials, Supplies and Services provided or performed by others at Cost.	

Section 4. The Consulting Municipal Engineer, Assistant Consulting Municipal Engineer and Chagrin Valley Engineering, Ltd., as appointed by the City Manager, shall receive as compensation for the services described in Section 2 hereof, the annual sum of \$61,000.00, commencing January 1, 2024; said sums shall be pro-rated on a per month basis and payable to Chagrin Valley Engineering, Ltd., on the last day of each month.

Section 5. The Chagrin Valley Engineering, Ltd. agrees that for the duration of this contract no member of Chagrin Valley Engineering, Ltd. or employee thereof, will accept any private engineering or surveying work that requires their review and/or approval unless such work is approved by the City Manager; however, work for Federal, State County or Regional Governments is not prohibited.

Section 6. Documents and Files: All engineering documents and project files created for the purposes serving the City of Brunswick shall be the property of the City of Brunswick.

Section 7. The contract provided herein with Chagrin Valley Engineering, Ltd. may be terminated by either party on thirty (30) days advance written notice to the other, provided that such determination shall not affect the duty of the Consulting Municipal Engineer, Assistant Consulting Municipal Engineer or Chagrin Valley Engineering, Ltd., to render service, nor the obligation of the City to pay for such service rendered, before the effective date of termination.

Matthew M. Jones P.E., Partner, Chagrin Valley Engineering, Ltd.

Date

Accepted this _____ day of _____, 2024 by the City of Brunswick, Ohio, pursuant to
Ordinance of Council No. _____ adopted on _____.

BY: _____

City of Brunswick, Ohio

Attest:

The legal form of the within instrument is hereby approved.

Director of Law

Date

PROPOSED LEGISLATION



DATE: 11/25/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Gia D'Amico

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 99-2024** - An emergency resolution permitting the City Administration to sell, through public internet auctions, personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired, for the year 2025. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*)

BACKGROUND: City Council is required to adopt an annual resolution permitting the City to utilize the internet auction provisions of O.R.C. Section 721.15

PURPOSE AND EXPLANATION: In order to allow the City Administration to sell , through public internet auctions, personal property, including motor vehicles acquired for the use of municipal offices and departments, and road machinery, equipment, tools or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired, legislation must be adopted by City Council annually.

IMPLEMENTATION SCHEDULE: As soon as allowed by law.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

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

Three readings on 11/25, 12/9 and 12/16. Third reading as emergency to be effective on 01/01/2025

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 99-2024

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION PERMITTING THE CITY ADMINISTRATION TO SELL, THROUGH PUBLIC INTERNET AUCTIONS, PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES ACQUIRED FOR THE USE OF MUNICIPAL OFFICERS AND DEPARTMENTS, AND ROAD MACHINERY, EQUIPMENT, TOOLS, OR SUPPLIES, WHICH ARE NOT NEEDED FOR PUBLIC USE, OR ARE OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, FOR THE YEAR 2025.

WHEREAS: Ohio Revised Code Section 721.15 permits municipalities to sell obsolete/unfit items by internet auction; and

WHEREAS: An annual Resolution adopted by City Council is required to permit the City to utilize the internet auction provision of ORC Section 721.15.

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

SECTION 1: That this Council hereby permits the City Administration to utilize the internet auction for the sale of personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired for the year 2025.

SECTION 2: That the Clerk of Council shall cause notice of the adoption of this resolution to be published, in a newspaper of general circulation in the City, of the City's intent to sell unneeded, obsolete or unfit municipal personal property by internet auction. The notice shall include a summary of the information provided in this Resolution and shall be published at least two (2) times. The second and any subsequent notice shall be published not less than ten (10) nor more than twenty (20) days after the previous notice.

SECTION 3: That the Clerk of Council shall cause a notice to be posted continually throughout the calendar year in a conspicuous place in the offices of the Clerk of Council and the City Council and shall cause said notice to be posted continuously throughout the year on the City website.

SECTION 4: That the City shall conduct the internet auction via eBay (or other similar bidding site as long as notice is given) using the parameters provided by the auction site. Minimum price or reserve may be set, but is not required by law.

SECTION 5: That bidding shall continue for no less than fifteen (15) days, including Saturdays, Sundays and legal holidays, and shall be set for each item as noted on the internet auction site.

SECTION 6: That all terms and conditions of sale, including but not limited to pick-up and delivery, method of payment, sales tax, complete descriptions and/or pictures of the items, shall be specified for each item on the internet auction site.

SECTION 7: That the highest bidder upon the close of the open bidding period will be deemed to be the successful bidder of the internet auction. Upon the close of the auction, the City shall remit an invoice to the successful bidder for the amount of the bid. The successful bidder shall remit the entire payment within ten days of receipt of the invoice.

Acceptable forms of payment include cashier's check, certified check, or money order. Other payment arrangements may be made by the City where circumstances warrant. Payment options such as on-line payment systems and PayPal or similar services are acceptable payment options. Notwithstanding the foregoing, all payment options are subject to the approval of the City's Finance Director.

SECTION 8: That all communication with the successful bidder shall occur in writing. Arrangements and costs associated with delivery to the successful bidder shall be the sole responsibility of the successful bidder. Risk of loss will be transferred to the successful bidder upon the tendering of the goods to the shipping company chosen by the successful bidder.

SECTION 9: That all items shall be sold without warranty in "AS IS" condition. All advertisements, listings, and notices shall be subject to the following language:

"The City of Brunswick, its officers, employers and agents offer this item for sale "AS IS" without any warranty or condition, express, implied or statutory. The City of Brunswick, its officers, employers and agents, specifically disclaim any implied warranties of title, merchantability, fitness for a particular purpose and non-infringement."

SECTION 10: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 11: 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 for sales of personal property by internet auction effective as of January 1, 2025. 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 _____
 2nd Reading _____
 3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

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

PROPOSED LEGISLATION



DATE: 11/25/2024

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. 100-2024-** An emergency ordinance extending a temporary moratorium on the issuance of building permits and/or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing or retail sale of recreational marijuana to allow the City Administration, Council and Planning Commission an opportunity to review applicable law and to consider possible amendments to the Brunswick Zoning Code. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)

BACKGROUND: On May 13, 2024, City Council adopted Ordinance No. 46-2024 extending the temporary moratorium established by Ordinance No. 113-2024 for an additional period of six (6) months up to and including December 18, 2024. The temporary moratorium shall be extended for an additional period of six (6) months up to and including June 18, 2025, wherein the City shall not issue building permits and/or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing or retail sale of recreational marijuana.

PURPOSE AND EXPLANATION: No building permits, certificates of occupancy or any other permits shall be granted to any person or entity who intends to open, use any land or devote any floor area of the business for the purposes of the cultivation, processing or retail sale of recreational marijuana for the period of this moratorium. No valid existing business in the City may expand in any way that would establish cultivation, processing or retail sale of recreational marijuana for the duration of this moratorium.

IMPLEMENTATION SCHEDULE: November 25, 2024.

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?

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, welfare and safety of the City and for the additional reason to allow the City Administration, Council and Planning Commission an opportunity to review applicable law and to consider possible amendments to the Brunswick Zoning Code.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 100-2024

BY: Committee-of-the-Whole

AN EMERGENCY ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND/OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING OR RETAIL SALE OF RECREATIONAL MARIJUANA TO ALLOW THE CITY ADMINISTRATION, COUNCIL AND PLANNING COMMISSION AN OPPORTUNITY TO REVIEW APPLICABLE LAW AND TO CONSIDER POSSIBLE AMENDMENTS TO THE BRUNSWICK ZONING CODE.

WHEREAS: On November 7, 2023, the electorate of the State of Ohio adopted Issue 2 enacting Ohio Revised Code Chapter 3780 wherein the cultivation, processing, sale, purchase, possession, home grow and use of recreational marijuana by adults over the age of 21 is permitted;

WHEREAS: Issue 2, which remains subject to potential revision and/or repealment by the Ohio General Assembly, permits, among other things, the cultivation, processing, sale, purchase, possession, home grow and use of recreational marijuana by adults over the age of 21; creates state regulatory and licensing oversight thereover; and authorizes the legislative authorities of municipal corporations to, by ordinance, prohibit or limit the number of Adult Use Cannabis Operators, which include cultivators, processors and dispensaries, permitted within the municipal corporation;

WHEREAS: On December 18, 2023, City Council adopted Ordinance No. 113-2023 establishing a six (6) month moratorium on the issuance of building permits and/or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing or retail sale of recreational marijuana;

WHEREAS: On May 13, 2024, City Council adopted Ordinance No. 46-2024 extending the temporary moratorium established by Ordinance No. 113-2024 for an additional period of six (6) months up to and including December 18, 2024;

WHEREAS: The City Administration, Council and Planning Commission require additional time to undertake a review of applicable law and to consider possible amendment to the Brunswick Zoning Code; and

WHEREAS: Pursuant to the Ohio Constitution and Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality, including restricting areas

used for businesses and trades.

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

SECTION 1: That the temporary moratorium established by Ordinance No. 113-2023, as extended by Ordinance No. 46-2024, shall be extended for an additional period of six (6) months up to and including June 18, 2025 wherein the City shall not issue building permits and/or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing or retail sale of recreational marijuana.

SECTION 2: No building permits, certificates of occupancy or any other permits shall be granted to any person or entity who intends to open, use any land or devote any floor area of the business for the purposes of the cultivation, processing or retail sale of recreational marijuana for the period of this moratorium. No valid existing business in the City may expand in any way that would establish cultivation, processing or retail sale of recreational marijuana for the duration of this moratorium.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4: That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, welfare and safety of the City and for the additional reason to allow the City Administration, Council and Planning Commission an opportunity to review applicable law and to consider possible amendments to the Brunswick Zoning Code. 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