



# BRUNSWICK CITY COUNCIL AGENDA

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

**NOVEMBER 25, 2024**

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of Regular Council Meeting Minutes
  - (a) Regular Council Meeting Minutes dated November 11, 2024
5. Mayor's Report:
  - (a) Proclamation to recognize Small Business Saturday
  - (b) Presentation of the Meritorious Service Award to Officers for their involvement in an Amber Alert incident on November 11, 2024.
  - (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

Services, Utilities, Technology & Cable Committee Minutes dated November 11, 2024

Finance Committee.....Mr. Hanek

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

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

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

Parks, Recreation & Community Meeting Minutes dated November 12, 2024

Building & Building Code Committee.....Mr. Abella

Building & Building Code Minutes dated November 11, 2024
8. Other Committees, Boards and Commissions

- (a) Committee-of-the-Whole Meeting Minutes dated November 11, 2024
9. Petitions from the Public on Legislation
10. Reading of Legislation and Action on Legislation:
- a. 3rd Reading(s)
- b. 2nd Reading(s)
- c. 1st Reading(s)

**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*)

**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*)

**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*)

**RES. NO. 101-2024** - A resolution authorizing the City Manager to enter into a five (5) year agreement with Breezeline for the provision of internet services in an amount not to exceed submitted quote prices. – **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Rob Marok*)

11. City Manager's Report
12. Open Forum
13. Unfinished Business
14. New Business

15. Adjournment

# CITY OF BRUNSWICK, OHIO

## MINUTES OF COUNCIL

Monday, November 11, 2024

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

**Roll Call of Members** showed the following Council Members present: Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper.

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

**Correspondence** There was none.

### Approval of Regular Council Meeting Minutes

Regular Council Meeting Minutes dated October 28, 2024:

Nicholas Hanek moved to approve the Regular Council Meeting Minutes dated October 28, 2024, as written, seconded by Keith Kuczma. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, 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 October 2024 will be posted on the website and added to the minutes for the record.

**Clerk of Council's Report:** Mrs. Timura wished everyone a Happy Veterans Day.

### 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:

Safety & Environment Committee Minutes dated October 28, 2024:

Keith Kuczma moved to approve the Safety & Environment Committee Minutes dated October 28, 2024, as written, seconded by Joseph Delsanter. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

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

Mr. Delsanter had no formal reports this evening.

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

Mrs. Piper had no formal reports this evening.

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 October 28, 2024:

Mr. Hanek moved to approve the Committee-of-the-Whole Minutes dated October 28, 2024, as written, seconded by Brandon Lambert. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, 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. 87-2024** - An emergency resolution requesting an advance release of property tax revenue funds from the Medina County Treasurer collected for the benefit of the City of Brunswick. - **3rd Reading** (Finance Committee, *Administration/Todd Fischer*):

Nicholas Hanek moved to adopt Resolution Number 87-2024, seconded by Brandon Lambert. Roll Call – Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

**2nd Reading(s)**

**1st Reading(s)**

**ORD. NO. 92-2024** - An ordinance amending Section 1442.01(a) of the Codified Ordinances of the City of Brunswick. - **1st Reading** (To be brought from Building & Building Code Committee, *Administration/James Urankar*):

Michael Abella Jr. moved to suspend the rules, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

Michael Abella Jr. moved to adopt Ordinance Number 92-2024, seconded by Tim Smith. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

**RES. NO. 93-2024** - An emergency resolution authorizing the City Manager to enter into an agreement with Fabrizi Trucking and Paving Co., Inc. for the North Park Lake Dredging Project in an amount not to exceed \$809,000.00. - **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 - 7, 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 93-2024, seconded by Michael Abella Jr. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

**RES. NO. 94-2024** - An emergency resolution authorizing the City Manager to enter into a one (1) year contract with the Jefferson Health Plan (through Medical Mutual of Ohio) for the provision of major medical health insurance and prescription coverage for all full-time employees from January 1, 2025 through December 31, 2025. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Gia D'Amico*):

Nicholas Hanek moved to suspend the rules, seconded by Joseph Delsanter. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

Nicholas Hanek moved to adopt Resolution Number 94-2024, seconded by Brandon Lambert. Roll Call – Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

**RES. NO. 95-2024** - An emergency resolution authorizing the City Manager to enter into a two (2) year contract with VSP for the provision of vision insurance coverage for all full-time employees from January 1, 2025 through December 31, 2026.- **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Gia D'Amico*):

Nicholas Hanek moved to suspend the rules, seconded by Tim Smith. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. \ Nays - 0. Motion Carried.

Nicholas Hanek moved to adopt Resolution Number 95-2024, seconded by Kristy Piper. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

**RES. NO. 96-2024** - An emergency resolution authorizing the City Manager to purchase replacement computers, monitors and accessories thereto for various City Divisions and Departments from SCW in an amount not to exceed \$115,000.00. – **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Rob Marok*):

Tim Smith moved to suspend the rules seconded by Joseph Delsanter. Roll Call - Ayes - 7, 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 96-2024, seconded by Kristy Piper. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

**ORD. NO. 97-2024** - An emergency ordinance to approve the editing and inclusion of certain ordinances as components of the Codified Ordinances; to provide for the adoption of new legislation in the updated revised Codified Ordinances; and to repeal ordinances in conflict therewith. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Laura Timura*):

Nicholas Hanek moved to suspend the rules, seconded by Brandon Lambert. Roll Call - Ayes - 7, Nicholas

Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

Nicholas Hanek moved to adopt Ordinance Number 97-2024, seconded by Tim Smith. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

**City Manager's Report** Mr. DeForest thanked all the veterans for their service. He announced that the guest speaker for the Veterans' Ceremony was former Army Ranger, Buckley Wilford who also served in the Special Forces. Mr. DeForest relayed that anyone who served in the military holds a special place in his heart. He again thanked veterans for their service and our freedom.

He directed residents to the City's website for information about leaf collection, which would be updated approximately every 2 days.

**Open Forum** William Snow (3960 W. Bath Road, Akron, Ohio) announced that he appreciated the service of Council and that he and his grandson learned a lot by attending the meeting.

Bradyn DeLorenzo (136 North Carpenter Road) declared himself to be the grandson of Mr. Snow, thanked everyone, and stated he had learned a lot.

**Unfinished Business** Mr. Delsanter declared that attending veterans' ceremonies is humbling and involves a lot of great people from the community. He mentioned the importance of welcoming home anyone who had served especially Vietnam veterans. He then thanked *Homes not Highways* for all of their hard work and dedication which helped drive our purpose.

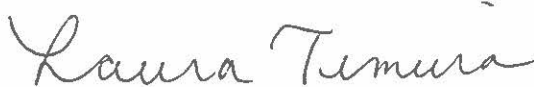
**New Business** Mr. Lambert thanked Mr. Snow for being in attendance to teach his grandson about local government and stressed the importance of community involvement. He felt that Mission BBQ did a fantastic job of honoring veterans and had well over 100 patrons at their restaurant. He concluded by wishing everyone a Happy Veterans Day.

**Adjournment** Mr. Hanek thanked all who served and wished them a Happy Veterans Day.

Nicholas Hanek moved to adjourn, seconded by Tim Smith. Roll Call - Ayes - 7, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Keith Kuczma, Joseph Delsanter, Tim Smith, Kristy Piper. Nays - 0. Motion Carried.

There being no further business, the meeting adjourned at 7:17 p.m.

Respectfully submitted,



Laura Timura, CMC  
Clerk of Council

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Mayor Ron Falconi

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Adopted

## SERVICES, UTILITIES, TECHNOLOGY & CABLE COMMITTEE

November 11, 2024

**IN ATTENDANCE** Chairman Tim Smith, Committee Member Kristy Piper, Committee Member Michael Abella Jr., Nick Hanek, Brandon Lambert, Keith Kuczma, Kristy Piper, City Manager/Safety Director Carl DeForest, Law Director Dennis Nevar, Information Technology & Security Officer Rob Marok, Service Director Paul Magovac, City Engineer Matt Jones, Chief Building Official James Urankar, Clerk of Council Laura Timura, News Media, Benefits Consultant One Digital Christopher Ronnebaum JD REBC.

The meeting convened at 6:19 p.m.

### DISCUSSION ITEMS:

- (a) **RES. NO. 93-2024** - An emergency resolution authorizing the City Manager to enter into an agreement with Fabrizi Trucking and Paving Co., Inc. for the North Park Lake Dredging Project in an amount not to exceed \$809,000.00 - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

Mr. Jones explained that the project involves removing significant sediment from the bottom of North Park Lake. He added that this would improve water quality and flood storage.

Mr. Jones shared that the project would begin as soon as December.

Mr. Smith inquired why the lake had been drained for so long.

Mr. Jones confirmed that a period of time was required to let the soil dry. He further explained that there were hiccups with the funding from the United States EPA and that meeting their contract requirements had been a lengthy process.

Mr. Kuczma clarified that this project would be started immediately and not put off until Spring.

Mr. Jones stated that they would work on the project over the winter and that it would be 100 percent EPA-funded.

Mrs. Piper moved Resolution 93-2024 to tonight's Council Agenda of November 11, 2024, as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

- (b) **RES. NO. 96-2024** - An emergency resolution authorizing the City Manager to purchase replacement computers, monitors and accessories thereto for various City Divisions and Departments from SCW in an amount not to exceed \$115,000.00 - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Rob Marok*)

Mr. Marok stated that Windows 11 would be required on all City computers by the end of next year and would require one-third of the City's PC's to be replaced, one-third to be updated to Windows 11, and one-third of the PC's replaced next year.

Mr. Marok explained that this update must be maintained per the State auditors and the insurance company regulations. He continued that this update will affect every department, with some departments requiring higher-end machines.

Mr. Marok estimated that the total will likely be under state contract prices due to the bulk order. He disclosed that the order would be through CW because they are a state-contracted vendor.

Mr. Smith inquired about the size of the hard drive storage.

Mr. Marok answered that it depends on which computer and what department it is utilized in. He shared that some may have half a terabyte of storage, explaining that the new Windows software requires 50 – 100 gigabytes just to install and update as needed. He commented that a 500-gigabyte hard drive was as small as the City could handle.

Mr. Abella Jr. moved Resolution 96-2024 to tonight's Council Agenda of November 11, 2024, as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

**GENERAL DISCUSSION:**

There was none.

**ADJOURNMENT:**

Being no further business, Mrs. Piper moved to adjourn at 6:25 p.m. Vote – 3 Ayes, 0 Nays.

Submitted Respectfully,

A handwritten signature in blue ink, appearing to read 'Tim Smith', followed by a stylized flourish or second signature.

Tim Smith  
Chairman

## **PARKS, RECREATION & COMMUNITY COMMITTEE**

November 12, 2024

**IN ATTENDANCE:** Chairwoman Kristy Piper, Committee Member Keith Kuczma, Committee Member Tim Smith, Parks & Recreation Director Taylor Petkovsek, Bryan Keller, Madisyn Woodring.

The meeting convened at 6:02 p.m.

Mr. Kuczma moved to excuse Tim Smith for just cause. Vote – 2 Ayes, 0 Nays.

Mr. Smith arrived at 6:37 p.m.

### **DISCUSSION ITEMS:**

**(a)** Recreation Center Holiday Party – Sunday, December 8, 2024, from 1:00 p.m.– 3:00 p.m.

Mrs. Petkovsek shared that the event will feature a Santa, a balloon artist, a face painter, a cookie-decorating table, a reindeer food station, a bouncy house, a picture frame craft table, and a performance by Rick Smith Jr. at 1:30 p.m. She added that the supplies have been ordered for the goody bags, and candy canes and Meijer sandwiches will also be served.

**(b)** Community Monthly Events Calendar

The Committee has decided to plan an event once a month for the 2025 calendar.

- 1) On January 20, 2025, from 4:00 p.m. to 6:00 p.m., a Splash Party will be held at the Recreation Center, with refreshments and music served in the mezzanine area.
- 2) On February 16, 2025, Funkology Band will perform a Disco Party at the Recreation Center, the time of which is to be determined.
- 3) On March 2, 2025, the Recreation Center will host the Chardon Polka Band.
- 4) On April 6, 2025, the Recreation Center will host an End of Winter Blues event featuring Blue Lunch Band.
- 5) The May event has yet to be determined.
- 6) The June 2025 event will host Chardon Polka Band, but the date and time are yet to be determined.
- 7) On July 3, 2025, the Recreation Center will host a Funkology Fireworks Celebration, the time of which has yet to be determined.
- 8) On August 9, 2025, a Back-to-School Bash will begin at 4:30 p.m. at the Recreation Center. The Committee is considering a high school marching band parade and a children's bike parade, with the route starting at the high school and finishing at the Recreation Center. The evening would wrap up with food and drinks offered to attendees at 5:00 p.m. and a Flashback band performance from 6:00 p.m. to 8:00 p.m.
- 9) The September event will be a Hayride at Heritage Farm, and the date and time are yet to be determined.
- 10) The October event will be a Barktober event, and the date and time are yet to be determined.
- 11) The November event is yet to be determined.
- 12) The December event will be the Annual Christmas Party at the Recreation Center, with the date and time yet to be determined.

**(c) Brunswick's 210<sup>th</sup> Birthday Celebration**

Mrs. Petkovsek stated she had spoken with Judy Galo from the Brunswick Historical Society, who shared that they would host the event at Heritage Farm. The Parks and Recreation Committee will provide pre-packaged cookies from Confection Connection.

**(d) Disc Golf**

There was no update.

**OLD BUSINESS**

Mr. Kuczma inquired about an update on the new city flag.

Mrs. Piper offered to contact Council Clerk, Mrs. Timura, for a progress report.

**NEW BUSINESS**

Mr. Kuczma asked if there were plans for a Fourth of July parade.

Mrs. Petkovsek shared that the parade is scheduled for July 6, 2025, and will be organized again by Sheila Walsh.

**GENERAL DISCUSSION:**

Mrs. Piper announced that the following Parks, Recreation & Community Committee Meeting would be held on January 9, 2025, at 6:00 p.m. at the Recreation Center.

**ADJOURNMENT:**

Being no further business, Mr. Kuczma moved to adjourn at 6:50 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,



Kristy Piper  
Chairwoman

## **BUILDING & BUILDING CODE COMMITTEE**

November 11, 2024

**IN ATTENDANCE:** Chairman Michael Abella Jr., Committee Member Joseph Delsanter, Committee Member Nicholas Hanek, Brandon Lambert, Tim Smith, Keith Kuczma, Kristy Piper, City Manager/Safety Director Carl DeForest, Law Director Dennis Nevar, Information Technology & Security Officer Rob Marok, Service Director Paul Magovac, City Engineer Matt Jones, Chief Building Official James Urankar, Clerk of Council Laura Timura, News Media, Benefits Consultant One Digital Christopher Ronnebaum JD REBC.

The meeting convened at 6:15 p.m.

### **DISCUSSION ITEMS:**

- a) **ORD. NO. 92-2024** – An ordinance amending Section 1442.01 (a) of the Codified Ordinances of the City of Brunswick. – **1<sup>st</sup> Reading** (To be brought from Building & Building Code Committee, *Administration/James Urankar*)

Mr. Uranker explained that this was a minor change that clearly defined who was required to be registered. He stated that it was a language clarification.

Mr. Delsanter requested Mr. Uranker expand on the proposed ordinance's premise.

Mr. Uranker clarified that it was related to contractors contracted to work in the city.

Mr. Hanek moved Resolution 92-2024 to tonight's Council Agenda of November 11, 2024. Vote – 3 Ayes, 0 Nays.

### **GENERAL DISCUSSION:**

Mr. Nevar stated that this ordinance suspends the rules as a non-emergency. He further detailed that because it applies to the building code, it cannot be passed as an emergency but could be suspended.

Mr. Abella Jr. questioned what the pressing issue was.

Mr. Delsanter inquired if any current contractors would be affected.

Mr. Nevar shared that, as it stands, the contractors working on trenching are only required to obtain a \$1,000.00 bond, and it is unclear that they also need to register with the city. He continued that the ordinance ensures all contractors are subject to the contractor registration and \$25,000.00 bond requirements.

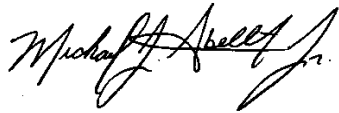
Mr. Nevar divulged that the quicker the ordinance moves through, the better. He indicated that a suspension of the rules may be advisable.

Mr. Hanek moved to amend and move Ordinance 92-2024 to tonight's Council Agenda with suspension of the rules. Vote – 3 Ayes, 0 Nays.

**ADJOURNMENT:**

Being no further business, Mr. Delsanter moved to adjourn at 6:19 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Abella Jr.", written in a cursive style.

Michael Abella Jr.  
Chairman



## COMMITTEE OF THE WHOLE

November 11, 2024

**IN ATTENDANCE:** Nicholas Hanek, Joseph Delsanter, Keith Kuczma, Tim Smith, Kristy Piper, Brandon Lambert, Mike Abella Jr., City Manager/Safety Director Carl DeForest, Law Director Dennis Nevar, Information Technology & Security Officer Rob Marok, Service Director Paul Magovac, City Engineer Matt Jones, Chief Building Official James Urankar, Clerk of Council Laura Timura, News Media, Benefits Consultant One Digital Christopher Ronnebaum JD REBC.

The meeting convened at 6:25 p.m.

### DISCUSSION ITEMS:

There was none.

### REVIEW LEGISLATION:

- (a) **RES. NO. 94-2024** – An emergency resolution authorizing the City Manager to enter into a one (1) year contract with the Jefferson Health Plan (through Medical Mutual of Ohio) for the provision of major medical health insurance and prescription coverage for all full-time employees from January 1, 2025 through December 31, 2025. – **1<sup>st</sup> Reading** (To be brought from Committee-of-the-Whole, *Administration/Gia D'Amico*)

Mr. DeForest shared that the City is legally obligated under the collective bargaining agreement to provide healthcare to all the City's full-time employees.

Mr. DeForest explained that the renewal is based on the Jefferson Health Plan that the City has been participating in for the past few years. He stated that he believed the City had saved much money with this plan.

Mr. DeForest stated that a Moratorium was necessary two years ago due to the underconsumption of benefits that coincided with COVID. He disclosed that this resulted in a refund of two months' premiums to the employee.

Mr. DeForest reasoned that the renewal is in late October or early November because the projected price point is based on past usage. He relayed that there were significant payouts due to some healthcare-related issues with employees.

- (b) **RES. NO. 95-2024** – An emergency resolution authorizing the City Manager to enter into a two (2) year contract with VSP for the provision of vision insurance coverage for all full-time employees from January 1, 2025 through December 31, 2025. – **1<sup>st</sup> Reading** (To be brought from Committee-of-the-Whole, *Administration/Gia D'Amico*)

Mr. DeForest added that the vision plan comes with no price increase for 2025.

Mr. DeForest clarified that both of the Resolutions are for 2025.

Mrs. Piper asked if the Administration had ever considered switching providers.

Mr. DeForest reported that the administration compared prices with multiple other providers and that Jefferson Health Plan was the best price point.

Mr. Lambert moved Resolution 94-2024 and Resolution 95-2024 to tonight's Council Agenda of November 11, 2024, as an emergency with suspension of the rules. Vote – 7 Ayes, 0 Nays.

(c) **ORD. NO. 97-2024** – An emergency ordinance to approve the editing and inclusion of certain ordinances as components of the Codified Ordinances; to provide for the adoption of new legislation in the updated revised Codified Ordinances; and to repeal ordinances in conflict therewith. – **1<sup>st</sup> Reading** (To be brought from Committee-of-the-Whole, *Administration/Laura Timura*)

Mr. Hanek stated this is a housekeeping measure to clean up the wording of the ordinances online and deal with necessary updates.

Mr. Delsanter moved Ordinance 97-2024 to tonight's Council Agenda of November 11, 2024, as an emergency with suspension of the rules. Vote – 7 Ayes, 0 Nays.

#### **GENERAL DISCUSSION:**

Mr. Delsanter inquired about more information on the Then & Now.

Mr. Magovac contributed that a past employee was not able to provide the CVE with information about the low funds. He clarified that this certificate was regarding the West 130<sup>th</sup> project.

Mr. Magovac explained that with the job moving forward and the need to have QCI at the job site without downtime, CVE had been notified that QCI was short on money. He noted that CVE had to notify Columbia Gas of the \$7263.00 due. He reasoned that it took them time to obtain the necessary purchase order.

Mr. Magovac further explained that the check had been received two weeks ago.

#### **EXECUTIVE SESSION:**

Mr. Kuzma moved to go into Executive Session to discuss the appointment, employment, dismissal, discipline, demotion, or compensation of a public employee and to discuss the subject of pending or imminent court action, seconded by Mr. Abella Jr. Roll Call - Ayes – 7, Mr. Hanek, Mrs. Piper, Mr. Delsanter, Mr. Lambert, Mr. Smith, Mr. Kuczma, Mr. Abella Jr. Nays – 0

Mr. Abella Jr. moved to adjourn the Executive Session. Vote – 7 Ayes, 0 Nays.

The Committee-of-the-Whole reconvened.

#### **ADJOURNMENT:**

Being no further business, Mr. Lambert moved to adjourn the Committee-of-the-Whole Meeting at 6:47 p.m.

Vote – 7 Ayes, 0 Nays

Submitted Respectfully,



Kristin Gambaccini  
Assistant Clerk of Council

## 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 at 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.

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PASSED: 1<sup>st</sup> 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:

| <b><u>COST OF CONSTRUCTION</u></b> | <b><u>FEE</u></b>                                  |
|------------------------------------|----------------------------------------------------|
| \$ 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.

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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

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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.

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

2<sup>nd</sup> Reading \_\_\_\_\_

3<sup>rd</sup> 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.

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PASSED: 1st Reading \_\_\_\_\_

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

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  
Robert Marok

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **RES. NO. 101-2024** - A resolution authorizing the City Manager to enter into a five (5) year agreement with Breezeline for the provision of internet services in an amount not to exceed submitted quote prices. – **1<sup>st</sup> Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Rob Marok*)

**BACKGROUND:** The City of Brunswick currently utilizes Breezeline for one of its internet service lines. This contract will replace an existing contract with a small additional cost and will increase the speed of service being delivered.

**PURPOSE AND EXPLANATION:** To replace existing contract

**IMPLEMENTATION SCHEDULE:** Upon passage

**FINANCIAL INFORMATION:**

**FINANCIAL SUMMARY:** Monthly charge of \$906 plus non-exempt taxes and fees. Monthly charges are broken down by activity in the City Hall Building by activity based on calculations by the Information Technology Department. Currently, 1/3 of costs are charged to General Fund 001-0880-54270 and 2/3 to the Division of Police 114-0520-54270.

**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. 101-2024

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A FIVE (5) YEAR AGREEMENT WITH BREEZELINE FOR THE PROVISION OF INTERNET SERVICES IN AN AMOUNT NOT TO EXCEED SUBMITTED QUOTE PRICES.

WHEREAS: The City of Brunswick belongs to the Ohio Cooperative Purchasing Program under the direction of the Ohio Department of Administrative Services;

WHEREAS: Ohio Revised Code Section 125.04(C) permits the City to purchase supplies or services from another party without competitive bidding and outside the State Purchasing Program if such supplies or services can be purchased under equivalent terms, conditions and specifications, but at a lower price than through the State Procurement Program; and

WHEREAS: The proposed purchase of internet services from Breezeline per submitted bid prices, is upon equivalent terms, conditions and specifications and at a lower price than through the State Purchasing Program.

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 to enter into a five (5) year Agreement with Breezeline for the provision of internet services in an amount not to exceed submitted quote prices, which shall be subject to annual appropriations by City Council as required by law.

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

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

2<sup>nd</sup> Reading \_\_\_\_\_

3<sup>rd</sup> Reading \_\_\_\_\_

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

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