



BRUNSWICK CITY COUNCIL AGENDA

Brian Ousley At-Large	Alex Johnson At-Large	Michael Abella Jr. Ward 1	Kenneth Fisher Law Director	Carl S. DeForest City Manager	Ron Falconi Mayor	Barbara Ortiz Council Clerk	Patricia Hanek At-Large	Joseph Salzgeber Ward 3	Anthony Capretta Ward 4	Nicholas Hanek Ward 2
--------------------------	--------------------------	------------------------------	--------------------------------	----------------------------------	----------------------	--------------------------------	----------------------------	----------------------------	----------------------------	--------------------------

Administration Representatives

MARCH 13, 2017

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of regular Council Meeting Minutes dated February 27, 2017.
 - (a) Council Meeting Minutes dated February 27, 2017.
5. Mayor's Report:
 - (a) Mayor's Court Financial Report for the month ending February 2017 will be posted on the website and added to the minutes for the record;
 - (b) Recognition of Arrow of Light Scouts - Cub Scout Pack #3517;
 - (c) Recognition of the Brunswick High School Wind Ensemble;
 - (d) Motion to approve the Mayor's recommendation to appoint Robert Quinn to the Building Board of Appeals;
 - (e) Mayor's Update
6. Clerk of Council's Report
7. Council Committee Reports:

Economic Development.....Mr. Johnson

(43) Economic Development Committee Meeting Minutes dated February 21, 2017

Services, Utilities, Technology & Cable.....Mr. Salzgeber

(42) Services Committee Meeting Minutes dated February 27, 2017

Finance Committee.....Mrs. Hanek

Safety & Environment.....Mr. Hanek

(41) Safety Committee Meeting Minutes dated February 27, 2017

Planning & Zoning Committee.....Mr. Ousley

(45) Planning Committee Meeting Minutes dated February 16, 2017

Parks, Recreation & Community Committee.....Mr. Abella Jr.

Building & Building Code Committee.....Mr. Capretta
(44) Building Code Committee Meeting Minutes dated February 20, 2017

8. Other Boards and Commissions

(a) Committee of the Whole Meeting Minutes dated February 27, 2017

9. Petitions from the Public on Legislation

10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

ORD. NO. 11-17 - An ordinance establishing Chapter 862 of the Codified Ordinances of the City of Brunswick relative to Fair Housing - **3rd Reading** (Committee-of-the-Whole, Amended 3-8-17, *Administration/Ken Fisher*)

RES. NO. 13-17 - A Resolution authorizing the City Manager to enter into a grant agreement with Engelke Construction Solutions, LLC - **3rd Reading** (Economic Development, *Administration/Grant Aungst*)

ORD. NO. 5-17 - An ordinance amending the Design Guidelines for the Southeast Neighborhood of the Brunswick Town Center Special Planning District No. 2 - **3rd Reading** (Planning & Zoning Committee, *Planning Commission recommended adoption 2-17-17, Administration/Ken Fisher*)

b. 2nd Reading(s)

RES. NO. 16-17 - An emergency resolution authorizing the City Manager to purchase two (2) ambulance power load systems and four (4) power load compatibility kits for the Division of Fire and Rescue from Stryker in an amount not to exceed \$52,422.14 - **2nd Reading** (Safety & Environment Committee, *Administration/Chief Baird*)

c. 1st Reading(s)

ORD. NO. 18-17 - An emergency ordinance adopting the recommendation of the Brunswick Community Reinvestment Area Housing Council to continue all active agreements in 2017, accepting the 2016 CRA Status Report - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

RES. NO. 19-17 - An emergency resolution authorizing the City Manager to enter into an agreement with Patch Management, Inc. to perform pothole and roadway repairs in an amount not to exceed \$40,000.00 - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

RES. NO. 20-17 - An emergency resolution authorizing the City Manager to enter into an agreement with Cintas Corporation for the rental and maintenance of uniforms, walk-off mats and shop towels pursuant to submitted bid prices - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Paul Barnett*)

RES. NO. 21-17 - An emergency resolution authorizing the City Manager to enter into an agreement with Always Green Landscaping, LLC to provide grass/weed mowing, debris clean-up services and branch trimming in an annual amount not to exceed \$23,700.00 pursuant to submitted bid prices - **1st Reading** (To be brought from Services, Technology & Cable Committee, *Administration/Paul Barnett*)

RES. NO. 22-17 - An emergency resolution strongly opposing the State of Ohio Governor's proposed 2017-2018 Budget, which proposes centralized collection of net profit tax returns which will cause a loss of revenue needed to support the health, safety, welfare and economic development efforts of Ohio municipalities - **1st Reading** (To be brought from Finance Committee, *Administration/Vice Mayor Hanek*)

ORD. NO. 23-17 - An emergency ordinance amending Chapter 1234 of the City of Brunswick Codified Ordinances pursuant to the requirements of the Ohio Environmental Protection Agency - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Matt Jones*)

ORD. NO. 24-17 - An emergency ordinance amending Chapter 1236 of the City of Brunswick Codified Ordinances - **1st Reading** (To be brought from Planning & Zoning, *Administration/Matt Jones*)

RES. NO. 25-17 - An emergency resolution authorizing the City Manager to purchase playground equipment from Snider Recreation Inc. in an amount not to exceed \$75,322.00 - **1st Reading** (Parks, Recreation & Community Committee, *Administration/John Piepsny*)

11. City Manager's Report
12. Administrative Departments
13. Open Forum
14. Unfinished Business
15. New Business
16. Adjournment

CITY OF BRUNSWICK, OHIO
MINUTES OF COUNCIL
MONDAY, FEBRUARY 27, 2017

PRAYER AND PLEDGE OF ALLEGIANCE: THE REGULAR MEETING OF BRUNSWICK CITY COUNCIL WAS CALLED TO ORDER BY MAYOR RON FALCONI AT 7:30 P.M. AT THE MUNICIPAL COMPLEX.

ROLL CALL OF MEMBERS SHOWED THE FOLLOWING COUNCIL MEMBERS PRESENT: BRIAN OUSLEY, ALEX JOHNSON, MICHAEL ABELLA JR., ANTHONY CAPRETTA, PATRICIA HANEK, NICHOLAS HANEK, JOSEPH SALZGEBER AND COUNCIL CLERK BARB ORTIZ, MAYOR RON FALCONI.

CORRESPONDENCE: THERE WAS NONE.

APPROVAL OF REGULAR COUNCIL MEETING MINUTES DATED FEBRUARY 13, 2017.

PATRICIA HANEK MOVED TO APPROVE THE COUNCIL MEETING MINUTES DATED FEBRUARY 13, 2017 AS WRITTEN, SECONDED BY NICHOLAS HANEK. ROLL CALL - AYES - 7, BRIAN OUSLEY, ALEX JOHNSON, MICHAEL ABELLA JR., ANTHONY CAPRETTA, PATRICIA HANEK, NICHOLAS HANEK, JOSEPH SALZGEBER. NAYS - 0. MOTION CARRIED.

MAYOR'S REPORT:

Recognition of Diane Plotz upon her retirement with the City of Brunswick.

Mayor Falconi presented a proclamation to Diane Plotz upon her retirement after twenty-five years with the City of Brunswick.

Proclamation to proclaim the month of February as Abuse Awareness Month.

Representatives were present from the Medina County Children's Center, Battered Women's Shelter and the Medina County Society for the Prevention of Cruelty to Animals to receive a proclamation from the Mayor proclaiming the month of February as Abuse Awareness Month in the City of Brunswick.

Mayor's recommendation to appoint Robert Quinn to the Building Board of Appeals.

Motion to approve the Mayor's recommendation to appoint Anastasia Birosh to the Council on Aging /Office for Older Adults.

Patricia Hanek moved to approve the Mayor's recommendation to appoint Anastasia Birosh to the Council on Aging/Office for Older Adults, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

CLERK OF COUNCIL'S REPORT: MRS. ORTIZ ANNOUNCED THAT ON THIS WEDNESDAY, IN THE COUNCIL CHAMBERS AT 7:30 P.M. THE BRUNSWICK ART WORKS WILL HOST A FEATURED ARTIST ON POLYMER CLAY. HER NAME WAS ANNETTE CARRUTHERS. IT WAS A FREE EVENT OPEN TO ANYONE.

COUNCIL COMMITTEE REPORTS:

Economic Development.....Mr. Johnson:

Alex Johnson moved to approve the formal report dated February 13, 2017 as written, seconded by Patricia Hanek. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Services, Utilities, Technology & Cable.....Mr. Salzgeber:

Joseph Salzgeber moved to approve the formal report dated February 13, 2017 as written, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Finance Committee.....Mrs. Hanek:

Patricia Hanek moved to approve the formal report dated February 7, 2017 as written, seconded by Alex Johnson. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Safety & Environment.....Mr. Hanek:

Nicholas Hanek moved to approve the formal report dated February 6, 2017 as written, seconded by Alex Johnson. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Planning & Zoning Committee.....Mr. Ousley:

Brian Ousley had no formal report tonight.

Parks, Recreation & Community Committee.....Mr. Abella Jr.:

Michael Abella Jr. had no report this evening.

Building & Building Code Committee.....Mr. Capretta:

Anthony Capretta moved to approve the formal report dated February 13, 2017 as written, seconded by Michael Abella Jr. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

OTHER BOARDS AND COMMISSIONS: PATRICIA HANEK MOVED TO APPROVE THE COMMITTEE-OF-THE-WHOLE MEETING MINUTES DATED FEBRUARY 13, 2017 AS WRITTEN, SECONDED BY ALEX JOHNSON. ROLL CALL - AYES - 7, BRIAN OUSLEY, ALEX JOHNSON, MICHAEL ABELLA JR., ANTHONY CAPRETTA, PATRICIA HANEK, NICHOLAS HANEK, JOSEPH SALZGEBER. NAYS - 0. MOTION CARRIED.

PETITIONS FROM THE PUBLIC ON LEGISLATION: THERE WAS NONE.

READING OF LEGISLATION AND ACTION ON LEGISLATION:

3RD READING(S)

RES. NO. 9-17 - An emergency Resolution authorizing the City Manager to purchase three (3) Ford Police Interceptor Utility Vehicles from Statewide Ford for the Division of Police in a total amount not to exceed \$112,050.00 - **3rd Reading** (Safety & Environment Committee, *Administration/Chief DeForest*):

RES. NO. 9-17 Nicholas Hanek moved to adopt, seconded by Anthony Capretta. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Chief DeForest stated this will authorize the Division of Police to purchase three 2017 marked police cruisers at or below state contract bid. They were designed to replace three vehicles that were currently in the fleet that have high mileage as well as high maintenance costs. The funding was currently in the 2017 approved budget.

ORD. NO 10-17 - An ordinance establishing Section 618.28 of the City of Brunswick Codified Ordinances by providing regulations for the tethering of dogs - **3rd Reading** (Safety & Environment Committee, *Administration/Ken Fisher*):

ORD. NO. 10-17 - Nicholas Hanek moved to adopt, seconded by Joseph Salzgeber. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Fisher explained this was requested and discussed in some detail by the Safety & Environment Committee of City Council chaired by Councilman Hanek. It established a new Section 618.28 of the Codified Ordinances providing regulations for the tethering of dogs.

2ND READING(S)

ORD. NO. 11-17 - An ordinance establishing Chapter 862 of the Codified Ordinances of the City of Brunswick relative to Fair Housing - **2nd Reading** (Committee-of-the-Whole, *Administration/Ken Fisher*):

ORD. NO. 11-17 - Patricia Hanek moved this ordinance to a third reading.

RES. NO. 13-17 - A resolution authorizing the City Manager to enter into a grant agreement with Engelke Construction Solutions, LLC - **2nd Reading** (Economic Development, *Administration/Grant Aungst*):

RES. NO. 13-17 - Alex Johnson moved this resolution to a third reading.

ORD. NO. 5-17 - An ordinance amending the Design Guidelines for the Southeast Neighborhood of the Brunswick Town Center Special Planning District No. 2 - **2nd Reading** (Planning & Zoning Committee, *Planning Commission recommended adoption 2-17-17, Administration/Ken Fisher*):

ORD. NO. 5-17 - Brian Ousley moved this ordinance to a third reading.

1ST READING(S)

RES. NO. 16-17 - A resolution authorizing the City Manager to purchase two (2) ambulance power load systems and four (4) power load compatibility kits for the Division of Fire and Rescue from Stryker in an amount not to exceed \$52,422.14 - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Chief Baird*):

RES. NO. 16-17 - Nicholas Hanek moved this resolution to a second reading.

RES. NO. 17-17 - An emergency resolution accepting a perpetual public easement from the Drees Company for access to and maintenance of a public water main within the Southlake Subdivision - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*):

RES. NO. 17-17 - Joseph Salzgeber moved to suspend the rules, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Jones noted this easement was necessary in the Southlake Subdivision Phase 2 because of the fact that the road right-of-way width was 50 feet and Cleveland Water required more space for the mains. It was asked to be an emergency with the suspension of the rules so that construction can commence in a timely manner.

Joseph Salzgeber moved to adopt, seconded by Brian Ousley. Roll Call - Ayes - 7, Brian Ousley, Patricia Hanek, Alex Johnson, Michael Abella Jr., Anthony Capretta, Joseph Salzgeber and Nicholas Hanek. Nays - 0. Motion Carried.

CITY MANAGER'S REPORT: CHIEF DEFOREST WISHED TO LET PEOPLE KNOW ABOUT SOME OF THE THINGS COMING UP IN THE COMMUNITY. ON THIS FRIDAY CITY HALL WILL EXPERIENCE A SCHEDULED OUTAGE OF THE PHONES. IT WILL START AT APPROXIMATELY 8:00 A.M. THIS WILL BE TO REPLACE SOME HARDWARE THAT WAS NECESSARY FOR THE FUNCTIONALITY OF THE PHONES. ALL CITY BUILDINGS WILL BE DOWN TEMPORARILY AND WILL COME BACK UP AS SOON AS THE PROCESS HAS BEEN COMPLETED. THEY WILL

COME UP IN THE ORDER OF THE POLICE DEPARTMENT, CITY HALL, RECREATION CENTER, FIRE STATION AND PARKS AND SERVICE GARAGE AND NATURE CENTER. THE EMERGENCY LINES OF 911 WILL BE FULLY FUNCTIONAL. THIS INFORMATION WILL BE ON THE CITY'S WEBSITE.

ALSO, THE CITY WILL HAVE INFORMATION FOR SENIORS IN REGARD TO SCAMS AND KEEPING SAFE. THIS WILL TAKE PLACE ON THURSDAY, MARCH 16 AT 12:15 P.M. AT THE BRUNSWICK RECREATION CENTER. THE TITLE OF THE PRESENTATION WAS "BE SAFE AND BE AWARE." THIS WAS FOCUSED ON SENIORS AND WILL BE RUN BY LT. SAFRAN. HE ALSO REMINDED THAT AT THE END OF MARCH THE WEEK OF MARCH 27 THROUGH THE 31ST THE CITY WILL BE DOING BRANCH CHIPPING. HE REMINDED PEOPLE TO PUT THEIR BRANCHES OUT ON THE TREE LAWN ON THEIR TRASH DAY. THE SERVICE DEPARTMENT WILL BECOMING THROUGH THE AREAS AND HOPEFULLY GET THEM THE SAME DAY AS THE TRASH WAS COLLECTED. THIS WILL DEPEND ON HOW MANY PILES OF BRANCHES THEY HAD TO PICK UP. THEY SHOULD BE PLACED ON THE CURB AND COULD NOT BE MORE THAN 6 INCHES IN DIAMETER. THE CUT SIDE SHOULD GO TOWARD THE STREET. DO NOT BUNDLE THEM UP OR TIE THEM AS IT WILL MAKE IT EASIER FOR THE CREWS TO PICK THEM UP AND GET THEM IN THE CHIPPER. AGAIN, THIS WILL BE THE WEEK OF MARCH 27 THROUGH MARCH 31ST. THIS INFORMATION WILL ALSO BE ON THE CITY'S WEBSITE.

IN ADDITION, AN EARTH DAY EVENT WAS SCHEDULED ON SATURDAY, APRIL 22 AT BRUNSWICK LAKE. IT WAS TENTATIVELY SCHEDULED FOR 10:00 A.M. THROUGH 11:30 A.M. PEOPLE WILL BE CLEANING UP THE LAKE AND SURROUNDING AREAS AND PLANTING TREES. ANYONE WHO WOULD LIKE TO BECOME INVOLVED PLEASE CONTACT THE CITY MANAGER OR JOHN PIEPSNY AT THE RECREATION CENTER. ONCE THE SCHEDULE WAS DETERMINED IT WILL BE PUBLISHED IN THE NEWSPAPER AND IT WILL BE ON THE WEBSITE.

ADMINISTRATIVE DEPARTMENTS: LT. OHLIN MENTIONED THE RECENT RECOGNITION OF THE 2016 EMPLOYEES OF THE YEAR. THESE WERE OFFICER GEORGE KELLEMAN. HE WAS A SEVENTEEN YEAR VETERAN OF THE POLICE DIVISION. HE WAS CURRENTLY A MEMBER OF THE TRAFFIC UNIT AND ASSIGNED TO DAY SHIFT TRAFFIC PATROL. IN ADDITION HE HAS VERY SPECIALIZED TRAINING AS A BOMB TECHNICIAN ON THE REGIONAL SOUTHWESTERN BUREAU BOMB TEAM. GEORGE WAS A VERY GOOD OFFICER AND ALWAYS WILLING TO HELP OUT HIS FELLOW OFFICERS IN WHATEVER MISSIONS THEY UNDERTOOK. HE WAS VERY DESERVING OF THIS RECOGNITION. IN ADDITION, COMMUNICATION SPECIALIST NANCY TERRY WAS THE COMMUNICATION SPECIALIST OF THE YEAR. THIS WAS HER THIRD YEAR THAT SHE WAS RECOGNIZED. NANCY WAS A VERY GOOD DISPATCHER AND WORKED VARIOUS SHIFTS. ALSO, SHE WAS ALWAYS WILLING TO HELP OUT IN ANY SITUATION. SHE WENT ABOVE AND BEYOND WHAT WAS EXPECTED. LAST YEAR SHE WAS THE DISPATCHER WHO HANDLED A VERY STRESSFUL EMERGENCY CALL WHAT TURNED OUT TO BE A DOUBLE HOMICIDE IN HINCKLEY TOWNSHIP. NANCY HANDLED THIS VERY PROFESSIONALLY AND ASSISTED HINCKLEY POLICE IN BRINGING THE SCENE TO A SAFE POSITION AND FURTHERING THE INVESTIGATION OF THAT CRIME.

IN ADDITION, HE MENTIONED A COUPLE RECENT ENDEAVORS WITH THE OPIATE OVERDOSE PROBLEM BEING EXPERIENCING ACROSS THE COUNTRY. ON FRIDAY THERE WAS AN INITIAL MEETING TO FORM A MEDINA COUNTY OPIATE TASK FORCE WHICH TOOK PLACE AT THE RECREATION CENTER IN BRUNSWICK. MANY COMMUNITY PARTNERS CAME TOGETHER TO DISCUSS THE PROBLEM TO SEE WHAT BETTER THINGS COULD BE DONE TO ADDRESS FOLKS IN NEED OF ASSISTANCE. IN ADDITION THEY WERE PARTICIPATING WITH THE GREATER THAN HEROIN ENDEAVOR BEING SPEARHEADED BY ST. AMBROSE CHURCH. THEY HAVE A VERY COMPREHENSIVE WEBSITE. IF ANYONE NEEDED INFORMATION ON WHERE TO TURN IF THEY HAD A

FAMILY MEMBER OF A FRIEND WHO SUFFERED FROM OPIATE ADDICTION, HE WOULD ENCOURAGE THEM TO LOG ONTO THE WEB AND GO TO THE GREATERHANHEROIN.ORG. THIS WAS BROKEN DOWN BY COUNTY AND PROVIDED SOME RESOURCE INFORMATION.

MR. FISCHER THANKED DIANE PLOTZ WHO WAS RECOGNIZED THIS EVENING. SHE WORKED HERE FOR TWENTY-FIVE YEARS AND HE HAD THE PLEASURE OF WORKING WITH HER FOR THIRTEEN OF THOSE TWENTY-FIVE YEARS. HE SUMMED IT UP AS HE COULD NOT FIND ANY QUALITIES IN A POTENTIAL EMPLOY THAT YOU COULD NOT OTHERWISE FIND IN DIANE. SHE WAS EXCEPTIONAL AS A MODEL EMPLOYEE AND HE MISSED HER GREATLY. HE ALSO THANKED THE PRESIDENT OF THE SENATE LARRY OBHOFF, REPRESENTATIVE HAMBLEY AND REPRESENTATIVE KICK FOR COMING TO HEAR THE CITY'S CONCERNS OVER THE GOVERNOR'S PROPOSAL TO CENTRALIZE COLLECTION OF LOCAL INCOME TAXES FOR NET PROFITS OF BUSINESSES. IT WAS NICE TO SEE THESE REPRESENTATIVES TAKE TIME OUT OF THEIR BUSY SCHEDULES TO HEAR THOSE CONCERNS THIS EVENING. HE THANKED HUNTINGTON BANK. SOME OF THE NEWS ARTICLES THAT CAME OUT HAVE BEEN A BIT NEGATIVE. SO FAR THE CITY WAS TRANSITIONING OVER BECAUSE THE CITY WAS IMPACTED BY THE MERGER FOR FINANCIAL SERVICES. THEY HAVE BEEN AVAILABLE, APPROACHABLE AND PROFESSIONAL. HE WANTED TO SAY THANK YOU IN A POSITIVE LIGHT FOR THEM.

ASSISTANT CHIEF BARBER MENTIONED THAT SAFETY TOWN FOR 2017 WILL BE HELD ON THURSDAY JUNE 8 AT MEMORIAL ELEMENTARY SCHOOL. IT WAS A PROGRAM FOR PUBLIC EDUCATION FOR THE SCHOOL CHILDREN IN THEIR PRESCHOOL YEARS. THE FIREFIGHTER PHIL PROGRAM WHICH WAS ALSO ABOUT FIRE PREVENTION FOR GRADES ONE THROUGH THREE WILL BE OUT IN THE SCHOOL DISTRICT.

OPEN FORUM:

ROBERTA PACE OF 4628 BAYWOOD DRIVE - MS. PACE WAS HERE TONIGHT TO SPEAK ABOUT THE BTA. EVERY SINCE IT HAS BEEN TRANSFERRED TO MEDINA COUNTY IT HAS NOT GONE THE WAY IT WAS SUPPOSED TO GO ACCORDING TO MR. SALAMONE. SHE HAS A MEETING SET UP WITH MR. BARNETT ON THURSDAY. HE ASSURED HER OF CERTAIN THINGS THAT WILL HAPPEN AND HE TOLD HER THAT MR. SALAMONE HAD SAID THESE WOULD HAPPEN. HOWEVER, THESE THINGS HAVE NOT HAPPENED YET. IT HAS BEEN A MONTH AND MR. CAPRETTA ADVISED HER TO GIVE IT A MONTH. ONE OF THE MAIN THINGS THEY SAID WAS THE SCHEDULE WOULD NOT CHANGE. IT CHANGED IMMEDIATELY. THE SCHEDULE STARTED AT 6:10 A.M. AS SHE WAS PICKED UP EVERY MORNING MONDAY THROUGH FRIDAY. THIS HAS CHANGED AS THE THIRD BUS WAS THE DEMAND BUS. THEY DID NOT KEEP IT ON THE SAME SCHEDULE THAT IT WAS ORIGINALLY ON WHEN IT WAS BRUNSWICK. THEY WERE TOLD THEY HAD TO CALL EVERY DAY TO FIND OUT WHAT TIME THE BUS WOULD ARRIVE. MR. BARNETT ASSURED HER THAT MR. SALAMONE SAID THAT SHE DID NOT HAVE TO CALL EVERY DAY. HOWEVER SHE DOES HAVE TO CALL EVERY DAY. MR. SALAMONE TOLD MR. BARNETT THAT HER PICK-UP TIME WAS SUPPOSED TO BE FROM 6:13 TO 6:23 A.M. SHE NOTED THAT IT HAS NEVER BEEN THAT TIME. IT WAS BETWEEN 6:10 TO 6:40 A.M. IT WAS NEVER THE SAME TIME EVERY DAY. ON TUESDAY SHE WENT TO THE VETERANS ADMINISTRATION AND SHE WAS SUPPOSED TO GET PICKED UP BEFORE 6:20 A.M. SO SHE COULD CATCH THE SECOND BUS. THERE WAS A LOT OF CONFUSION ABOUT THIS. THERE WERE ONLY TWO RTA BUSES THAT LEFT FROM LAUREL SQUARE. HOWEVER THERE WERE ACTUALLY THREE BUSES. SHE DID NOT UNDERSTAND WHERE ALL THE CONFUSION WAS COMING IN. WHEN AN INDIVIDUAL WAS TOLD SOMETHING BY THE DEPARTMENT HANDLING IT SHE SHOULD GO FROM THERE. AGAIN, SHE STRESSED IT WAS NOT BEING HANDLED THAT WAY. TO MAKE IT SIMPLE, SHE RELATED SHE WAS NOT VERY HAPPY. AS A CITIZEN SHE SHOULD BE HAPPY WITH THE SYSTEM.

MR. CAPRETTA ASKED WHAT TIME THE MEETING WOULD BE ON THURSDAY AS HE WOULD LIKE TO ATTEND.

SHE ADVISED THAT IT WAS AT NOON AT THE RECREATION CENTER.

JESSIE HOSING OF 3589 PEARL ROAD - MS. HOSING STATED SHE DROVE THE BTA BUS WHICH WAS NOW WITH MEDINA. SHE NOTED THAT AT ONE MEETING MR. BARNETT AND MR. SALAMONE TOLD EVERYONE THAT NOTHING WAS GOING TO BE CHANGED FOR AT LEAST A YEAR. SHE STATED IT HAS CHANGED. ON SATURDAY THEY HAVE ALWAYS LEFT AT 4:20 FROM KMART AND MARCS. THEY DID THEIR LOOP AND WENT ALL THE WAY AROUND. THEY NO LONGER LEFT AT 4:20 P.M. BUT THEIR LAST LOOP WAS AT 3:20 P.M. ON SATURDAY. WHEN THEY WERE DONE THEY DRIVE ALL THE WAY BACK TO MEDINA. THROUGH THE WEEK SOME OF THEIR RUNS WERE MANIFESTS WITH DEMANDS. IT WAS HARD TO GET THE DEMANDS AND THE RUN IN. THEY HAD TO LEAVE OFF SOME OF THE LOOP IN ORDER TO GET THEM DONE, ESPECIALLY THE DIALYSIS CHAIR PEOPLE. SHE CAME IN AND TALKED TO MRS. ORTIZ ONE DAY LAST WEEK. MR. SALAMONE HAS NOT DONE WHAT HE PROMISED. THEY WERE NOT SUPPOSED TO TALK TO THE CLIENTS AND THEY WERE NOT SUPPOSED TO GIVE THEM THEIR PHONE NUMBERS. PEOPLE THAT SHE HAS KNOWN FOR 61 YEARS UP AT THE TOWERS SHE WAS NOT SUPPOSED TO CALL THEM OR HAVE ANYTHING TO DO WITH THEM. THIS SEEMED SO WRONG TO HER. ON THE BUSES SHE FOUND OUT THAT PEOPLE CALLED IN AND NEED THE DEMAND BUS AND THEY WERE TURNING PEOPLE DOWN. THIS WAS BECAUSE THEY DID NOT HAVE THE BUSES OR DRIVERS TO COME AND PICK THEM UP. SHE HAS LIVED IN BRUNSWICK SINCE 1955. SHE GREW UP AND WENT TO SCHOOL IN BRUNSWICK. HER FATHER WORKED IN BRUNSWICK. HE WAS JESSE OAKS AND WAS A PLUMBER. THE PEOPLE WERE MISSING OUT ON THE BUSES. SHE FELT SORRY FOR THE PEOPLE. WHEN THEY WENT UP TO THE TOWERS SOME OF THE PEOPLE HAVE BEEN TOLD THAT THEY WERE NOT TO PICK UP ANY OF THE PEOPLE TO COME TO COUNCIL MEETINGS. THIS WAS WHAT THEY WERE TOLD LAST FALL AND EVEN NOW. THEY CANNOT COME TO THESE MEETINGS BECAUSE THEY HAD NO OTHER WAY TO GET HERE.

SHE WAS DISAPPOINTED THAT COUNCIL HAS NOT BEEN CHECKING UP ON MEDINA TRANSIT AND MIKE SALAMONE. SHE COMMENTED THAT MIKE SALAMONE LIED TO EACH AND EVERY ONE OF COUNCIL. SHE MAY LOSE HER JOB FOR COMING HERE TONIGHT AND SPEAKING UP. SHE ADVISED THAT SHE ENJOYED HER JOB AND DROVE SCHOOL BUSES FOR THE CHILDREN AND HANDICAPPED CHILDREN. NOW SHE WAS DRIVING SENIORS AND PEOPLE THAT DID NOT HAVE CARS. SHE STRESSED THAT DAN, LOU, DEBBIE AND HERSELF ENJOYED THEIR JOBS. HOWEVER, MIKE HAS MADE IT SO HARD THAT SOME OF THEM WERE THINKING OF MOVING ON. SHE WAS 68 YEARS OLD. SHE NOTED HOW HARD IT WOULD BE IF SHE LOST HER JOB AND TO FIND ANOTHER JOB. SHE COMMENTED THAT SHE HAD TO WORK.

AGAIN, SHE HOPED THAT COUNCIL WILL CALL THESE PEOPLE THAT THEY HAVE TOLD TO CALL COUNCIL. BECAUSE MIKE HAS SAID THEY WERE NOT TO TELL THE PEOPLE TO CALL COUNCIL. SHE ENCOURAGED COUNCIL TO ASK QUESTIONS AND TO GET ON THE BUSES AND RIDE WITH THEM. SHE SUGGESTED THEY CALL MEDINA TO SEE IF THEY COULD GET A RIDE OR PICK-UP. SHE HOPED SHE ENLIGHTENED EVERYONE BY COMING TONIGHT. SHE NOTED THAT PEOPLE IN BRUNSWICK WERE LOSING OUT. SHE ALSO ADVISED COUNCIL COULD CALL HER IF THEY HAD ANY QUESTIONS. SHE HAS GIVEN HER PHONE NUMBER TO THE CITY MANAGER.

CHIEF DEFOREST ADVISED HE HAD HER NUMBER AND ASSURED HER THAT MR. BARNETT WILL CALL HER TOMORROW TO LOOK INTO HER COMPLAINTS.

SHE NOTED ONE MORE THING THAT THEY DID NOT HAVE A UNION IN MEDINA RIGHT NOW. MARK WAS

THE UNION STEWARD FOR THE SCHOOLS AND THEY FIRED MEDINA TRANSIT. THEY WERE MAKING A NEW UNION FOR THEM. SHE DID NOT KNOW IF BRUNSWICK WAS AWARE OF THIS. SHE SAID THERE WERE PROBABLY MANY THINGS THAT BRUNSWICK WAS NOT AWARE OF AT THIS TIME.

MR. OUSLEY THANKED MS. HOSING AND MS. PACE FOR COMING THIS EVENING. THESE WERE SOME OF THE PROBLEMS THAT HE SPOKE ABOUT FOR MANY YEARS BEFORE IT CAME TO GOING TO MCPT. HE KEPT SAYING IT MANY TIMES THAT THERE WERE ISSUES AT MEDINA COUNTY PUBLIC TRANSIT. HE TOLD MR. SALAMONE THAT HE DID NOT NEED HIS PROBLEMS FROM MEDINA COMING TO BRUNSWICK. NOW IT WAS COMING TO FRUITION. HE DID A LOT OF HOMEWORK AS TO WHAT WAS HAPPENING. HE NOTED THAT SOONER THAN LATER WE MAY LOSE ALL BUS SYSTEMS DUE TO THE FEDERAL CUTS GOING ON WITH TRANSPORTATION. IT WILL BE ROUGH. BRUNSWICK TRIED TO KEEP THE BUS SYSTEM IN THIS COMMUNITY AND HE TRIED TO KEEP IT HERE. HOWEVER IT DID NOT HAPPEN AND HE APOLOGIZED.

MS. HOSING RECALLED THAT MR. SALAMONE SAT IN THE MEETING THAT TOOK PLACE IN THIS ROOM AND SAID THE ONLY THING THEY REALLY NEEDED WAS THE \$280,000. THEY WANTED BRUNSWICK'S MONEY. THAT MONEY WAS NOT BEING SPENT WISELY BECAUSE IT TOOK GAS MONEY TO GO BACK AND FORTH. FROM WHAT SHE UNDERSTOOD THEY HAVE BEEN IN THE RED FOR TWO YEARS. EVEN THE MONEY FROM BRUNSWICK WAS NOT HELPING.

UNFINISHED BUSINESS: THERE WAS NONE.

NEW BUSINESS: MR. SALZGEBER MENTIONED THE CITY MANAGER'S CHALLENGE WAS UNDERWAY AT THE RECREATION CENTER. WARD 4 COUNCILMAN CAPRETTA AND HE WEIGHED IN ABOUT TWO WEEKS AGO. THEY WILL BE COMPETING AGAINST ONE ANOTHER TO SEE WHO COULD LOSE THE MOST WEIGHT OVER THE NEXT COUPLE OF MONTHS DURING THIS CHALLENGE. HE HOPED TO BEAT HIS COLLEAGUE AND IF HE DIDN'T, HE HOPED IT WOULD BE CLOSE.

ADJOURNMENT: PATRICIA HANEK MOVED TO ADJOURN, SECONDED BY ALEX JOHNSON. ROLL CALL - AYES - 7, BRIAN OUSLEY, ALEX JOHNSON, MICHAEL ABELLA JR., ANTHONY CAPRETTA, PATRICIA HANEK, NICHOLAS HANEK, JOSEPH SALZGEBER. NAYS - 0. MOTION CARRIED.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED AT 8:10 P.M.

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Ortiz, CMC". The signature is fluid and cursive, with the initials "CMC" clearly visible at the end.

Barbara J. Ortiz, CMC

Clerk of Council

Mayor Ron Falconi

Adopted

March 3, 2017

TO: CITY COUNCIL
FROM: CLERK OF COURTS
RE: MONTHLY REPORT TO COUNCIL PER O.R.C.
FOR THE MONTH OF FEBRUARY 2017

WAIVERS/COURT/BONDS

DEPOSITS (February) 52,838.96

DEBITS (February) (56,303.96)

Checks to be written in February:

Treasurer State of Ohio	\$ 9,314.50
City of Medina MIATF	\$ 175.00
City of Medina IDATF	\$ 294.50
City of Brunswick Finance Dept/Police Fund *	\$ 43,544.25
Misc Checks (bond refunds & transfers/restitution)	\$ <u>2,975.71</u>
TOTAL for the month	\$ 56,303.96

*Check includes amounts to: Court Computer Fund and Education & Enforcement Fund

Service Charges/Fees for prior month \$ 534.75

MAYOR RONALD FALCONI



TERESA BENO, CLERK OF COURTS

APPLICATION FOR
BOARDS AND COMMISSIONS

NAME Robert Quinn PHONE 440-781-9731

STREET 4691 Inverness Avenue CELL 440-781-9731

Years of Residency 5

Registered Brunswick Voter: YES X NO

POSITIONED DESIRED: Building Board of Appeals Member EMAIL RobertQuinn@holtonwise.com

EDUCATION	DEGREE	YEAR GRADUATED
HIGH SCHOOL <u>Padua Franciscan</u>	<u>H.S. Diploma</u>	<u>2005</u>
COLLEGE <u>University of Dayton, Finance Degree</u>	<u>2009</u>	<u>Wright State University</u>
SPECIAL TRAINING <u>Realtor</u>		<u>MBA 2011</u>

CURRENT EMPLOYMENT

Company	Address	Title	Dates
<u>University Hospitals</u>	<u>11100 Euclid Avenue</u>	<u>Operation Strategist</u>	<u>June 2013 - Present</u>

RELEVANT ~~PAST~~ EMPLOYMENT

Company	Address	Title	Dates
<u>Holton Wise Property Group</u>		<u>Realtor</u>	<u>3 years</u>

Company	Address	Title	Dates
---------	---------	-------	-------

RELEVANT PROFESSIONAL ASSOCIATIONS, COMMUNITY SERVICE, OR SOCIAL AFFILIATIONS

I am a local realtor and real estate investor. I also
do property management for the properties I own.

REFERENCES (other than relation):

	NAME	ADDRESS	PHONE
1.	<u>James Wise</u>		<u>440-212-2195</u>
2.	<u>Antonio Biasiotta</u>		<u>440-223-0575</u>
3.	<u>Mike Strmac</u>		<u>440-476-3998</u>

QUALIFICATIONS AND DESIRE FOR SERVING: (Attach sheet if needed*)

I am looking to be more involved in Brunswick. My passion is real estate
and this falls in line with that. I don't have much experience with
new construction, but I have the desire and ability to learn it. I
am objective, level minded, and decisive when making decisions. I will
be an asset to this Board and the city of Brunswick.

ATTACH RESUME IF DESIRED.

Signature:  Date: 1-17-17

*Attaching a cover letter or resume describing particular experience or qualifications bearing on the position sought is recommended, but not required.

ECONOMIC DEVELOPMENT

February 21, 2017

IN ATTENDANCE: Chairman Alex Johnson, Committee Member Patricia Hanek, Committee Member Michael Abella Jr., Community & Economic Development Director Grant Aungst.

The meeting convened at 6:30 p.m.

GENERAL DISCUSSION:

Mr. Aungst gave an update on upcoming projects in the community; Murphy Tractor was proposing a new 7 to 10 million dollar facility in Industrial Parkway South, currently they are located in the North Industrial Parkway that they are leasing, and they are looking to potentially double the size of their employees. He noted they will be asking for a variance regarding to screening at the next BZA meeting. Mr. Aungst commented that the City was low on empty buildings.

Another business proposing through a detailed site plan is Zeppe's Tavern, a full service sit down restaurant with an outside fenced in patio and stage. There will be a total of 147 seats between inside and outside and they are looking in the neighborhood of 100 employees; a number will be part time. The person building the restaurant owns the entire Laurel Square shopping center. Mr. Aungst showed a rendering of the building to the committee which will be built between McDonalds and Fat Bobs Pizza. The build from the ground up will be in excess of one million dollars and will be a great investment in that area which is beginning to thrive, he mentioned the facility across from Laurel Square the Heritage of Brunswick that facility will be a 24/7 operation with 90 full time employees.

Mr. Aungst advised Engelke Construction is also going for a detailed site plan; they are leaving Brunswick Hills Township and moving to a building which they purchased and will be adding onto in the Industrial Park. He mentioned a challenge with the retention facility but it is being worked on by Engelke and the City Engineer. He mentioned Council was entertaining an incentive package for Engelke which will lock them into the City for ten years.

Continuing, Mr. Aungst advised Scene 75 was coming along, however they ran into a challenge; he explained when building plans come into the City they are sent out to a certified engineer architect to review, after reviewed they came back with comments. The code has changed from when the building was originally built, the code focused around safety and it has been recommend by the planner and the state architectural engineer that Scene 75 goes through the process to ask for a variance. He explained when the building was built there could be a thirty foot radius all the way around the building and now it has to be sixty foot radius. Mr. Aungst stated that was quite significant and would be financially challenging.

Mr. Aungst indicated the building department reviewed all the documents from that building since it is going from a mercantile use to an assembly use. He advised Scene 75 will present and the City of Brunswick will be in support of them.

Mr. Abella asked about the planned opening of Scene 75, and Mr. Aungst noted assuming everything goes through they would like to open in early spring, however, they also ran into challenges with the

flooring in the building. During the demolition process tile was pulled up and with it came concrete, with the need for a concrete floor for all the equipment they will have they are reinvesting a lot of money in the floor.

Also, Mr. Aungst advised Raising Cane's a fast food chicken place is interested in the former BP site on Center Road, however he brought up some concerns with that site.

Huntington Bank asked for a freestanding ATM which was granted through the Planning Commission, however, they are coming back to Planning Commission asking to move it to a different location in Town Center east of the former Get Go.

Mr. Aungst mentioned there has been a lot of requests for high end apartments, and for the people in the community that have concerns for rent being too high the properties with rents north of \$1,000 a month are booked out solid. He mentioned Fox Meadows is full and they have a 200 person waiting list, they are looking to develop other land that they have.

He mentioned OMG Teen Dance Club closed, the owner will be transforming it into a 21 and over bar, they have stated to the City in the form of a letter that they are no longer in business and they would like revocation of that business since it was a conditional zoning certificate and they will be before Planning Commission with that.

Sheetz has applied and made it through the discussion round and are up for the detailed site plan; Mr. Aungst indicated they made improvements from the suggestions of Planning Commission. Mr. Aungst noted in this deal a private developer will acquire Gales Garden Center which will cease to exist on the request of owner Burt Young who has decided to retire on his own to enjoy his time. Mr. Aungst expressed the City has not forced anybody to retire.

Mr. Aungst stated the perspective developer would buy the entire property, the front two acres and the southeast corner of the property would be developed into the Sheetz building, and the back property consisting of 4 additional acres would look to be developed with a restaurant, retail, and office complex.

Mr. Johnson brought up that area of W. 130th and S. R. 303 and the difficulty trucks have turning in that area, he wanted to know if there has been any consideration to widen S. R. 303 at the intersection areas.

In response, Mr. Aungst, noted S.R. 303 was a state function, and W. 130th was a county function and they would have to communicate that need and do traffic study. However, based on the traffic studies that have been done so far his understanding was that did not come up when the recent work on S. R. 303 was done.

Mrs. Hanek noted Planning Commission did talk about the egress and the gas trucks and why the gas pumps were going to be situated where they were. She noted Sheetz had the maneuverability and curb cuts though out.

Mr. Aungst showed plans to the committee, showing ingress and egress into Sheetz.

Mr. Aungst will follow up with Mr. Johnson about a traffic study.

GENERAL DISCUSSION:

Mr. Johnson asked about K-Mart as to how they were doing.

Mr. Aungst had a conversation with the owners and managers of the K-Mart property, as of now it is business as usual they have a very long term reasonable lease. It is a Sears holdings company and they are selling off parts of their business and K –Mart throughout the country.

Mr. Johnson stated a number of businesses in Town Center are closing he asked if there is anything the City can do to intervene to do something about the rent to make it more reasonable.

Mr. Aungst noted the City can try to facilitate something but it was a free market, and he would caution the City against doing certain things, however, Brixmor through guidance and much discussion have a new representative for their properties in North East Ohio. Mr. Aungst has spoken to some of the stores and they are positive with the new person who has been making an effort of making sure the tenants are getting the value that they think they need. Mr. Aungst thinks more of the people will stay rather than go at this point because of the changes Brixmor will be implementing in the next couple of years.

ADJOURNMENT:

Being no further business, Mrs. Hanek moved to adjourn at 7:08 p.m. Vote – 3 ayes, 0 Nays.

Respectfully submitted,

Alex Johnson
Chairman

SERVICES, UTILITIES, TECHNOLOGY & CABLE COMMITTEE

February 27, 2017

IN ATTENDANCE: Chairman Joseph Salzgeber, Committee Member Brian Ousley, Committee Member Nicholas Hanek, Anthony Capretta, Patricia Hanek, Michael Abella Jr., Alex Johnson, Acting City Manager/Safety Director Chief Carl DeForest, Law Director Kenneth Fisher, Engineer Matt Jones, Community & Economic Development Director Grant Aungst, Mayor Ron Falconi, Council Clerk Barbara Ortiz, News Media.

The meeting convened at 6:24 p.m.

REVIEW LEGISLATION:

RES. NO. 17-17- An emergency resolution accepting a perpetual public easement from the Drees Company for access to and maintenance of a public water main within the Southlake Subdivision

This legislation is for a water main easement in Southlake Subdivision Phase 2. Mr. Jones explained the reason this is necessary was due to the street right of ways being 50 feet wide which was the way it was approved by Planning Commission as part of the Special Planning District. However, Cleveland water likes to see 60 foot right of ways for their mains.

Mr. Hanek moved this resolution to tonight's Council Agenda of February 27, 2017 as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Salzgeber advised the Service Director has requested a meeting to discuss trash issues and other matters, sometime next week; the meeting will be about an hour in length. Mr. Salzgeber will be asking the members for their availability and will schedule the meeting.

ADJOURNMENT:

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Salz", with a stylized flourish at the end.

Joseph Salzgeber
Chairman

SAFETY & ENVIRONMENT COMMITTEE MEETING

February 27, 2017

IN ATTENDANCE: Chairman Nicholas Hanek, Committee Member Alex Johnson, Committee Member Anthony Capretta, Patricia Hanek, Michael Abella Jr., Joseph Salzgeber, Brian Ousley, Acting City Manager/Safety Director Chief Carl DeForest, Community & Economic Development Director Grant Aungst, Law Director Kenneth Fisher, Engineer Matt Jones, Mayor Ron Falconi, Council Clerk Barbara Ortiz, News Media.

The meeting convened at 6:23 p.m.

Mr. Capretta moved to temporarily adjourn the meeting at 6:24 p.m. Vote – 3 Ayes, 0 Nays.

The meeting reconvened at 6:26 p.m.

REVIEW LEGISLATION:

RES. NO. 16-17 – A resolution authorizing the City Manager to purchase two (2) ambulance power load systems and four (4) power load compatibility kits for the Division of Fire and Rescue from Stryker in an amount not to exceed \$52,422.14

Mr. Hanek advised the committee discussed this purchase at a previous meeting; they discussed the necessary need for the power lift system, and how the lift system reduces injuries.

Mr. Capretta recalled the legislation to be written as an emergency for three readings.

Mr. Fisher explained procedurally the resolution will be moved to a first reading tonight, the law department will re-write the same resolution with an emergency clause for the second reading March 13.

Mr. Ousley thought the fire department used grant money last year for the purchase of power lifts.

To that, Chief DeForest indicated they did not get grant money for power loaders, they applied for and were rejected for CEA grant money. He explained how the power loader system works and how it helps to decrease injuries.

Mr. Johnson moved this resolution to tonight's Council Agenda of February 27, 2017 for a first reading. Vote – 3 Ayes, 0 Nays.

ADJOURNMENT:

Being no further business Mr. Capretta moved to adjourn at 6:30 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M V M' with a long horizontal stroke extending to the right.

Nick Hanek
Chairman

PLANNING AND ZONING COMMITTEE

February 16, 2017

IN ATTENDANCE: Chairman Brian Ousley, Committee Member Patricia Hanek, Committee Member Nicholas Hanek, Community & Economic Development Director Grant Aungst, Planning & Zoning Coordinator Pam Plavecski.

The meeting convened at 6:00p.m.

DISCUSSION ITEM:

DISCUSSION OF LEGAL OPINION CONCERNING THE BACKING UP OF TRUCKS IN THE INDUSTRIAL PARK:

The Administration followed up with Assistant Law Director Santo Incorvaia regarding Codified Ordinance Section 1276.11.

For the record Mr. Aungst read a reply received from Mr. Incorvaia; “As mentioned I don’t believe any revisions are necessary, backing trucks into the docks in the Brunswick Industrial Districts is not illegal. As we discussed the zoning code is prospective and applies forward to newly developed or remodeled sites and not to older unimproved buildings. Many older buildings in the industrial districts have docks that require backing from the street to access the docks which do not meet our present code these happen to be non-conforming and are grandfathered; this doesn’t make backing into the presently non-conforming docks illegal.” Mr. Incorvaia advised he was available to attend the next Planning & Zoning committee meeting to discuss this with committee if necessary.

Mr. Ousley commented it was not deemed necessary that Mr. Incorvaia attend this meeting.

Mr. Aungst noted if there is a parcel of land that is relatively tight they can go for a variance.

Mr. Ousley was not aware of any citations from the police department for illegal backing up.

GENERAL DISCUSSION:

Mrs. Hanek asked about making title loan businesses conditional since there seems to be a number of them around. She was not sure how prevalent they are in area communities.

Mr. Hanek suggested making them conditional in the C-G district so they go to Planning Commission. He noted there may not be a definition in the code specific to that type of business. He also mentioned if those types of businesses were going to be approached he would recommend looking at the internet gaming facility as a conditional use also.

Mr. Aungst noted the internet gaming facilities may have a different ruling per the law director. He mentioned a potential business approached the City recently to put in an internet gaming site, and the legal department rendered an opinion on that.

Mr. Ousley mentioned predatory lending may be coming back also.

Mr. Hanek noted in the C-G district it should be conditional he noted the last time a master plan was addressed that these types of businesses may not have been provided for in the code.

Mrs. Hanek noted the last time the principally permitted uses in the C-G district were updated was January 2003; and perhaps there needs to be a better definition of financial institutions.

Going back to internet gaming Mr. Aungst had a copy of an opinion from the law director with regard to skilled games which read “The City’s official position is that no certificates of occupancy will be issued for skilled based amusement businesses until such time the Ohio General Assembly provides a defined legal standard for certification of skilled based software.”

Mr. Hanek commented the gaming facility was a totally different issue and the legal opinion was clear and he would go with that. However, as far as lending establishment there was no clear definition.

Mrs. Hanek moved for the legal department to define financial institutions, and how title loan businesses fit in. (There was no vote taken on this motion.) After further discussion and clarification Mrs. Hanek amended the motion.

The committee continued their discussion on types of lending establishments, cash on title, pay day lending, and cash for gold and coins.

As a point of clarification on the motion, Mr. Hanek noted that the motion was specifically with regard to cash on title payday lending loan establishments not considered traditional financial institutions and banking establishments with the possibility of looking at re-characterizing the permissibility to whether they should be either conditional or a different permissibility. He further clarified there has not been a definition since 2003 and these types of establishments are relatively a recent phenomenon.

Mrs. Hanek moved for the legal department to define financial institutions specifically for cash on title payday lending loan establishments not considered traditional financial institutions and banking establishment with the possibility of re-characterizing their permissibility to whether they should be conditional or a different permissible use. Vote – 3 Ayes, 0 Nays.

Mr. Hanek noted these types of establishment already in the City would be grandfathered in; however with new businesses coming in the hope would be they would be minimally vetted to see if they are appropriate.

ADJOURNMENT:

Being no further business, Mrs. Hanek moved to adjourn at 6:10 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. K. Ousley", is written over a light gray rectangular background.

Brian Ousley
Chairman

BUILDING AND BUILDING CODE COMMITTEE

February 20, 2017

IN ATTENDANCE: Chairman Anthony Capretta, Committee Member Michael Abella Jr., Committee Member Brian Ousley, Acting City Manager/Safety Director Chief Carl DeForest, Law Director Kenneth Fisher, Additional Attendees (List Attached).

The meeting convened at 6:22 p.m.

DISCUSSION ITEMS:

ORD. NO. 6-17 – An ordinance establishing Section 1440.27 of the City of Brunswick Codified Ordinances by providing for residential rental dwelling unit regulations – (Proposed Ordinance – Discussion Only)

Mr. Fisher gave an overview and history regarding rental legislation, there were two public meetings on the original legislation and it has since been withdrawn. That legislation had several features in it that started the discussions and that legislation was withdrawn and no longer in front of Council.

Tonight's committee meeting is for discussion of possible new legislation that would be formally introduced at a Council meeting. Mr. Fisher clarified the ordinance that was previously discussed is no longer pending before City Council.

The Law Department, City Council, City Manager, and City Administration came up with the concept of a registry without charging a fee. There would not be any inspection or limitation on the number of residents in a bedroom. Mr. Fisher reiterated it would be a simple registry so the City would have some idea who was living in rental properties, including apartments.

Mr. Fisher noted the City wants to work with everybody, the original piece of legislation upset the realtor community and others and that was not the City's objective, the purpose was to address very specific problems.

At this time Mr. Capretta took questions from the audience.

Chris Zurawski of 1225 Alexander Lane – Mr. Zurawski had two questions; one was about the notification process, the second was about long term rentals if the process had to be done annually or at the change of tenants.

As far as long term tenants Mr. Fisher noted it would not be expected to be updated annually and there could be some provision for how it's updated, and in terms of notice Mr. Fisher advised by law legislation is posted in three places, it would also be covered by local newspapers, the city

newsletter, and Brunswick Area Television. He reiterated the purpose is not to create undue hardship on property owners.

Cindy Kintop of 3674 Boston Road – As far as registration, Ms. Kintop asked what information the City was looking for, she also asked about the penalty section which indicated a violation results in a misdemeanor of the third degree and she assumes there would be a financial penalty that goes along with that, and she wanted to know what that would be.

Addressing the first part of the question Mr. Fisher advised there will be a form and it will not require any more than the owners name and address and names of the tenants. He clarified since this is just in discussion no form has been created yet, and he also reiterated there would be no permit fee, however there has to be a potential penalty for someone that refuses to register to have some force to the ordinance.

Under the State of Ohio the maximum penalty was up to \$500.00, Ms. Kintop wanted to know what the maximum penalty was going to be.

Mr. Fisher reiterated the actual penalty is still under discussion, he noted it would be a building code violation his suggestion was that the first offense be a minor misdemeanor and subsequent events be more substantial in nature. He reiterated a first offense for not registering would be a minor misdemeanor to get the attention of the property owner, although Mr. Fisher commented he did not know why the property owner would not register.

Jean Feitl of 3474 Auvergne Oval – Ms. Feitl had a question as to the form that would be used, she referred to the proposed ordinance and it said the form would be made up by the building department her concern is that the form could change depending on who was in the department, she wanted to know if it was going to be spelled out in the ordinance and if would compare to form 880.03 which was going to ask for name, address, and social security number of the people doing the renting.

Mr. Fisher advised the form Ms. Feitl was referring to 880.03 was not being used, the form that is going to be created will require less information, and it will be attached to the ordinance and not able to be changed.

Ms. Feitl wants to see specifics spelled out in the ordinance like it is in 880.03.

Mr. Fisher stated laws pertain to renters as they pertain to everybody else, he stated they are not being singled out.

Ms. Feitl again referred to 880.03 noting that information was private, and Mr. Fisher interjected that form was not being used. She wanted to know if the information for the registry was going to be confidential or public record.

In response Mr. Fisher stated unfortunately it was public record that was the law.

Ms. Feitl indicated she has several tenants that have protection orders and are in hiding from domestic abuse and she wanted to know what kind of protection could be put into place for those tenants.

Mr. Fisher noted that was a good question, and there was a way so it would not be public.

Ms. Feitl had concern with the landlord information being public record because of the rental registry and anybody could get that information. She asked how many people were on the 880.03 tax registry and referred to Ohio Revised Code 718.13 noting she can be given specifics, and she wanted to know how successful that registry currently is, she wanted to know how many tenants were on that registry. She commented if that registry was not actively used to its full potential why create a second registry when the first one is not being used correctly.

Mr. Fisher stated that registry was part of income tax file, it was confidential and privileged, and not available to anybody, however she could make a public record request. He stated the rental registry is not for income tax purposes.

Ms. Feitl stated if the landlords are not currently fulfilling the registry for income tax purposes and for three years the City has been unsuccessful to get landlords and commercial properties on the registry what makes them think they are going to be able to get the new rental registry up and effective.

Mr. Fisher stated if someone was not declaring income to the City that they should declare by not filling out and attaching the form that was a separate matter and one that he was not here to discuss.

Ms. Feitl reiterated if the City cannot get the landlords of residential and commercial properties to cooperate with that registry how were they going to get the landlords to cooperate with the newly proposed registry. She also wanted to know how the registry was going to improve the drugs in the rentals. It was mentioned previously there was suspicion of drugs and trafficking, and she wants to know how registering tenants was going to stop the drugs from rental houses.

Mr. Fisher noted the Administration is hopeful that it will.

Cliff Bellar of 451 Miller Drive – Mr. Bellar asked who was going to be responsible the owner living out of town or a management company, and if the management company doesn't fill out the form then what.

Mr. Fisher advised either or, the City would be fine with the management company filling out the form, if the management company did not fill out the form it would fall back on the owner, and the owner would have recourse on the management company.

Mr. Bellar mentioned the difficulty finding houses in Brunswick to rent and there was a huge problem for people in need, and making it tighter on the system will make it worse. He noted rent in Brunswick is under market, and that was another issue that needs to be looked at.

Mr. Fisher mentioned the last parcel in Town Center was recently sold and apartments will be developed there, they will be larger apartments, and he noted the City does their best to make the community affordable.

Rick Stallard of 43 E Main Street – Mr. Stallard expressed the gray area was not knowing what the application form was going to look like and what information it was going to ask for, and if it would be only on the adults in the house or the children's names also. He appreciates the City working with the community.

Mr. Fisher did not think children under the age of 18 would be named on the form.

Mr. Ousley suggested instead of putting names of the children on the form put the number of children living in the rental.

Shawna Stewart of 2136 S Carpenter – Ms. Stewart commented before making up the form the City should be educated on fair housing laws so they don't get into a situation where they are in violation.

Mr. Fisher stated the law department will do the agreement.

Cerenna Solecki 43 E Main Street – Ms. Solecki was a member of the Medina County Board of Realtors and she commented how they appreciate the time and consideration of the City and how far this has gone, and now it was all about the form.

Mr. Fisher stated the comments were well received and the City Administration, City Council, Mayor, and the City Manager worked with everybody and listened and that was the process.

Tina Grant of 364 Foxborough – Ms. Grant wanted to know if a notification would be sent out to the property owner before they are charged with a misdemeanor.

Mr. Fisher noted the intention is for cooperation with the property owners, Mayors Court is very busy and doesn't need more cases, if the situation comes up that someone is cited into Mayors Court if the person agrees to fill out the form it would be dismissed. He reiterated the intent is for compliance however there has to be some type of penalty for enforcement.

Michelle Swart – Ms. Swart of 1054 Old Eagle Drive – Ms. Swart had a comment about the City of Lakewood they partnered with a company to do background checks prior to renting.

Mr. Fisher noted the City of Lakewood is a huge rental community, it would help a landlord, but the City cannot tell a property owner that they have to screen their tenants.

Comments were made by the audience regarding landlords having to be careful what they ask for and about doing background checks.

Ms. Feitl asked what options were researched and considered prior to considering the registry.

Mr. Abella stated he is a landlord in the City of Garfield Heights where there are a lot of rental properties and in his opinion the rental property legislation has saved the property values of that community. He pays a fee of \$100.00 annually which is due by the end of January. As the landlord he has a form to complete with the names of the names of all the tenants, ages are not listed on the form; additionally he is subject to having an exterior only inspection.

Mr. Abella commented with the number of rentals and people from outside the city renting keeping a registry has helped keep the properties up. He noted the property values in that area have gone up in the past five years.

Mr. Abella does not think the City of Brunswick is where the Cities of Lakewood and Garfield Heights are, however as the percentages of rentals go up the registry will be in place. He appreciates all the feedback that has been received and he acknowledged Mr. Fisher and Mr. Capretta for all their work on this.

Mr. Zurawski wanted to know if the City knew how many rental properties are in the City.

Based on the last census Mr. Fisher it was 20% to 25% although he was not sure those figures are accurate.

Gary Elswick of 1754 Eastwood Drive – Mr. Elswick asked Mr. Abella if he feels the registry in Garfield Heights has helped control the criminal activity as it was proposed to do here, as far as drugs and trafficking.

Mr. Abella commented he did not have facts on that.

Mr. Fisher advised he gave those examples, what is important is to find out the number of rental properties and the way to do it is the registry. He gave examples on prior occasions and one involved drug activity and the other suspicious activity.

Ms. Feitl stated if the City is looking for the number of rentals in Brunswick to look at 880.03. She stated Ohio Revised Code states the City can give out statistics, and they would know how many are registered. Again she asked why the City was pursuing a second rental registry when the first one is not pulled together.

Mr. Fisher stated that information is privileged and confidential and not available to everyone he noted the Finance Director has that access. Mr. Fisher advised Ms. Feitl can email a public

records request. Mr. Fisher explained that registry is part of an income tax filing, it is confidential and privileged and not available.

Ms. Kintop did not understand the purpose of knowing who was renting the house; she understood the registry for the property owner but not the tenants since they come and go.

Mr. Fisher explained property can be titled in a number of different ways; the registry will provide the names.

Again Ms. Kintop stated she understands the registry with the name of the property owner but not the names of the tenant's.

In closing, Chief DeForest thanked everyone for attending and for their feedback.

ADJOURNMENT:

Being no further business, Mr. Ousley moved to adjourn at 7:06 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in cursive script that reads "Anthony P. Capretta".

Anthony Capretta
Chairman

COMMITTEE OF THE WHOLE MEETING

February 27, 2017

IN ATTENDANCE: Vice Mayor Patricia Hanek, Brian Ousley, Nicholas Hanek, Alex Johnson, Michael Abella Jr., Anthony Capretta, Joseph Salzgeber, Acting City Manager/Safety Director Chief Carl DeForest, Law Director Kenneth Fisher, Community & Economic Development Director Grant Aungst, Assistant Chief Rick Barber, Engineer Matt Jones, Mayor Ron Falconi, Senate President Larry Obhof, State Representative Stephen Hambley, State Representative Darrell Kick, Council Clerk Barbara Ortiz, News Media.

The meeting convened at 6:30 p.m.

SENATE PRESIDENT LARRY OBHOF, STATE REPRESENTATIVES STEPHEN HAMBLEY AND DARRELL KICK FOR DISCUSSION OF THE GOVERNORS PROPOSED BUDGET:

Senate President Larry Obhof, and State Representatives Stephen Hambley and Darrell Kick were welcomed by Vice Mayor Patricia Hanek.

Chief DeForest expressed over the past few weeks the Administration has expressed their concerns over the Governor's proposed budget with regard to income tax collections. The Administration reached out to Senator Larry Obhof and State Representatives Stephen Hambley and Darrell Kick expressing the City's concerns as to how the income tax collection will affect the City of Brunswick. Knowing that the budget is in its development process the Administration wanted to be on the front end of the issue to articulate the City's concerns as to how it will impact the City's local efforts to collect and spend income tax dollars and provide services to the community.

At this time Chief DeForest introduced Senate President Larry Obhof.

Senator Obhof thanked the Administration and Council for the invitation this evening. He echoed Chief DeForest in that the budget was in the early stages, the process takes between five to six months; noting the Senate would probably not see the budget until early May. Normally the House introduces what the Governor proposes, and then the House spends several months working on it before the bill is sent to the Senate to work off that version. However, Senator Obhof noted because of the tighter time frame this year the Senate will probably work off the Governors version. He mentioned the budget document is 4,000 pages.

Representative Hambley mentioned there wasn't another community in Medina County that has two representatives and senators. He also thanked the Administration and Council for the invitation tonight. He explained the budget proposal process, and he mentioned the City's issue in terms of the centralized collection for the net profit tax was not alone.

Representative Hamble indicated he was looking forward to further discussions, and addressing the City's concerns.

Representative Kick also acknowledged the Administration and Council for extending an invitation for the opportunity to be here tonight. He noted he was the result of term limits; he was new but was gathering information and processing everything he can to understand the issues that may be new or left

over. He noted he came from the private sector; although he worked for Congressman Gibbs for six years so he saw the federal side also, with the state side being different he was thrilled to be working alongside both Senator Obhof and Representative Hambley who were very knowledgeable. He understood having as much local control as possible in so many areas and would help to facilitate that.

Mrs. Hanek advised she chaired the Finance Committee and she brought up her concerns; she felt it was an attack on home rule, it could cause substantial loss of revenue to the City, currently the City has excellent customer service to the residents and she was not sure how that would be handled if the state takes over. She also mentioned Brunswick Township is within the boundaries of the 44212 zip code and she did not know how that was going to be delineated. Also, Mrs. Hanek wanted to know what incentives there would be for this collection process.

One of the concerns Mr. Salzgeber had was with the administrative charge to the City if there was going to be centralized collection in Columbus. He mentioned budgets were tight and not knowing what the percentage would be and what the short fall would be.

Senator Obhof noted that was unclear in the bill right now, it was not made clear if the charge would be to the City or to the individual tax payers. He noted the bill was not yet in the Senate and may be too early of a stage for either Representative Hambley or Kick to be involved in that issue.

Representative Hambley commented the cost of collection was actually being increased, so the public cost was actually being increased and then there was the issue of customer service, he mentioned the importance of customer service and businesses in the community. He also mentioned Ohio Business Gateway and the number of problems with that system.

Mr. Ousley asked if there was a model that was used for centralized tax. He mentioned the State of Michigan did centralized tax and because they had financial problems they kept all the money and did not give any money back to the municipalities. To Mr. Ousley that is where home rule comes into effect, the cities should be able to take care of their own money at all times. He stated Brunswick does a fine job of taking care of their services.

Representative Hambley asked if it was a matter of cash flow issues in the State of Michigan or if they encumbered the money and did not give it to the municipalities.

Mr. Ousley noted they were running low on dollars so they kept the money and did not give it back to the municipalities.

Mr. Fischer thanked Senator Obhof and Representatives Hambley and Kick for listening to the City's concerns.

Senator Obhof mentioned he would be happy to come back once the budget process gets further along when they have a sense of where things are and when the Senate is closer to getting the bill.

Mr. Salzgeber asked about a time table for the passage of the budget.

Senator Obhof advised the final version of the budget has to be signed by June 30.

Representative Hambley mentioned there should be a good indication by the end of March as to what it looks like, depending on the compromises.

Mr. Salzgeber asked how insistent the Governor was on this provision.

In response Senator Obhof commented the Governor cares a lot about it, he mentioned the business community thinks it is very important; traditionally Ohio has had a level of complexity that it was more challenging to do business than most other states. He thinks this is an attempt by the Governor to decrease some of that complexity. He noted there are 4, 000 pages and he is sure they all matter.

Mr. Fischer pointed out the whole issue being marketed by the state is that the businesses working in a lot of local municipalities have to complete tax forms for all the municipalities they are in. He noted the option to stream line that already exists through Ohio Business Gateway, and he has expressed the concerns to Senator Obhof and Representatives Hambley and Kick.

MOTION AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR PUBLIC BIDS FOR THE 2017 ASPHALT ROAD PROGRAM:

MOTION AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR PUBLIC BIDS FOR THE 2017 CONCRETE ROAD PROGRAM:

Mr. Jones advised these two motions are tied together; the preliminary construction cost estimate for the two programs combined is \$810,000. He noted last year's program was under budget and those remaining road levy dollars will be utilized this year.

Mr. Hanek asked if Mr. Jones was going to get together to work with the ward Council like they did last year.

Mr. Jones noted his intent was to work off the list from last year and to continue with what was talked about over the last two years and move forward. He noted there will be some tweaking with regard to asphalt and he would be working with the Service Director on that. He noted as far as Ward 2, the intention is to do the last piece of Rocklyn which would be a significant portion of the Ward 2 budget.

Mr. Capretta asked about Ward 4, and Mr. Jones advised Hickory Ridge was definitely on the list and he would send the list to Mr. Capretta.

Mr. Abella would like to see the list for Ward1 before it becomes final.

Mr. Jones advised his intention is to send the list to all of Council, or he can meet with them in person.

Mr. Salzgeber moved to authorize the City Manager to advertise for public bids for the 2017 asphalt road program and the 2017 concrete program. Vote – 7 Ayes, 0 Nays.

MOTION TO APPROVE THE NEW ENTRY VESTIBULE OF THE ENGELKE CONSTRUCTION SOLUTIONS ADDITION 2927 NATIONWIDE PARKWAY, THAT WILL BE LOCATED 41' 3-5/8" FROM THE SOUTH (FRONT) SETBACK LINE; SECTION 1266.05 (C) OF THE ZONING CODE REQUIRES A MINIMUM FRONT YARD SETBACK OF 50 FEET:

Mr. Aungst explained Engelke Construction Solutions has acquired a building in the industrial park; the new owner is slated to remodel and make many improvements to the building. One of the improvements is to the vestibule however it will encroach on the setback.

It was the understanding of Mr. Hanek that this was reviewed and approved by the Planning Commission.

Mr. Johnson moved to approve the new entry vestibule of the Engelke Construction Solutions addition located at 2927 Nationwide Parkway. Vote – 7 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mrs. Hanek advised the need for an Executive Session for economic development planning purposes.

EXECUTIVE SESSION:

Mr. Hanek moved to go into Executive Session at 7:00 p.m. for the discussion of Economic Development Planning Purposes, seconded by Mr. Salzgeber. Roll Call – Ayes – 7, Mr. Hanek, Mr. Ousley, Mr. Capretta, Mrs. Hanek, Mr. Johnson, Mr. Salzgeber, Mr. Abella. Nays – 0. Motion Carried.

Mr. Hanek moved to adjourn Executive Session at 7:10 p.m. seconded by Mr. Salzgeber. Roll Call – Ayes – 7, Mr. Hanek, Mr. Ousley, Mr. Capretta, Mrs. Hanek, Mr. Johnson, Mr. Salzgeber. Nays – 0. Motion Carried.

The Committee of the Whole reconvened at 7:10 p.m.

Mr. Aungst noted as Council is aware there is a moratorium on the development of the hotel; in speaking with the law director he was informed the City was not permitted to vacate that moratorium.

Mr. Fisher explained once the principal use is changed to a conditional use at that time the moratorium will terminate, and the new plans can be submitted. He explained the legislation is on for a second reading this evening, and Council does not meet again until March 13, further the legislation cannot go on for an emergency because it is a zoning matter, which is precluded in the Charter from an emergency enactment. Therefore, Mr. Fisher explained to Mr. Aungst the earliest the moratorium would be lifted as per the present schedule would be the middle of April. However, Mr. Fisher noted the way around that would be to schedule a Special Council Meeting which would expedite the process to early April.

Mr. Aungst noted that would help the developer greatly, he is prepared to break ground as soon as possible. Mr. Aungst noted the builder is currently building the Danbury, and is also slated to be the builder of choice for the apartments behind Home Depot.

Mr. Abella asked about the features of the hotel.

Mr. Aungst advised discussion took place with the Planning Commission to enhance the east and west sides of the building and balconies will be added to those areas, the landscaping meets beyond the requirements, as well as walking paths and pedestrian movement areas.

Mr. Abella asked about a water feature, and Mr. Aungst noted that was the lake. The outdoor patio and fire pit are in place, and there is a separate entrance to the conference center. The developer has met everything that was asked of him.

Besides losing the Wallhouse name Mr. Abella wanted to know what else was going to be lost in terms of features, and quality.

Mr. Aungst noted it is not what the City is losing, but rather what the City is gaining and that is the highest end hotel that Choice brands have to offer Comfort Suites, it is not a Wallhouse, however the Wallhouse is more expensive. The baseline room rate for the Wallhouse is \$110.00 up to \$250.00 per evening, whereas the Comfort Suites can rent a room from \$80.00 a night, up to \$150.00 per evening.

Additionally, Mr. Aungst commented generally Choice brand properties have retention of their properties for a very long period of time.

Mr. Abella stated Mr. Aungst was selling the hotel; he wanted to know about the features.

To that, Mr. Aungst stated the hotel is all brick and matches the surrounding environment; it has the same conference center, same workout center, an indoor pool. He did mention the rooms are different in the sense that they are not suites like the Wallhouse offers, but they are considered a suite since they have the features of a suite but are ten to fifteen square feet smaller per room.

Mr. Fisher noted since the legislation cannot be adopted as an emergency there will be a thirty day period and he would not have a problem with terminating the moratorium after March 13 during the thirty day period. He did note there is a thirty day period for a referendum.

Mr. Aungst stated they could go before Planning Commission on March 16.

Mr. Fisher clarified they would have to submit to Planning Commission as a conditional use, not a permitted use.

It was noted by Mr. Fisher there was no need for a Special Council Meeting.

ADJOURNMENT:

Being no further business, Mr. Hanek moved to adjourn at 7:23 p.m. Vote – 7 Ayes, 0 Nays.

Respectfully submitted,



Valerie Zak
Assistant Clerk of Council

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 03/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 11-17** - An ordinance establishing Chapter 862 of the Codified Ordinances of the City of Brunswick relative to Fair Housing - **3rd Reading** (Committee-of-the-Whole, Amended 3-8-17, *Administration/Ken Fisher*)

BACKGROUND: To provide within constitutional limitations fair housing within the City of Brunswick, to assure that all persons have full and equal opportunity to consider all available housing for themselves and their families within the City without being discriminated against on the basis of race, color, religion, sex sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income, and to promote a stable, racially integrated community.

PURPOSE AND EXPLANATION: This ordinance will establish Chapter 862 of the Codified Ordinances of the City of Brunswick relative to Fair Housing.

IMPLEMENTATION SCHEDULE: Adopt after three readings.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

If emergency or suspension of the rules, why the request?
Recommended first reading on February 13, 2017 for three readings.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 11-17

BY: Committee-of-the-Whole

AN ORDINANCE ESTABLISHING CHAPTER 862 OF THE CODIFIED
ORDINANCES OF THE CITY OF BRUNSWICK RELATIVE TO FAIR
HOUSING.

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

SECTION 1. That Chapter 862 of the Codified Ordinances of the City of Brunswick is hereby established to read as follows:

862.01 PURPOSE.

It is hereby declared to be the purpose of this Chapter to provide, within constitutional limitations, for fair housing throughout the City, to assure that all persons have full and equal opportunity to consider all available housing for themselves and their families within the City without being discriminated against on the basis of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income, and to promote a stable, racially integrated community.

862.02 DEFINITIONS.

Words and phrases used in this Chapter shall have the meanings given herein unless the context clearly indicates otherwise:

- (a) "Commission" means the Fair Housing Review Commission.
- (b) "Discriminate" or "discrimination" means to separate or segregate persons in a particular manner solely or in part because of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income; provided that "discriminate" or "discrimination" shall not include special outreach efforts conducted by or under the authority of units of local government (including agencies, departments and commissions thereof) or non-profit fair housing corporations or agencies to ensure that persons of minority groups are fully informed of, and have access to, available dwelling opportunities in areas of present or prospective majority group concentration, or to ensure that persons of majority groups are fully informed of and have access to available dwelling opportunities in areas of present or prospective minority group concentration.
- (c) "Covered multi-family dwellings" means building consisting of four or more units if such buildings have one or more elevations, and ground floor units in other buildings consisting of four or more units.
- (d) "Dwelling" means a building or structure, or part thereof, used or designed to be used for residential purposes.

- (e) “Familial status” means one or more individuals (who have not attained the age of 18 years) being domiciled with (1) a parent or another person having legal custody of such individual or individuals; or (2) the designee of such parent or other person having such custody; and shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.
- (f) “Disability” means, with respect to a person: (1) a physical or mental impairment which substantially limits one or more of such person’s major life activities; (2) a record of having such impairment; or (3) being regarded as having such impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in 21 U.S.C. Section 802.
- (g) “Housing for older persons” means housing: (1) provided under any state or federal program that the Secretary of HUD determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or (2) intended for persons 62 years of age or older; or (3) intended and operated for occupancy by at least one person 55 years or older per unit. The determination as to whether housing qualifies as housing for older persons under this division shall be consistent with regulations promulgated by the Secretary of HUD, providing at least the following factors: (1) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and (2) that at least 80% of the units are occupied by at least one person 55 years of age or older per unit; and (3) the procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.
- (h) “Lending institution” means any bank, savings and loan association, insurance company, or other organization or person regularly engaged in the business of lending money, guaranteeing loans for profit, or otherwise providing financial assistance or insurance in connection with the purchase, sale or rental of dwellings.
- (i) “Person” means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers or fiduciaries.
- (j) “Property” means the real property upon which a dwelling is located.
- (k) “Purchase” means to acquire a dwelling by payment or promise of payment of money or its equivalent.
- (l) “Real estate agent” means a real estate broker or salesman, or a limited real estate broker or salesman, as defined in Ohio R.C. 4735.01.
- (m) “Rent” or “rental” means to lease, sublease, assign or otherwise grant or obtain the right to occupy a dwelling not owned by the occupant in return for consideration, or a contract or operation to do any of the foregoing.
- (n) “Sale” or “sell” means to convey, exchange, transfer or assign legal or equitable title to, or beneficial interest in, a dwelling in return for consideration, or a contract or option to do any of the foregoing.

- (o) “Solicit” or “solicitation” means any conduct by a real estate agent, or an employee or agent thereof, intended to induce the owner of a dwelling within the City to sell, rent, or list the same for sale or rental.
- (p) “Unlawful discriminatory practice” means any act prohibited by Section 862.04 of this Chapter.
- (q) “Association with a protected class” means people associated with or residing with a person in a protected class.

862.03 EXEMPTIONS.

The provisions of this Chapter shall not:

- (a) Prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, from limiting rental or occupancy of such lodgings to its members or from giving preference to its members, provided such club does not discriminate in its membership policies on the basis of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income.
- (b) Require any person selling or renting property to modify such property in any way at his or her expense, provided that such person does not refuse to permit reasonable modifications by a disabled person, necessary for that person to fully enjoy the premises in which he or she resides, when such modifications are made at the expense of the disabled person, which permission may be conditioned on that person’s promise to restore the premises to the condition in which it previously existed before granting permission for such modification, nor shall this chapter be construed to relieve any disabled person of any obligation generally imposed on all persons regardless of disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of the lease, agreement, or contract, so long as such distinctions are not based on the disability itself, or on the landlord’s refusal to make reasonable modification in the lease, agreement or contract conditions for the purpose of denying a disabled person equal opportunity to the use and enjoyment of the premises.
- (c) Prohibit restricting the sale or rental of a dwelling on the basis of disability when such a dwelling is authorized, approved, financed, or subsidized in whole or in part for the benefit of persons of a disability by a unit of state, local, or federal government, so long as such restrictions do not discriminate against otherwise qualified disabled persons.

- (d) Require that a dwelling be made available to a person with a disability whose tenancy would constitute a direct threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
- (e) Prohibit the applicability of any reasonable local, state or federal restrictions regarding maximum number of occupants permitted to occupy a dwelling.
- (f) With regard to familial status, apply to dwellings provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the state or federal program, or to housing for older persons, provided that HUD has determined that such program or housing is exempt, which determination shall be conclusive.
- (g) Prohibit a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income.
- (h) Prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in 21 U.S.C. Section 802.

862.04 PROHIBITED ACTS.

It is hereby declared to be a discriminatory housing practice and unlawful for any person to:

- (a) Refuse to sell, transfer, assign, rent, lease, sublease, finance, negotiate or otherwise deny or make unavailable a dwelling to any person because of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income of any present or prospective owner, occupant, or user of such dwelling;
- (b) Represent to any person, because of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income, that a dwelling is not available for sale, rental, or inspection when in fact it is available;
- (c) Refuse to lend money or to provide other financial assistance, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of a dwelling or otherwise withhold financing of a dwelling from any person because of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income of any present or dwelling, provided such person lends money as one of the principal aspects or incident to his or her principal business and not only as a part of the purchase price of an owner-occupied residence he or she is selling not merely casually or occasionally to a relative or friend;
- (d) Discriminate against any person in the terms or conditions of selling, transferring, assigning, brokering, renting, leasing, or subleasing any dwelling or in furnishing facilities, services, or privileges in connection with the ownership, occupancy, or use of any dwelling, including the sale of fire, extended coverage or homeowners

insurance, because of the race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income of any present or prospective owner, occupant, or user of such dwelling, or because of the racial composition of the neighborhood in which the dwelling is located;

- (e) Discriminate against any person in the terms or conditions of any loan of money, purchase of loans, or in providing other financial assistance, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of a dwelling because of the race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income of any present or prospective owner, occupant, or user of such dwelling, or because of the racial composition of the neighborhood in which the dwelling is located;
- (f) Refuse to consider without prejudice the purpose of extending mortgage credit to a married couple or either member thereof;
- (g) Print, publish, or circulate any statement or advertisement, or make any verbal statement, relating to the sale, transfer, assignment, rental, lease, sublease, or acquisition of any dwelling or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of a dwelling which indicates any preference, limitation, specification, or discrimination based upon race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income, or an intention to make any such preference, limitation, specification, or discrimination;
- (h) Include in any transfer, rental, or lease of a dwelling any restrictive covenant based on race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income, or honor or exercise, or attempt to honor or exercise, any such restrictive covenant, provided that the prior inclusion of such a restrictive covenant in the chain of title shall not be deemed a violation of this provision;
- (i) Induce or solicit or attempt to induce or solicit a dwelling listing, sale, or transaction by representing that a change has occurred or may occur with respect to racial, religious, sexual or ethnic composition of the block, neighborhood, or area in which the dwelling is located, or induced or solicited or attempt to induce or solicit such sale or listing by representing that the presence or anticipated presence of persons of any race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income, in the area will or may have results such as the following:
 - (1) The lowering of property values;
 - (2) A change in the racial, religious, sexual, or ethnic composition of the block, neighborhood, or area in which the dwelling is located;
 - (3) An increase in criminal or antisocial behavior in the area;
 - (4) A decline in the quality of the schools serving the area.

- (j) Deny any person access to or membership or participation in any multiple-listing service, real estate agents' association, or other service, association, or facility relating to the business of selling or renting housing accommodations, or to discriminate against any person in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income;
- (k) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any person in the exercise or enjoyment of, any right granted or protected by this Section;
- (l) Discourage or attempt to discourage the purchase by a prospective purchaser of a dwelling, by representing that any block, neighborhood, or area has undergone or might undergo a change with respect to the religious, racial, sexual, familial status or ethnic composition of the block, neighborhood, or area;
- (m) Discriminate against any person because of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income, in appraising the value of any dwelling in connection with the sale, brokering, or rental of such dwelling;
- (n) Refuse to permit, at the expense of a disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, no modification need be permitted unless the renter first agrees to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted unless previously negotiated with the landlord;
- (o) Refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling;
- (p) Construct covered multi-family dwellings that do not provide for accessibility and usability for physically disabled persons in compliance with applicable state or federal law, whichever is controlling;
- (q) Discriminate in any manner against any other person because that person has opposed any unlawful practice defined in this Chapter, or because that person has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing as provided pursuant to this Chapter.
- (r) Aid, abet, incite, compel, or coerce the doing of any act declared by this Chapter to be an unlawfully discriminatory practice, or to obstruct or prevent any person from complying with the provisions of this Chapter, or any order issued pursuant thereto, or to attempt directly or indirectly to commit any act declared by this Chapter to be an unlawful discriminatory practice.

862.05 POSTING OF NOTICES.

All real estate agents and all persons who operate or manage a dwelling with more than four dwelling units shall post in a conspicuous location in those areas in their places of business located within the City where prospective purchasers, sellers or renters normally make inquiries, and where the terms of a sale or rental are normally negotiated, a notice which contains the following language, printed on a light-colored background, in not less than 14 point type:

“It is a violation of the Brunswick Fair Housing Law, in connection with any housing activity, to discriminate against any person because of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income.

For more information, contact: (330) 558-6830”

862.06 FAIR HOUSING REVIEW COMMISSION.

- (a) There is hereby created a Fair Housing Review Commission which shall consist of three citizen members appointed by the Mayor and confirmed by City Council to serve for a term of three years at no salary with the Chairman to be elected by the members of the Commission. Commission members can be appointed to serve no more than three consecutive terms.
- (b) The Fair Housing Review Commission shall be a fact finding Commission to advise the Mayor, City Manager and Council of their findings for appropriate action.

862.07 ADMINISTRATION.

The City Manager shall appoint the Law Director to work with the Commission in processing complaints on behalf of the Commission.

862.08 COMPLAINTS.

An person may allege that violation of Section 862.04 has occurred, or that a violation will occur and cause injury, by filing with the Fair Housing Review Commission, within one year of the alleged violation, a written complaint setting forth his or her grievance. The complaint shall state, on a printed form made available by the Commission, the name and address of the complainant, then name and address of the person(s) alleged to have committed a violation of Section 820.04 and the particular facts thereof, and such other information as may be required by the Commission. A complaint may be amended at any time. Upon the filing of a complaint, the Law Director shall acknowledge receipt of the complaint, serving notice thereof to the complainant, which notice shall also contain information as to the time limits and choice of forum provided in this Chapter.

862.09 NOTICE.

Within 15 calendar days after a complaint has been received by the Commission, the Law Director shall serve, or cause to be served, in person, or be certified mail, a copy of the complaint on the person (hereinafter referred to as the “respondent”) alleged to have violated Section 862.04 of this Chapter. Along with the service of the complaint, the Law Director shall advise the respondent in writing of his or her procedural rights and obligations pursuant to this Chapter. The respondent may file with the Commission an answer to the complaint.

862.10 INVESTIGATION.

Within 30 calendar days after a complaint has been received by the Commission, the Law Director shall conduct an investigation of the complaint and shall determine either that:

- (a) There are reasonable grounds to believe that a violation of Section 862.04 of this Chapter has occurred, in which case the Law Director shall then initiate the conciliation process as detailed in Section 862.11 of this Chapter; or
- (b) There are reasonable grounds to believe that a violation of Section 862.04 of this Chapter has not occurred, in which case the Law Director shall then dismiss the complaint by preparing a written notice of dismissal, including the reasons therefor, and notify the parties of the dismissal within 5 calendar days by service a copy of the notice of dismissal by certified mail on the parties. A copy of the notice shall also be filed with the Commission. The notice of dismissal shall advise the complainant of his or her right of appeal under this section. Within 14 calendar days after receipt of the notice of dismissal, the complainant may appeal by filing a written request with the Commission for a review of the complaint. By a majority vote, the Commission may overrule the dismissal and refer the complaint to the Law Director for conciliation pursuant to Section 862.11 of this Chapter.
- (c) The Law Director shall complete the investigation within 100 calendar days after receipt of the complaint, unless impracticable, in which case the Law Director shall inform the complainant and respondent in writing of the reasons why the investigation can not be completed within the time prescribed.

862.11 CONCILIATION.

If the Law Director has made a determination pursuant to Section 862.10 of this Chapter that there are reasonable grounds to believe a violation of Section 862.04 of this Chapter has occurred, or at such other time after a complaint has been filed, as appropriate, the Law Director shall:

- (a) Notify the complainant and respondent of the time, place and date of the conciliation conference at least 10 calendar days prior thereto, and both parties shall appear at the conciliation conference in person or by attorney; and
- (b) Attempt to resolve the complaint by methods of conference, conciliation, mediation and persuasion with all interested parties and such representatives as

the parties may choose to assist them. Conciliation conferences shall be informal and confidential. The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be executed by all parties, subject to review and approval by the Fair Housing Review Commission. The terms of the conciliation agreement shall be a public record. If the complaint has not been resolved by conciliation within 60 calendar days after the date of the scheduled conciliation conference, the law Director shall refer the complaint to the Fair Housing Review Commission for an adjudicative hearing.

862.12 INJUNCTIVE RELIEF.

At any time after the filing of a complaint, the Law Director may petition the appropriate court for temporary or preliminary injunctive relief pending final determination of the proceedings under this Chapter, or as otherwise necessary to carry out the purposes of this Chapter, including an order or decree restraining the respondent from doing or causing any act which would render ineffectual any order or action by the Fair Housing Review Commission.

862.13 HEARINGS.

Within 30 calendar days after the complaint is referred to the Fair Housing Review Commission, the Commission shall, upon due and reasonable notice to all parties, conduct a hearing on the complaint. Parties to the hearing shall be the complainant and the respondent, and such other persons as the Commission may deem appropriate, including the Law Director. The hearing shall be open to the public. At least 7 calendar days prior to the hearing, the Commission shall serve upon the respondent a statement of charges and a summons requiring the attendance of named persons and the production of relevant documents and records. The parties may apply to the Commission to have subpoenas issued in the Commission's name. Failure to comply with a summons or subpoena shall constitute a violation of this Chapter. The parties may file such statements with the Commission as they deem necessary. No fewer than two of the same members of the Commission must be present at all times during a hearing. The parties may appear before the Commission in person or by duly authorized representative and may be represented by legal counsel. The parties shall have the right to present witnesses and cross-examine witnesses, and all testimony and evidence shall be given under oath or by affirmation, administered by the Chairman of the Commission, and all proceedings shall be recorded in writing and/or audio to be considered as part of the record of proceedings.

862.14 HEARING DECISIONS.

Where hearings have been held before the Commission, only those members of the Commission who have attended all hearings on the complaint shall participate in the determination of the complaint. Within 15 calendar days after the conclusion of the hearing, the Commission shall render a decision in the form of a written order, which shall include findings of fact, a statement of whether the respondent has violated Section 862.04 of this Chapter, and such remedial actions as the Commission may order pursuant to Section 862.16 of this Chapter. The

order shall be served upon the parties by certified mail within 15 calendar days of the decision. The order shall be available for public inspection and a copy shall be provided to any person in accordance with the applicable public record laws.

862.15 REMEDIAL ACTIONS.

- (a) If the Commission finds that the respondent has not violated Section 862.04 of this Chapter, its order under Section 862.14 of this Chapter shall dismiss the complaint.
- (b) If the Commission finds that the respondent has violated Section 862.04 of this Chapter, its order under Section 861.14 of this Chapter shall provide for the taking of such remedial action(s) as it deems appropriate, which may include, but need not be limited to, the following:
 - (1) Directing the respondent to cease and desist from violations of Section 862.04 of this Chapter and take such affirmative steps as necessary to effectuate the purposes of this Chapter.
 - (2) Recommending to the Law Director an appropriate court action for the enforcement of Section 862.04 of this Chapter and for such other and further relief as the court may deem appropriate, including, but not limited to, injunctive relief, compensatory damages, punitive damages and/or attorneys' fees and costs for award to the complainant; such court action shall be required in the event the respondent does not voluntarily comply with the remedial actions ordered by the Commission.
 - (3) Recommending to the Law Director the proceedings for violation of federal and/or state law and/or regulations.
 - (4) Recommending to the Law Director proceedings with any contracting agency in the case of any violation of Section 862.04 of this Chapter by respondent in the course of performing under a contract or sub-contract with the state of any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, for the purpose of causing a termination of such contract or any portion thereof, or obtaining other relief.
 - (5) Recommending to the Law Director proceedings with the State of Ohio where applicable, to revoke, suspend or refuse to renew the license of any person found to have violated any provision of Section 862.04 of this Chapter.
 - (6) Directing the respondent to reimburse the complainant for his or her actual and reasonable expenses incurred and to be incurred as a result of each violation found, including, but not limited to, expenses for moving and temporary storage of household furnishings, additional expenses in connection with the purchase or rental of a dwelling for alternative accommodations, and reasonable attorneys' fees and costs.
 - (7) Recommending compensatory damages, as appropriate, or recommending and award of compensatory damages against the respondent in any court proceedings.
 - (8) Assessing civil penalties, as appropriate and permitted by applicable law.
 - (9) Directing the respondent to comply with such other and further relief as the Commission may deem appropriate for enforcement of this Chapter.

- (c) The Fair Housing Review Commission shall make a final administrative disposition of the complaint within 1 year after the complaint has been filed, unless it is impracticable to do so, in which case the complainant and the respondent shall be notified in writing of the reasons why disposition of the complaint can not be made within the time prescribed.
- (d) Nothing herein shall be construed to prevent the City from initiating appropriate court action on behalf of the complainant in order to enforce the provisions of this Chapter. In addition, upon a finding by the Law Director that there are reasonable grounds to believe that a violation of Section 862.04 of this Chapter has occurred, as provided in Section 862.10 of this Chapter, either the complainant or the respondent, in lieu of participating in the administrative hearing process before the Fair Housing Review Commission, or at any time during said administrative process, may elect to have the case heard in a civil action. Upon notification thereof, the Commission shall recommend to the City that it initiate a civil action in a court of law on behalf of the complainant.
- (e) The complainant and the respondent shall have the right to appeal an adverse final determination by the Commission to the Medina County Court of Common Pleas pursuant to Ohio R.C. Chapter 2506 or in such other forum or court of competent jurisdiction as provided by law.

862.16 JUDICIAL RELIEF.

The City, or the complainant or any person actually aggrieved by a violation of any provision of this Chapter may, at any time within 1 year of the date of the alleged violation, and in lieu of proceeding with the administrative process set forth in this Chapter, apply to any court of competent jurisdiction for appropriate relief.

862.17 ADDITIONAL REMEDIES.

This Chapter shall not prevent the City or any person from exercising any right or seeking any remedy to which that person might otherwise be entitled or from filing any complaint with any other agency or court of law or equity.

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

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

PASSED: 1st Reading _____
 2nd Reading _____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barb Ortiz

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 03/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 13-17** - A Resolution authorizing the City Manager to enter into a grant agreement with Engelke Construction Solutions, LLC - **3rd Reading** (Economic Development, *Administration/Grant Aungst*)

BACKGROUND: City Administration has been in discussions with the new purchaser of an existing building in the City's industrial park regarding relocating the business to the City and potential upgrades to the existing structure and site, including additional staffing. Discussions involve economic development incentives that may be available.

PURPOSE AND EXPLANATION: The City has in place an economic development program to promote the creation of jobs and stimulate economic growth. As part of the agreement, the City shall provide Engelke Construction Solutions, LLC, with an annual grant in an amount equal to 100% of Municipal Income Tax Receipts, as defined in the agreement, upon annual employee payroll performed in the City per Ohio Revised Code Section 718.02(A)(2) between \$3,000,000.00 and \$4,500,000.00. No grant shall be paid from Municipal Income Tax Receipts on employee payroll less than \$3,000,000.00 or greater than \$4,500,000.00, i.e, the maximum annual grant amount payable shall not exceed Municipal Income Tax Receipts on \$1,500,000.00 of employee payroll. In order to receive and retain the grant for a maximum of five years, Engelke shall retain a business operation in the City, currently located or to be located at 2927 Nationwide Parkway, Brunswick, Ohio 44212 for a minimum period of ten (10) years.

IMPLEMENTATION SCHEDULE: Estimated January 1, 2018

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Fiscal approval for this agreement and each applicable year will be done through an annual purchase order, subject to Council's appropriation and the applicable tax rate in existence at the time. The estimated \$27,750 amount for the completed year of 2018 is the calculated not to exceed maximum amount for the first year of the agreement provided all applicable conditions in the agreement are met, tax rates remain the same and sufficient appropriations have been passed by Council.

**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:**

GRANT AGREEMENT

THIS GRANT AGREEMENT (the "Agreement") is entered into by and between the City of Brunswick, Ohio, a municipal corporation duly organized and validly existing under the Constitution and laws of the State of Ohio (the "City"), and Engelke Construction Solutions LLC, an Ohio limited liability company ("ECS").

RECITALS:

WHEREAS, in accordance with applicable Ohio law as detailed in Ohio Revised Code Sections 718.15 and/or 718.151, as may be amended from time to time, the City has developed a program to promote the creation of jobs and stimulate economic development in the City; and

WHEREAS, the City hereby enters into this Agreement to promote the creation of jobs and stimulate economic development in the City.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and intending to be legally bound, the Parties hereto agree as follows:

A. ECS – Representations, Covenants and Warranties.

- 1) In order to receive and retain the Grant as described in Section B below, ECS shall retain a business operation in the City, currently located or to be located at 2927 Nationwide Parkway, Brunswick, Ohio 44212 (the "Premises"), for a minimum period of ten (10) years commencing on the date that ECS commences business operations at the Premises (the "Commencement Date") and maintain a minimum annual employee payroll performed in the City per Ohio Revised Code Section 718.02(A)(2) of \$3,000,000.00 during such ten (10) year period. If ECS relocates its business operations outside of the corporate limits of the City prior to the expiration of such ten (10) year period or fails to maintain a minimum annual

employee payroll performed in the City per Ohio Revised Code Section 718.02(A)(2) of \$3,000,000.00 during such ten (10) year period, any and all Grant amounts provided pursuant to this Agreement shall be deemed refundable and ECS shall repay the City the full amount of all Grants received hereunder promptly upon written notice from the City.

- 2) If at any time during the term of this Agreement, ECS or any employees of ECS were to file and receive a tax refund on any payroll previously taxed by the City pursuant to this Agreement, ECS shall be required to repay, promptly upon written notice from the City, the Grant amount equal to the tax refund issued.

B. Grants.

- 1) The City shall provide ECS with an annual grant (the "Grant") in an amount equal to 100% of Municipal Income Tax Receipts, as defined hereinbelow, upon annual employee payroll performed in the City per Ohio Revised Code Section 718.02(A)(2) between \$3,000,000.00 and \$4,500,000.00. No Grant shall be paid from Municipal Income Tax Receipts on employee payroll less than \$3,000,000.00 or greater than \$4,500,000.00, i.e., the maximum annual Grant amount payable to ECS shall not exceed Municipal Income Tax Receipts on \$1,500,000.00 of employee payroll. Such Grant shall be payable solely from City Non-Tax Revenues, as defined hereinbelow.

"Municipal Income Tax Receipts", as used herein, means the municipal income taxes actually received by the City during the twelve (12) month period commencing on the Commencement Date, and each twelve (12) months thereafter for the term of this Agreement, derived from the employees performing services in

the City of ECS.

“Non-Tax Revenues”, as used herein, means all moneys of the City which are not moneys raised by taxation, to the extent available for the purpose of making any payments required hereunder, including, but not limited to, the following: (a) grants from the United States of America and the State of Ohio; (b) payments in lieu of taxes now or hereafter authorized by State statute to the extent not pledged to pay debt charges on other City indebtedness; (c) fines and forfeitures which are deposited in the City’s General Fund; (d) fees deposited in the City’s General Fund for services provided and from properly imposed licenses and permits; (e) investment earnings on the City’s General Fund; (f) investment earnings on other funds of the City that are credited to the City’s General Fund; (g) proceeds from the sale of assets which are deposited in the City’s General Fund; (h) gifts and donations; and (i) all rental payments which are deposited in the City’s General Fund.

Nothing herein shall be construed as requiring the City to use or apply to the payment of its obligation hereunder any funds or revenues from any source other than Non-Tax Revenues; provided, however, that nothing herein shall be deemed to prohibit the City, at its sole discretion, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Agreement. The obligation to make any Grant hereunder shall terminate immediately if ECS ceases business operations within the corporate limits of the City or otherwise fails to fulfill its obligations under this Agreement.

- 2) The annual Grant set forth above shall continue for a period of five (5) consecutive twelve (12) month periods from the Commencement Date unless earlier terminated as set forth in this Agreement.
- 3) The Grant required hereunder shall be made to ECS upon the occurrence of the following: (a) the City's actual receipt of Municipal Income Tax Receipts; (b) the City's actual receipt of all necessary municipal tax returns from ECS; and (c) the City's receipt, review and approval of any requested supporting documentation as required herein.

Any Grant payment required hereunder shall be made by check payable to ECS, to be forwarded by regular U.S. mail within ninety (90) days of payment and filing all necessary municipal tax returns and forms with the City for the subject twelve (12) month period, to the notice address provided in Section C below, as may be updated by written notice to the City from time to time.

C. Additional Covenants and General Conditions.

- 1) This Agreement is specifically conditioned upon enactment by the Brunswick City Council of a Resolution approving this Agreement.
- 2) ECS may not assign its rights under this Agreement without the express written consent of the City.
- 3) ECS agrees to provide the City with information reasonably requested by the City to evaluate ECS's compliance with this Agreement and to calculate the amount due hereunder.
- 4) A notice, demand, or other communication that may be provided or is otherwise

required under this Agreement shall be sufficiently given or delivered if it is mailed by registered or certified mail, postage prepaid, return receipt requested, or delivered personally as follows:

To the City:

City of Brunswick
Attn: City Manager
Brunswick City Hall
4095 Center Road
Brunswick, OH 44212

To ECS:

Engelke Construction Solutions LLC
2927 Nationwide Parkway
Brunswick, Ohio 44212

- 5) This Agreement shall be governed exclusively by and construed in accordance with the laws of the State of Ohio.
- 6) This Agreement may be executed in several counterparts, each of which shall be deemed to be an original but altogether shall constitute only one and the same instrument. Signatures or counterparts delivered by email, facsimile or other electronic means shall be deemed binding originals.

[SIGNATURE PAGE TO FOLLOW]

WHEREFORE, the Parties hereto have caused this Grant Agreement to be executed as of the dates indicated below.

CITY OF BRUNSWICK, OHIO

ENGELKE
SOLUTIONS LLC

CONSTRUCTION

Carl S. DeForest, Acting City Manager



Eric Engelke, Managing Member

Date: _____

Date: 1-20-17

Approved as to form:

Kenneth J. Fisher, Law Director

Date: _____

This Grant Agreement has been approved by Brunswick City Council per Resolution No. _____ adopted on _____, _____, 2017.

Barbara Ortiz, Clerk of Council

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO
A GRANT AGREEMENT WITH ENGELKE CONSTRUCTION SOLUTIONS
LLC.

WHEREAS: In accordance with applicable Ohio law, the City has developed a program to
promote the creation of jobs and stimulate economic development in the City;

WHEREAS: The City is desirous of entering into a Grant Agreement with Engelke
Construction Solutions LLC to promote the creation of jobs and stimulate
economic development in the City.

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 the Grant Agreement with Engelke Construction Solutions
LLC, as attached hereto as Exhibit "A".

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 13-17

BY: Mr. Johnson, Mrs. Hanek and Mr. Abella

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO
A GRANT AGREEMENT WITH ENGELKE CONSTRUCTION SOLUTIONS
LLC.

WHEREAS: In accordance with applicable Ohio law, the City has developed a program to promote the creation of jobs and stimulate economic development in the City;

WHEREAS: The City is desirous of entering into a Grant Agreement with Engelke Construction Solutions LLC to promote the creation of jobs and stimulate economic development in the City.

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 the Grant Agreement with Engelke Construction Solutions LLC, as attached hereto as Exhibit "A".

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

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barb Ortiz

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 03/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager
Barb Ortiz

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 5-17** - An ordinance amending the Design Guidelines for the Southeast Neighborhood of the Brunswick Town Center Special Planning District No. 2 - **3rd Reading** (Planning & Zoning Committee, *Planning Commission recommended adoption 2-17-17, Administration/Ken Fisher*)

BACKGROUND: Amendment to Design Guidelines for the Southeast Neighborhood of Brunswick Town Center Special Planning District 2. Adding hotels as a conditional use under Section A(e) of the General Requirements.

PURPOSE AND EXPLANATION:

IMPLEMENTATION SCHEDULE: First Reading on January 9, 2017 and referral back to Planning Commission for recommendation and report.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

If emergency or suspension of the rules, why the request?
Recommended three readings with **first reading on January 9, 2017 and referral back to Planning Commission** for recommendation and report.

ADDITIONAL

INFORMATION:

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE AMENDING THE DESIGN GUIDELINES FOR THE
SOUTHEAST NEIGHBORHOOD OF THE BRUNSWICK TOWN CENTER
SPECIAL PLANNING DISTRICT NO. 2.

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

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

“Principal uses: Townhomes, single-family attached units, single-family detached residential units, apartments, work-live units, ~~hotels~~, senior/assisted living facilities and public buildings.”

SECTION 2: That Section A(3) of the General Requirements shall be amended to read as follows:

“Conditional Uses. Home occupations and hotels as a conditional use, subject to Section 1274.09.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barb Ortiz

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 5-17

BY: Mr. Ousley, Mr. Hanek and Mrs. Hanek

AN ORDINANCE AMENDING THE DESIGN GUIDELINES FOR THE
SOUTHEAST NEIGHBORHOOD OF THE BRUNSWICK TOWN CENTER
SPECIAL PLANNING DISTRICT NO. 2.

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

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

“Principal uses: Townhomes, single-family attached units, single-family detached residential units, apartments, work-live units, ~~hotels~~, senior/assisted living facilities and public buildings.”

SECTION 2: That Section A(3) of the General Requirements shall be amended to read as follows:

“Conditional Uses. Home occupations and hotels as a conditional use, subject to Section 1274.09.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 03/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 16-17** - An emergency resolution authorizing the City Manager to purchase two (2) ambulance power load systems and four (4) power load compatibility kits for the Division of Fire and Rescue from Stryker in an amount not to exceed \$52,422.14 - **2nd Reading** (Safety & Environment Committee, *Administration/Chief Baird*)

BACKGROUND: The Fire Department is requesting permission to purchase 2 Power Load systems for our newest ambulances. These systems load the patient and the gurney into the ambulance without the need for the crews to do it manually. This increases safety for the patient and decreases injury risk for the crew;

The proposed purchase of two (2) ambulance power load systems and four (4) power load compatibility kits for the Division of Fire and Rescue from Stryker in the amount of \$52,422.14, is upon equivalent terms, conditions and specifications and at a lower price than through the State Procurement Program.

PURPOSE AND EXPLANATION: The proposed purchase of two (2) ambulance power load systems and four (4) power load compatibility kits for the Division of Fire and Rescue from Stryker in the amount of \$52,422.14, is upon equivalent terms, conditions and specifications and at a lower price than through the State Procurement Program.

From the time of the order until the systems are installed will be 12 - 14 weeks. in order to facilitate a timely process I am requesting the 30 waiting period from council passage to authorization to purchase be waived. This will keep the entire process down to 16 to eighteen weeks;

IMPLEMENTATION SCHEDULE: Purchase immediately upon council approval of legislation.

FINANCIAL INFORMATION: Ambulance Power Load Systems - - Fire Fund #115 (Capital SubFund #952) - 952-0510-56252 - - 52422.14

FINANCIAL SUMMARY: The proposed purchase of two (2) ambulance power load systems and four (4) power load

compatibility kits for the Division of Fire and Rescue from Stryker in the amount of \$52,422.14, is upon equivalent terms, conditions and specifications and at a lower price than through the State Procurement Program.

purchase two (2) ambulance power load systems and four (4) power load compatibility kits for the Division of Fire and Rescue from Stryker in an amount not to exceed \$52,422.14.

**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?

I am requesting three readings and emergency adoption of this legislation.

**ADDITIONAL
INFORMATION:**

These systems are included in the state purchasing program. Our chosen vendor will provide us with the same products under the same terms and at a better price than the state purchase vendor. Documentation of this has been provided.

The equipment will be installed by Horton Emergency Services. This installation service will not affect the warranty of the power Load systems.

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 16-17

BY: Mr. Hanek, Mrs. Hanek and Mr. Abella

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE TWO (2) AMBULANCE POWER LOAD SYSTEMS AND FOUR (4) POWER LOAD COMPATIBILITY KITS FOR THE DIVISION OF FIRE AND RESCUE FROM STRYKER IN AN AMOUNT NOT TO EXCEED \$52,422.14.

WHEREAS: The City of Brunswick belongs to the State Procurement Program under the direction of the 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 Procurement 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 two (2) ambulance power load systems and four (4) power load compatibility kits for the Division of Fire and Rescue from Stryker in the amount of \$52,422.14, is upon equivalent terms, conditions and specifications and at a lower price than through the State Procurement Program.

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

SECTION 1: That the City Manager is hereby authorized to purchase two (2) ambulance power load systems and four (4) power load compatibility kits for the Division of Fire and Rescue from Stryker in an amount not to exceed \$52,422.14.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to allow for receipt of the equipment as soon as possible. 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
Barb Ortiz

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 03/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 18-17** - An emergency ordinance adopting the recommendation of the Brunswick Community Reinvestment Area Housing Council to continue all active agreements in 2017, accepting the 2016 CRA Status Report - **1st Reading** (To be brought form Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: Brunswick Community Reinvestment Area Housing Council met on February 15, 2017 as required by ORC to make recommendations to Brunswick City Council. They are recommending to continue all active agreements in 2017 in the Brunswick Community Reinvestment Area and for Council to accept the 2016 CRA Status Report (Exhibit A) as well as the minutes (Exhibit B).

PURPOSE AND EXPLANATION: To accept the recommendation to continue all active agreements in 2017, accept the 2016 CRA Status Report as well as the CRA Minutes of February 15, 2017.

IMPLEMENTATION SCHEDULE: Adopt as an emergency with suspension of the rules upon the first reading on March 13, 2017.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The Community & Economic Development Department contracts with the Economic Development Corporation to review and monitor CRA agreements; assist the city in filing new CRA applications; conduct and also prepare meeting minutes pertaining to the Tax Incentive Review Council; and complete necessary reports to the State. The contract price is \$2,500 annually. For 2017 has been encumbered in account #001-0490-54288. This Ordinance is part of these 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?

Emergency with suspension for the reason that the Brunswick Community Reinvestment Area Housing Council must submit the adopting recommendation to the State of Ohio Development Services Agency no later than March 31, 2017.

**ADDITIONAL
INFORMATION:**

Brunswick CRA Housing Council
Minutes of Annual Meeting
4:00 p.m., February 15, 2017
Brunswick City Council Caucus Room

HC: Grant Aungst, Kevin Ball, Cliff Calaway, Gary Elswick, Drew Flood, Rich Kassouf, Pam Plavecski, Dan Robson and John Rocha

Staff: Kathy Breitenbucher, Bethany Dentler (Acting Housing Officer) and Annie Fink, Medina County Economic Development Corporation.

Absent: David Ivory and Tom Steinke

Welcome and Introductions: Mr. Rocha called the meeting to order at 4:00 p.m. Ms. Dentler introduced herself to the Housing Council and thanked everyone for their time and participation. Introductions were made by Members of the Housing Council and guests.

Purpose of Housing Council: Ms. Dentler explained the purpose of the Housing Council is to annually evaluate the “facility maintenance” of the abated properties and to make recommendations to Brunswick City Council to “continue, suspend or terminate” the abatements on all active Community Reinvestment Area (CRA) projects.

Ms. Dentler continued to explain background information on local housing. She stated the benefits to the city and economic development aides to attract new businesses to the area. She said the Pre-94 CRA’s do not require an agreement or negotiation ahead of time, nor do they require new workers in the facility, although this data is requested on the tax abatement application.

2016 Approval of Minutes: Ms. Dentler stated that the March 9, 2016 Housing Council minutes needed approval. Mr. Kassouf made a motion to accept the minutes. Mr. Aungst seconded the motion. All were in favor. Motion approved.

2016 Annual Inspections/Recommendations: Mr. Drew Flood, City of Brunswick Building Inspector, presented the 2016 inspection report. Mr. Flood reported that he had conducted 31 inspections in the north and south areas of the Industrial Park and along Center Road.

He stated all buildings remain in good exterior and interior shape and were in compliance to the codes. He also added that all space is being utilized by the businesses. It is Mr. Flood’s recommendation for the City of Brunswick to continue all abatements for the 2016 year. Ms. Dentler commended Mr. Flood on his visibility throughout the City, which will keep companies focused on Brunswick as expansion needs arise for their businesses.

Ms. Dentler summarized the 2016 activity. She noted that some of the original property owners may no longer be there, but the CRA tax abatement is with the building, not the tenant.

There were 8 expirations in 2016:

o Technical Tool & Gage	13 jobs
o General Parts, Inc. (Carquest)	52 jobs
o ICS Labs	3 jobs
o DMS Properties	40 jobs
o Integrated Marketing Technologies	48 jobs
o Gladish Multi-Tenant Phase I & II	15 jobs
o Prism Powder Coatings	25 jobs
o Swiss Machine Tool Technology	2 jobs

There were 3 additions in 2016's calendar year:

o Panteck Properties (Brunswick Auto Mart)	10 - 20 jobs
o JSB Properties (Technical Tool & Gage – remodel)	3 jobs
o LaFamiglia Properties (Antonio's)	40 jobs

Ms. Dentler reported that since its inception, the Brunswick CRA program has qualified 132 projects, representing a total investment into the community of \$202,000,000 and bringing 2,242 new full time positions. To date, 92 of the projects have successfully been expired and 40 remain active.

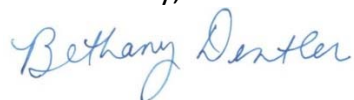
Mr. Rocha asked for a motion to accept the 2016 status report. Mr. Elswick motioned to accept the 2016 status report as presented by Mr. Flood and to make a recommendation to Brunswick City Council to continue all active agreements in 2017. Mr. Kassouf seconded. All were in favor.

Old Business: None.

New Business: Mr. Rocha asked if there were any projects underway that would qualify for a tax abatement in 2017. Mr. Aungst stated that a project is still in the development phase due to construction not yet being completed on the project. He also said that Murphy Tractor and a new hotel will qualify for the grant. Additionally, Mr. Aungst disclosed that Scene 75 may also apply for a CRA if their remodel increases the value of the existing building.

Adjourn: Mr. Rocha asked if there were any other questions or concerns. Hearing none, Mr. Elswick motioned to adjourn the meeting. Mr. Aungst seconded the motion. All were in favor. Mr. Rocha adjourned the meeting at 4:16 p.m.

Submitted by,



Bethany J. Dentler, Executive Director MCEDC
Brunswick CRA Housing Manager

MAYOR
RON FALCONI

CITY OF BRUNSWICK

COUNCIL
MICHAEL J. ABELLA, JR
ANTHONY P. CAPRETTA
NICHOLAS HANEK
PATRICIA HANEK
ALEX V. JOHNSON
BRIAN K. OUSLEY
JOSEPH SALZGEBER

ACTING CITY MANAGER
CARL S. DEFOREST

2/15/17

I Drew Flood had the pleasure of conducting the Community Reinvestment Area Inspections for calendar year 2016. Over the course of the last six weeks, I have conducted approximately thirty one (31) inspections of businesses in the North and South Industrial parks and along Center Rd. I am proud to report to you this afternoon that all of the businesses that I was able to get into were in compliance. There are no major problems to report. All of the buildings are in good condition inside and out. I do have a couple of businesses that I am waiting to hear back from at this time. I would like to recommend that all buildings are to continue the current abatements. Thank you for allowing me to conduct the inspections for this year and I hope to continue them in the future.

Thank you,



Drew L. Flood

Building Inspector

City of Brunswick



4095 CENTER ROAD - BRUNSWICK, OHIO 44212

CITY HALL PHONE: (330) 225-9144 - FAX: (330) 273-8023 - POLICE & FIRE PHONE: (330) 225-9111 - FAX: (330) 225-6002
<http://www.brunswick.oh.us>



OHIO COMMUNITY REINVESTMENT AREA (CRA) PROGRAM

2016 CRA STATUS REPORT FOR CRA'S CREATED BEFORE JULY 1, 1994**

**Attach a separate status report for each CRA within this jurisdiction.

1. Name of Jurisdiction:	Brunswick, OH		7. Housing Officer Name:	Bethany Dentler	
2. Name/Identification of CRA	Brunswick Community Reinvestment Area		8. Housing Officer Title:	MCEDC Executive Director	
3. Dated Created:	11-Mar-87	<u>1st amendment:</u>	9. Housing Officer Address:	144 N. Broadway Street, Medina, OH 44256	
4. Expiration Date (if any):		12/2/2009	10. Housing Officer Phone:	330-722-9215	
5. Secret Question (choose 1 from dropdown menu):	What is your favorite sports team?		11. Housing Officer Fax:	330-764-8449	
6. Answer to Secret Question:			12. Housing Officer Email:	bdentler@medinacounty.org	

13. List ALL activities and projects for which an exemption has been granted in the CRA area and current status*:

*Attach additional pages if necessary to fully describe project status.

Name/Property Identification	Date Project Certified	Type of Project R=Residential C=Commercial I=Industrial	Percent of Exemption	Term of Exemption	Total Project Investment	Total Real Property Investment Subject to Exemption	# of Jobs Created	Other Exemptions Involved	Date of Most Recent Housing Council Review	Current Status
Brunswick Auto World	09/11/87	C	70%	15	***	\$861,314	35	N/A	3/17/2004	Expired 2003
Business Center II	12/08/87	I	70%	15	***	\$872,200	125	N/A	3/17/2004	Expired 2003
International Machining	12/08/87	I	70%	15	***	\$234,800	20	N/A	3/17/2004	Expired 2003
Symatic, Inc.	04/04/88	I	70%	15	***	\$830,914	25	N/A	3/10/2005	Expired 2004
Nationwide I	12/20/88	I	70%	15	***	\$635,114	100	N/A	3/10/2005	Expired 2004
Marksman Autobody	01/18/89	C	55%	10	***	\$34,914	2	N/A	3/15/2001	Expired 2000
Sharp Tool Service	01/18/89	I	70%	15	***	\$381,057	15	N/A	3/2/2006	Expired 2005
Burrows Company	01/18/89	I	70%	15	***	\$290,314	12	N/A	3/2/2006	Expired 2005
Brunswick Auto Mart II	10/31/89	C	55%	10	***	\$159,600	5	N/A	3/2/2006	Expired 2000
P & W Properties	01/29/90	I	70%	15	***	\$121,343	50	N/A	3/2/2006	Expired 2005
Gales Garden Center	11/01/90	C	70%	15	***	\$880,943	25	N/A	3/2/2006	Expired 2005
CCC Coffee	11/01/90	I	70%	15	***	\$146,543	20	N/A	3/2/2006	Expired 2005
Automation Tool & Die	11/01/90	I	70%	15	***	\$216,657	5	N/A	3/2/2006	Expired 2005
Tiremix, Inc.	11/01/90	I	70%	15	***	\$353,771	3	N/A	3/2/2006	Expired 2005
(above sold to All Const. Svcs., 6/95 & to ERS, 5/03)		I	Continuing	Continuing	***	No Change	13	N/A		
Brunswick Center IV	11/01/90	I	70%	15	***	\$921,800	125	N/A	3/2/2006	Expired 2005

580.00

2016 CRA STATUS REPORT - PRE 1994

BRUNSWICK, OHIO

Name/Property Identification	Date Project Certified	Type of Project R=Residential C=Commercial I=Industrial	Percent of Exemption	Term of Exemption	Total Project Investment	Total Real Property Investment Subject to Exemption	# of Jobs Created	Other Exemptions Involved	Date of Most Recent Housing Council Review	Current Status
RocCorp, Inc.	11/05/90	I	70%	15	***	\$267,428	8	N/A	3/1/2007	Expired 2006
CMP Manufacturing	11/05/90	I	70%	15	***	\$217,028	15	N/A	3/1/2007	Expired 2006
Michael Reindel	11/29/90	R	100%	5	***	\$5,542	0	N/A	3/1/1996	Expired 1995
Cleveland Trailer Sales	02/05/91	C	70%	15	***	\$82,829	2	N/A	3/1/2007	Expired 2006
Pacific Tool & Die	02/05/91	I	70%	15	***	\$389,485	10	N/A	3/2/2006	Expired 2005
Sharp Tool Service	02/04/91	I	55%	10	***	\$93,028	3	N/A	3/12/2003	Expired 2002
GEM Instruments	02/05/91	I	70%	15	***	\$325,771	8	N/A	3/2/2006	Expired 2005
Universal Seal Products	02/05/91	I	70%	15	***	\$233,171	10	N/A	3/2/2006	Expired 2005
Schembri Building	02/05/91	I	70%	15	***	\$425,457	30	N/A	3/2/2006	Expired 2005
Stoy Machine	02/06/91	I	70%	15	***	\$359,542,15	15	N/A	3/1/2007	Expired 2006
Larson Surfa-Shield	02/12/91	I	70%	15	***	\$249,314	20	N/A	3/2/2006	Expired 2005
RonLen Industries	04/16/91	I	55%	10	***	\$257,029	7	N/A	3/12/2003	Expired 2002
Tru-Green	04/16/91	I	70%	15	***	\$358,114	20	N/A	3/1/2007	Expired 2006
BOCO Enterprises	12/19/91	I	70%	15	***	\$278,600	12	N/A	3/4/2008	Expired 2007
Philpott Rubber	12/19/91	I	70%	15	***	\$789,685	25	N/A	3/4/2008	Expired 2007
Modern Machine	06/05/92	I	55%	10	***	\$11,543	2	N/A	3/17/2004	Expired 2003
Business Center III	01/28/92	I	70%	15	***	\$921,800	50	N/A	3/2/2006	Expired 2005
Columbia Chemical	02/18/93	I	70%	15	***	\$414,000	20	N/A	3/1/2007	Expired 2006
Cleveland Trailer Sales	02/26/93	I	70%	15	***	\$26,429	0	N/A	3/1/2007	Expired 2006
Die-Mension Corporation	10/15/93	I	70%	15	***	\$402,029	12	N/A	3/16/2009	Expired 2008
PEDCON, Inc.	01/10/94	I	70%	15	***	\$460,314	13	N/A	3/16/2009	Expired 2008
Schembri Building	06/21/94	I	55%	10	***	\$279,029	5	N/A	3/2/2006	Expired 2005
LESCO, Inc.	07/13/94	I	70%	15	\$375,000	\$170,257	6	N/A	3/15/2010	Expired 2009
Designer Showcase	09/13/94	I	70%	15	\$625,306	\$480,200	16	N/A	3/15/2010	Expired 2009
G.R.A. Associates	10/20/94	I	70%	15	\$4,905,000	\$1,648,914	103	E/Z	3/15/2010	Expired 2009
Ditch Witch of Ohio	12/01/94	I	70%	15	\$615,880	\$222,000	8	N/A	3/15/2010	Expired 2009
Columbia Chemical	04/03/95	I	55%	10	\$227,837	\$212,714	4	N/A	3/17/2004	Expired 2005
McVeigh Material Handling Equip.	04/27/95	I	70%	15	\$825,000	\$302,629	10	N/A	3/15/2010	Expired 2009
CCC Coffee	07/06/95	I	70%	15	\$70,000	\$4,600	0	N/A	3/10/2011	Expired 2010
Rainbow Cultured Marble	09/05/95	I	70%	15	\$330,000	\$203,771	5	N/A	3/10/2011	Expired 2010
Bohler-Uddeholm Corp.	03/29/96	I	70%	15	\$9,120,041	\$1,243,171	16	N/A	3/10/2011	Expired 2010
M-Line	09/17/96	I	70%	15	\$489,600	\$284,714	5	N/A	3/10/2011	Expired 2010

2016 CRA STATUS REPORT - PRE 1994

BRUNSWICK, OHIO

Name/Property Identification	Date Project Certified	Type of Project R=Residential C=Commercial I=Industrial	Percent of Exemption	Term of Exemption	Total Project Investment	Total Real Property Investment Subject to Exemption	# of Jobs Created	Other Exemptions Involved	Date of Most Recent Housing Council Review	Current Status
Marksman Autobody	11/15/96	C	55%	10	\$471,000	\$113,229	3	N/A	3/1/2007	Expired 2006
Lancaster Bingo Comp., Inc.	11/15/96	I	70%	15	\$1,206,500	\$505,743	6	N/A	3/14/2012	Expired 2011
Tru-Cut Saw, Inc.	11/15/96	I	70%	15	\$1,160,699	\$418,514	3	N/A	3/14/2012	Expired 2011
Scherba Industries, Inc.	12/27/96	I	70%	15	\$1,680,000	\$1,364,600	5	N/A	3/14/2012	Expired 2011
Positool Technologies, Inc.	03/26/97	I	70	15	\$811,555	\$192,857	10	N/A	3/19/2013	Expired 2012
Automation Tool & Die	11/11/97	I	55	10	\$633,500	\$102,485	2	N/A	3/4/2008	Expired 2008
W & G Properties, L.T.D.	11/12/97	I	70	15	\$700,000	\$441,257	12	N/A	3/19/2013	Expired 2012
Norm King Construction	12/04/97	I	70	15	\$280,000	\$64,857	2	N/A	3/19/2013	Expired 2012
PoMaCon	02/18/98	I	70	15	\$940,000	\$765,000	12	N/A	3/12/2014	Expired 2013
JVC Enterprises	06/30/98	I	70	15	\$505,000	\$475,000	5	N/A	3/12/2014	Expired 2013
RocCorp	06/30/98	I	70	15	\$330,000	\$250,000	3	N/A	3/12/2014	Expired 2013
NORCO Computer Systems	12/04/98	I	70	15	\$2,910,000	\$2,000,000	25	N/A	3/12/2014	Expired 2013
Stoy Machine	11/24/98	I	70	15	\$415,700	\$248,000	3	N/A	3/12/2014	Expired 2013
Bus. Ctr. III/IV, Stanley Steamer **	02/09/99	I	70	15	\$65,553	\$65,553	5	N/A	3/18/2015	Expired 2014
Bus. Ctr. III/IV, Planergy	02/09/99	I	70	15	\$55,200	\$55,200	5	N/A	3/18/2015	Expired 2014
Bus. Ctr. III/IV, Great Lakes Power **	02/09/99	I	70	15	\$89,850	\$89,850	10	N/A	3/18/2015	Expired 2014
Bus. Ctr. III/IV, Groenvelde Transp. **	02/09/99	I	70	15	\$93,700	\$93,700	8	N/A	3/18/2015	Expired 2014
Bus. Ctr. III/IV, Reynolds Mach. **	02/09/99	I	70	15	\$85,130	\$85,130	12	N/A	3/18/2015	Expired 2014
Bus. Ctr. III/IV, BASF	02/09/99	I	70	15	\$133,510	\$133,510	8	N/A	3/18/2015	Expired 2014
Bus. Ctr. III/IV, Balzer's Tool Coat. **	05/03/99	I	55	10	\$203,375	\$203,375	8	N/A	3/16/2009	Expired 2008
Bus. Ctr. III/IV, Modern Machine **	05/03/99	I	55	10	\$56,314	\$56,314	5	N/A	3/16/2009	Expired 2008
Formatech, Inc.	09/23/99	I	70	15	\$857,313	\$857,313	5	N/A	3/18/2015	Expired 2014
Bus. Ctr. I/II, Great Lakes Mailing **	09/23/99	I	55	10	\$118,570	\$526,250	12	N/A	3/15/2010	Expired 2009
Johnson Products	10/04/99	I	70	15	\$440,000	\$390,000	6	N/A	3/18/2015	Expired 2014
International Certification Services **	11/24/99	I	70	15	\$295,000	\$295,000	7	N/A	3/18/2015	Expired 2014
Rockstedt Tool & Die, Inc.	12/14/99	I	70	15	\$2,975,000	\$1,925,000	30	N/A	3/18/2015	Expired 2014
ABC, Inc.	12/20/99	I	70	15	\$705,000	\$475,000	8	N/A	3/18/2015	Expired 2014
Designer Showcases, Inc.	12/20/99	I	70	15	\$920,908	\$370,900	5	N/A	3/18/2015	Expired 2014
Columbia Chemical	12/23/99	I	70	15	\$157,800	\$157,800	2	N/A	3/18/2015	Expired 2014
Quad Fluid Dynamics	09/26/00	I	70	15	\$1,240,026	\$861,329	8	N/A	3/9/2016	Expired 2015
Fremar Industries	09/26/00	I	70	15	\$3,071,559	\$1,047,000	21	N/A	3/9/2016	Expired 2015
Bohler Uddeholm Corp.	12/08/00	I	70	15	\$2,090,743	\$371,549	4	N/A	3/9/2016	Expired 2015

2016 CRA STATUS REPORT - PRE 1994

BRUNSWICK, OHIO

Name/Property Identification	Date Project Certified	Type of Project R=Residential C=Commercial I=Industrial	Percent of Exemption	Term of Exemption	Total Project Investment	Total Real Property Investment Subject to Exemption	# of Jobs Created	Other Exemptions Involved	Date of Most Recent Housing Council Review	Current Status
Columbia Chemical Corp.	12/08/00	I	70	15	\$161,587	\$161,587	2	N/A	3/9/2016	Expired 2015
Litehouse Products	12/08/00	I	70	15	\$8,485,000	\$4,010,000	85	N/A	3/9/2016	Expired 2015
Macho Tool & Supply	12/08/00	I	70	15	\$437,000	\$382,000	4	N/A	3/9/2016	Expired 2015
Gem Instruments Multi-Tenant	12/19/00	I	70	15	\$1,265,000	\$525,000	30	N/A	3/9/2016	Expired 2015
Technical Tool & Gage	05/18/01	I	70	15	\$1,688,998	\$1,110,085	13	N/A	2/15/2017	Expired 2016
General Parts, Inc (CarQuest)	05/18/01	I	70	15	\$10,325,740	\$4,356,740	52	N/A	2/15/2017	Expired 2016
ICS Labs	05/18/01	I	70	15	\$110,000	\$110,000	3	N/A	2/15/2017	Expired 2016
DMS Properties	11/15/01	I	70	15	\$2,100,000	\$1,700,000	40	N/A	2/15/2017	Expired 2016
Integrated Marketing Technologies	11/15/01	I	70	15	\$2,850,000	\$2,500,000	48	N/A	2/15/2017	Expired 2016
Gladish Multi-Tenant Phase I & II**	12/20/01	I	70	15	\$950,000	\$950,000	15	N/A	2/15/2017	Expired 2016
Prism Powder Coatings, Ltd.	12/20/01	I	70	15	\$3,403,000	\$2,623,000	25	N/A	2/15/2017	Expired 2016
Swiss Machine Tool Technology	12/20/01	I	70	15	\$610,000	\$600,000	2	N/A	2/15/2017	Expired 2016
Tanner Properties Multi-Tenant**	01/16/02	I	70	15	\$1,535,000	\$1,535,000	0	N/A	2/15/2017	Continue
FormaTech, Inc. Expansion	02/01/02	I	70	15	\$468,500	\$450,000	3	N/A	2/15/2017	Continue
W&G Properties Multi-Tenant**	03/27/02	I	70	15	\$350,000	\$300,000	6	N/A	2/15/2017	Continue
Designer Showcases Expansion #2	05/28/02	I	70	15	\$2,370,900	\$1,770,900	20	N/A	2/15/2017	Continue
A. G. Industries, Ltd.	03/12/03	I	70	15	\$895,000	\$570,000	10	N/A	2/15/2017	Continue
All Construction Services	08/11/03	I	70	15	\$2,450,000	\$2,000,000	10	N/A	2/15/2017	Continue
Champion Contracting	03/05/04	I	70	15	\$2,120,000	\$1,100,000	5	N/A	2/15/2017	Continue
Wolverton Pet Food Company	05/27/04	I	70	15	\$2,861,329	\$1,735,050	17	N/A	2/15/2017	Continue
Columbia Chemicals Bldg 2	06/22/04	I	70	15	\$593,000	\$558,000	3	N/A	2/15/2017	Continue
M-Line Expansion	07/30/04	I	70	15	\$595,000	\$385,000	1	N/A	2/15/2017	Continue
IMT Triplewood Expansion	08/04/04	I	70	15	\$551,250	\$530,000	10	N/A	2/15/2017	Continue
M.A.S. Industrial Multi-Tenant**	08/16/04	I	70	15	\$696,337	\$696,337	28	N/A	2/15/2017	Continue
Total Performance Services, Inc.	12/14/04	I	70	15	\$2,000,000	\$1,000,000	7	N/A	2/15/2017	Continue
Destiny Manufacturing Expansion	12/29/04	I	70	15	4,500,000	2,000,000	25	EZ	2/15/2017	Continue
Scherba Industries	02/01/05	I	70	15	659,713	481,553	8	N/A	2/15/2017	Continue
Galley Printing	04/06/05	I	70	15	4,970,805	2,045,805	35	N/A	2/15/2017	Continue
IPN Pride A&B	6/00/05	I	70	15	3,000,000	3,000,000	32	N/A	2/15/2017	Continue

2016 CRA STATUS REPORT - PRE 1994

BRUNSWICK, OHIO

Name/Property Identification	Date Project Certified	Type of Project R=Residential C=Commercial I=Industrial	Percent of Exemption	Term of Exemption	Total Project Investment	Total Real Property Investment Subject to Exemption	# of Jobs Created	Other Exemptions Involved	Date of Most Recent Housing Council Review	Current Status
Tanner Properties	8/00/05	I	55	10	\$2,460,022	\$195,000	24	N/A	3/9/2016	Expired 2015
Triplewood Properties	10/24/05	I	70	15	\$1,957,110	\$1,327,110	16	N/A	2/15/2017	Continue
Mack Industries, Inc.	10/24/06	I	70	15	\$2,750,000	\$2,500,000	18	N/A	2/15/2017	Continue
Yost Foods	12/20/06	I	70	15	\$1,116,000	\$896,000	1.5	N/A	2/15/2017	Continue
Designer Showcases/GB-OS	06/19/07	I	70	15	\$7,098,994	\$5,811,852	6	N/A	2/15/2017	Continue
Pantek Properties, LLC	03/20/08	I	70	15	\$11,874,000	\$4,100,000	45	N/A	2/15/2017	Continue
Crestmont Hyundai	04/23/08	I	70	15	\$4,100,000	\$2,700,000	40	N/A	2/15/2017	Continue
Columbia Chemical	02/18/09	I	70	15	\$4,357,388	\$3,500,290	10	N/A	2/15/2017	Continue
Digestive Disease Consultants	08/17/09	I	70	15	\$6,560,000	\$6,200,000	20	N/A	2/15/2017	Continue
Springer Holdings LLC	03/16/10	I	100	15	\$1,011,896	\$749,896	1	N/A	2/15/2017	Continue
*Ultimate Developing LLC	09/08/10	I	100	15	\$541,100	\$250,000	25	N/A	2/15/2017	Continue
Oaks Family Care Center	8/9/2011	I	100	12	\$220,000	\$220,000		N/A	2/15/2017	Continue
Controlled Access	01/26/12	I	100	15	\$572,000	\$572,000	14	N/A	2/15/2017	Continue
Giant Eagle	06/29/12	C	100	12	\$13,200,000	\$13,200,000	35	N/A	2/15/2017	Continue
LCG Enterprises	07/01/13	C	100	15	\$1,175,000	\$125,000		N/A	2/15/2017	Continue
922 Pearl LLC	07/26/13	C	100	15	\$493,000	\$320,000	4	N/A	2/15/2017	Continue
AFE, LLC	09/17/13	C	100	12	\$2,066,000	\$1,450,000	15	N/A	2/15/2017	Continue
Linda & Leonard Lutch (Ronlen Industries)	01/07/14	I	100	12	\$925,000	\$675,000	3	N/A	2/15/2017	Continue
Phillip Klonowski (Klassic Custom Decks)	02/26/14	C	100	12	\$673,340	\$500,000	2	N/A	2/15/2017	Continue
Pantek Properties II (Brunswick Auto Mart)	08/21/14	C	100	15	\$8,085,500	\$5,754,000	65	N/A	2/15/2017	Continue
SIMA Rostami (Alireza Karbassi, Inc.)	10/17/14	C	100	12	\$407,356	\$378,502	0	N/A	2/15/2017	Continue
Pantek Properties II (Brunswick Auto Mart)	06/22/16	C	100	15	\$8,251,567	\$6,100,000	15	N/A	2/15/2017	Continue
JSB Properties (Technical Tool & Gage, Inc.)	02/02/16	I	100	12	\$986,309	\$526,309	3	N/A	2/15/2017	Continue
LaFamiglia Properties, LLC	10/4/16	C	100	15	\$1,825,000	\$110,000	40	N/A	2/15/2017	Continue

*Equivalent FTE comprised of Part time employees



Bethany Dentler

Acting Housing Officer

Title

February 15, 2017

Date

CITY OF BRUNSWICK, OHIO

ORDINANCE NO. 18-17

BY: Committee-of-the-Whole

AN EMERGENCY ORDINANCE ADOPTING THE RECOMMENDATION OF THE BRUNSWICK COMMUNITY REINVESTMENT AREA HOUSING COUNCIL TO CONTINUE ALL ACTIVE AGREEMENTS IN 2017, ACCEPTING THE 2016 CRA STATUS REPORT

WHEREAS: The Brunswick Community Reinvestment Area Housing Council met on February 15, 2017, as required by the Ohio Revised Code, for the purpose of evaluating facility maintenance of abated properties and to make recommendation to Brunswick City Council to continue all active agreements in 2017 in the Brunswick Community Reinvestment Area and accepting the 2016 CRA Status Report, attached hereto as Exhibit "A." Minutes of the Brunswick Community Reinvestment Area Housing Council on February 15, 2017 are attached as Exhibit "B."

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That this Council does hereby accept the recommendation of the Brunswick Community Reinvestment Area Housing Council to continue all active agreements in 2017 in the Brunswick Community Reinvestment Area and accept the 2016 CRA Status Report, attached hereto as Exhibit "A." Minutes of the Brunswick Community Reinvestment Area Housing Council on February 15, 2017 are attached as Exhibit "B."

SECTION 2: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, welfare and safety, and for the additional reason that adopting the recommendation of the Brunswick Community Reinvestment Area Housing Council must be submitted to the State of Ohio Development Services Agency no later than March 31, 2017. 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
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 03/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager
Paul Barnett

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 19-17** - An emergency resolution authorizing the City Manager to enter into an agreement with Patch Management, Inc. to perform pothole and roadway repairs in an amount not to exceed \$40,000.00 - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, Administration/Paul Barnett)

BACKGROUND: The City has successfully contracted with Patch Management, Inc. to supply the City of Brunswick with the pothole killer machine and operator from 2013 thru 2016 as an economical, efficient, and safe method that is environmentally responsible to perform pothole repairs.

PURPOSE AND EXPLANATION: Under this contract, Patch Management, Inc. would be scheduled to provide approximately 40 hours of patching in each of the 4 Wards for a total of 160 hours and a total of approximately 100 tons of material.

IMPLEMENTATION SCHEDULE: Anticipate starting program in April or May 2017.

Three readings as an emergency..

FINANCIAL INFORMATION: Patch Management, Inc. Pothole Killer -- \$40,000.00 - 117-0420-54263 -- 40

FINANCIAL SUMMARY: Not to exceed \$40,000.

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?

It is requested that the proposed legislation be read 3 times and then passed without the 30 day waiting period for adoption in order to provide the service in the spring of 2017.

**ADDITIONAL
INFORMATION:**

Patch Management, Inc
451 Tyburn Road
Fairless Hills, PA 19030



TM

Telephone: 215 949-9400
Fax: 215 949-3166
E-mail: crb@potholekillers.com

January 16, 2017

Mr. Paul Barnett, P. E,
Director of Public Works
City of Brunswick Ohio
1238 West 130th Street
Brunswick, OH 44212

Dear Mr. Barnett.

Thank you for requesting Patch Management Inc. provide, you with a proposal to perform spray injection repairs for your City. We have outlined the project hereafter that will include the labor, equipment, with the materials to place 100 tons of materials. Because we do not know the extent of the roadway damages in your City, we have based this proposal on our experience and have provided you with a proposal that includes the equipment, labor and materials that will be put in place at a fixed value.

Scope of services:

PMI will supply one specialized spray injection (PK2000) truck with a skilled operator on a daily basis to perform the pothole and other roadway repairs that our equipment is capable of performing. We will operate under the direction of your designated staff member during this period. We can work 8-10 hours a day, and if weather permits 6 days per week.

Materials:

Patch Management will provide the materials that are proven, successful for spray injection patching to your agency as identified herein. The emulsion provided will be suitable for the weather conditions when the application is being applied this will be determined by PMI technicians i.e., below 50 degrees, PMI will provide our proprietary winter blend MMPP asphalt emulsion, above 50 degrees PMI will provide our standard summer asphalt emulsion. PMI will also provide the properly sized and washed aggregate to support the spray injection repair application. The materials used are not required to carry U.S. DOT placards.

PK2000 Leasing – PK2000 Contract Services- PK2000 Sales
www.fixroad.com



Page 1 of 3

This information is confidential, and cannot be reproduced in any manner without written permission from PMI
PK2000 Systems are proprietary and protected by U.S. Patent and or Patents Pending

Patch Management, Inc
451 Tyburn Road
Fairless Hills, PA 19030



TM

Telephone: 215 949-9400
Fax: 215 949-3166
E-mail: crb@potholekillers.com

Equipment:

One PK2000 Spray Patcher

The spray injection patcher will be a PK2000 with the Patch Management proprietary systems in place the unit will have an onboard ICC-recirculation flush system capable of cleaning the asphalt emulsion system without the use of hazardous materials. The cleaning of the asphalt emulsion system will not incorporate the discharge of any materials outside the system. The patcher will be equipped with patch on the fly, providing the capability to perform linear patching while moving in a forward or reverse direction,

The patcher will be equipped with a directional arrow board mounted on the rear of the patcher capable of providing a visual warning to pedestrians and approaching vehicles. The CITY OF BRUNSWICK OHIO shall provide any additional traffic control required.

We thank you for this opportunity and look forward to assisting you with the pothole maintenance program as outlined.

If you agree with this proposal and our approach please have an authorized representative execute and fax this page back to Patch Management, Inc., at 215 949-3166 and we will prepare a schedule for your review and approval.

Cost structure:

Under this proposal, PMI will provide you with the materials, equipment, and labor to place 100 tons of materials using the spray injection patching application for a total of thirty nine thousand five hundred (\$39,500.00) dollars).

If after we have completed the initial activity and you still have repairs you require to be completed because we are on location we can perform up to 40 hours of additional patching services at \$250.00 dollars per hour.

Submitted by: _____
Craig R. Baclit, President

Date: _____

Approved _____
Authorized Representative

Date: _____

PK2000 Leasing – PK2000 Contract Services- PK2000 Sales
www.fixroad.com



Page 2 of 3

This information is confidential, and cannot be reproduced in any manner without written permission from PMI
PK2000 Systems are proprietary and protected by U.S. Patent and/or Patents Pending

Patch Management, Inc
451 Tyburn Road
Fairless Hills, PA 19030



Telephone: 215 949-9400
Fax: 215 949-3166
E-mail: crb@potholekillers.com

This is the most economical, efficient, and safest method that is an environmentally responsible application to perform pothole and asphalt repairs year round. We thank you for this opportunity and look forward to assisting you with the pothole maintenance program as outlined. If you have any questions please contact us at 215 949-9400, again we thank you for this opportunity.

NOTE:

Because of the demand for this equipment, and the services of PMI, if you intend to approve of this proposal please understand, upon our receiving your executed and approved document you will be placed into the queue for scheduling, and when a time and date has been confirmed you will be notified of the scheduled start date. We currently have a 25-day backlog.

If you have any questions please contact us at 215 949-9400, again we thank you for this opportunity.

Respectfully,

Craig R. Baclit
Craig R. Baclit, President
Patch Management, Inc.
451 Tyburn Road
Fairless Hills, PA 19030
crb@potholekillers.com
www.fixroad.com
Toll Free: 1877-FIX-ROAD (349-7623)
(F) 215 949-3166

Cc: Brian J. Preski, Dir Government Affairs
T:\PROPOSALS\BRUNSWICK1162017.PB1.docx

PK2000 Leasing – PK2000 Contract Services- PK2000 Sales
www.fixroad.com



Page 3 of 3

This information is confidential, and cannot be reproduced in any manner without written permission from PMI
PK2000 Systems are proprietary and protected by U S Patent and or Patents Pending

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PATCH MANAGEMENT, INC. TO PERFORM POTHOLE AND ROADWAY REPAIRS IN AN AMOUNT NOT TO EXCEED \$40,000.00.

WHEREAS: It is necessary to perform pothole and roadway repairs in the City; and

WHEREAS: The spray injection patching equipment utilized by Patch Management, Inc. is proprietary in nature and unique to Patch Management, Inc., and therefore not subject to competitive bidding.

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

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby authorized and directed to enter into an Agreement with Patch Management, Inc., to perform pothole and roadway repairs in an amount not to exceed \$40,000.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to perform such pothole and roadway repairs during the 2017 construction season. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barbara J. Ortiz, CMC

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 19-17

BY: Mr. Salzgeber, Mr. Hanek and Mr. Ousley

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PATCH MANAGEMENT, INC. TO PERFORM POTHOLE AND ROADWAY REPAIRS IN AN AMOUNT NOT TO EXCEED \$40,000.00.

WHEREAS: It is necessary to perform pothole and roadway repairs in the City; and

WHEREAS: The spray injection patching equipment utilized by Patch Management, Inc. is proprietary in nature and unique to Patch Management, Inc., and therefore not subject to competitive bidding.

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

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby authorized and directed to enter into an Agreement with Patch Management, Inc., to perform pothole and roadway repairs in an amount not to exceed \$40,000.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to perform such pothole and roadway repairs during the 2017 construction season. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 03/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager
Paul Barnett

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 20-17** - An emergency resolution authorizing the City Manager to enter into an agreement with Cintas Corporation for the rental and maintenance of uniforms, walk-off mats and shop towels pursuant to submitted bid prices - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Paul Barnett*)

BACKGROUND: Bids were opened on February 7, 2017 with two bidders. The existing contract is over April 30, 2017. The Divisions of Streets, Parks and Building have been using the contract for uniform rental and all divisions of the city have been using this same agreement for walk-off mats and shop towels.

PURPOSE AND EXPLANATION: This contract will be used by all divisions of the city for walk-off mats and shop towels. The divisions of Streets, Parks and Building will use this contract for uniform rental.

IMPLEMENTATION SCHEDULE: See attached spreadsheet.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Annual expenditures for this contract are subject to sufficient Council adopted appropriations and approved/certified purchase orders pursuant to Ohio Revised Code Section 5705.41.

Expenditures for this contract will vary based on the usage requested and the certified po amounts for the various departments and associated account codes.

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?

Requesting three readings and Emergency for this legislation to eliminate the 30 day waiting period to insure a continuation of the services being provided without interruption. The existing contract expires on April 30, 2017.

**ADDITIONAL
INFORMATION:**

BID NO. 2017-002

UNIFORM RENTAL
5/1/17 through 4/30/20

Revised 2-27-2017

Proponent	Service				Building Inspection		Parks			Miscellaneous Items								
	12 Emp 5 chg/wk 11 shirts & pants	Year Total Drivers	2 Emp 5 chg/wk 11 shirts & pants	Year Total Mechanics	Per Year Total Service	5 Emp Exec Wear 11 shirts & pants	Total Building	7 Emp 3 chgs/wk short pants 7/emp	2 Emp 5 chgs/wk short pants 11/emp	Total Parks	Replace Cost per Shirt	Replace Cost per Pants	Set-up Fee 1xChg	Weekly Service Charge	Emp Name Per Emblem	Cost per Add'l City Furnished Emblem	Per City Emblem	New Emp Added to Service
Cintas Corporation 8221 Dow Circle East Strongsville, OH 44136	\$3.30	\$2,059.20	\$3.74	\$388.96	\$2,448.16	\$3.85	\$1,001.00	\$0.84 Not used	\$1.32	\$137.28	\$15.50	\$18.00	\$0.00	\$0.00	\$1.00	\$0.00	\$1.50	\$0.75
UniFirst Corporation 1450 East Granger Rd. Brooklyn Hts, OH 44131	\$3.72	\$2,321.28	\$5.70	\$592.80	\$2,914.08	\$4.45	\$1,157.00	\$1.07 Not used	\$1.69	\$175.76	\$14.42* \$9.60** \$13.40^	\$11.00^^ \$14.00** \$15.40* \$17.90^	\$0.50 Waived for initial install	\$2.05	\$1.35	\$0.00	\$1.25	\$0.50

* = Dress
** = Blend
^ = Cotton
^^ = Shorts

Proponent	3 x 3 Carpet per week	3 x 5 Carpet per week	4 x 6 Carpet per week	4 x 8 Carpet per week	3 x 10 Carpet per week	Shop Towels
Cintas Corporation 8221 Dow Circle East Strongsville, OH 44136	N/A	\$1.25	\$1.75	\$2.75	\$2.25	\$0.06
UniFirst Corporation 1450 East Granger Rd. Brooklyn Hts, OH 44131	N/A	\$1.25	\$2.00	N/A	\$2.50	\$0.052

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CINTAS CORPORATION FOR THE RENTAL AND MAINTENANCE OF UNIFORMS, WALK-OFF MATS AND SHOP TOWELS PURSUANT TO SUBMITTED BID PRICES.

WHEREAS: The City of Brunswick received two (2) bids in accordance with public bidding requirements; and

WHEREAS: The two (2) received public bids were opened on February 7, 2017 with Cintas Corporation determined to be the lowest and best bidder.

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

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby authorized and directed to enter into a three (3) year Agreement with Cintas Corporation, the lowest and best bidder, for the rental and maintenance of uniforms, walk-off mats and shop towels pursuant to submitted bid prices, subject to annual appropriations by City Council as required by law.

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 ensure continuation of services as the current contract expires on April 30, 2017. 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
Barbara J. Ortiz, CMC

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 20-17

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CINTAS CORPORATION FOR THE RENTAL AND MAINTENANCE OF UNIFORMS, WALK-OFF MATS AND SHOP TOWELS PURSUANT TO SUBMITTED BID PRICES.

WHEREAS: The City of Brunswick received two (2) bids in accordance with public bidding requirements; and

WHEREAS: The two (2) received public bids were opened on February 7, 2017 with Cintas Corporation determined to be the lowest and best bidder.

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

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby authorized and directed to enter into a three (3) year Agreement with Cintas Corporation, the lowest and best bidder, for the rental and maintenance of uniforms, walk-off mats and shop towels pursuant to submitted bid prices, subject to annual appropriations by City Council as required by law.

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 ensure continuation of services as the current contract expires on April 30, 2017. 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
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 03/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager
Paul Barnett

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 21-17** - An emergency resolution authorizing the City Manager to enter into an agreement with Always Green Landscaping, LLC to provide grass/weed mowing, debris clean-up services and branch trimming in an annual amount not to exceed \$23,700.00 pursuant to submitted bid prices - **1st Reading** (To be brought from Services, Technology & Cable Committee, *Administration/Paul Barnett*)

BACKGROUND: Bids were opened on February 7, 2017 with four bidders. Always Green Landscaping is the lowest and best bid of the four received. Enclosed is a copy of the bid tabulations. The previous contract expired in 2016. This work is for mowing of properties throughout the city that have high weeds and grass, branch and debris cleanup needs that violate city code. It also provides for continual mowing of various city owned properties.

PURPOSE AND EXPLANATION: The purpose of this legislation is to provide for the contracting of mowing, branch trimming and debris clean up throughout the City for violations of the City code and also provide continual mowing of various City owned properties.

IMPLEMENTATION SCHEDULE: Work to begin Spring of 2017 and continue through December 31, 2019.

FINANCIAL INFORMATION: - - General Fund #001 - 001-0880-54261 - -

FINANCIAL SUMMARY: This is a multi-year contract and as a result, all future years not currently budgeted by Council are subject to sufficient Council appropriations being in place prior to any funds being certified for those years of the contract. All expenditures for this contract must also be included on a certified purchase order from the Finance Director as required by Ohio Revised Code Section 5705.41.

For Fiscal Year 2017 - the estimated annual costs of \$23,700 for this contract is budgeted and currently available in account #001-0880-54261. A certified po for the 2017 estimated costs will be required if contract is approved.

The Council adopted appropriations for 2018 & 2019 have not yet been approved nor exist at the

time of this legislation.

**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?

The request for three readings and Emergency for this legislation is to eliminate the 30 day waiting period to insure the ability to react to high weed complaints upon the start of the mowing season. The existing contract has expired on December 31, 2016.

**ADDITIONAL
INFORMATION:**

GRASS AND WEED MOWING, DEBRIS CLEARING AND BRANCH TRIMMING

Revised 2-27 -2017

		2017				2018				2019				
Proponent	Rates/hour Vacant lot	Rates/hour Residential lot	Rate/month COP	Estimated Annual Total	Rates/hour Vacant lot	Rates/hour Residential lot	Rate/month COP	Estimated Annual Total	Rates/hour Vacant lot	Rates/hour Residential lot	Rate/month COP	Estimated Annual Total	Estimated 3 Year Total	Bid Bond or Check
Always Green Landscaping P. O. Box 758 Twinsburg, OH 44087	\$18.00	\$18.00	\$350.00	\$23,700.00	\$18.00	\$18.00	\$350.00	\$23,700.00	\$18.00	\$18.00	\$350.00	\$23,700.00	\$71,100.00	Check \$2,370
Circle Lawn Care LLC P. O. Box 1394 Medina, OH 44258-1394	\$28.50	\$28.50	\$300.00	\$36,000.00	\$28.50	\$28.50	\$300.00	\$36,000.00	\$28.50	\$28.50	\$300.00	\$36,000.00	\$108,000.00	No bid bond or check
Greenkeepers Lawn Service 5528 Lafayette Road Medina, OH 44256	\$34.00	\$34.00	\$470.00	\$43,620.00	\$34.00	\$34.00	\$470.00	\$43,620.00	\$34.00	\$34.00	\$470.00	\$43,620.00	\$130,860.00	Check \$4,362
NLCI Property Management 2352 Pearl Road Medina, OH 44256	\$60.00	\$40.00	\$233.33	\$55,399.98	\$60.00	\$40.00	\$240.00	\$55,440.00	\$60.00	\$40.00	\$245.00	\$55,470.00	\$166,309.98	Check \$6,800

COP indicates City Owned Properties

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ALWAYS GREEN LANDSCAPING, LLC TO PROVIDE GRASS/WEED MOWING, DEBRIS CLEAN-UP SERVICES AND BRANCH TRIMMING IN AN ANNUAL AMOUNT NOT TO EXCEED \$23,700.00 PURSUANT TO SUBMITTED BID PRICES.

WHEREAS: The City of Brunswick received four (4) bids for the provision of grass/weed mowing, debris clean-up services and branch trimming in accordance with public bidding requirements; and

WHEREAS: The four (4) received public bids were opened on February 7, 2017, with Always Green Landscaping, LLC determined to be the lowest and best bidder.

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

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby authorized and directed to enter into a three (3) year Agreement with Always Green Landscaping, LLC, the lowest and best bidder, for the provision of grass/weed mowing, debris clean-up services and branch trimming in an annual amount not to exceed \$23,700.00 pursuant to submitted bid prices, subject to annual appropriations by City Council as required by law.

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 ensure continuation of services. 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
Barbara J. Ortiz, CMC

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 21-17

BY: Mr. Salzgeber, Mr. Hanek and Mr. Ousley

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ALWAYS GREEN LANDSCAPING, LLC TO PROVIDE GRASS/WEED MOWING, DEBRIS CLEAN-UP SERVICES AND BRANCH TRIMMING IN AN ANNUAL AMOUNT NOT TO EXCEED \$23,700.00 PURSUANT TO SUBMITTED BID PRICES.

WHEREAS: The City of Brunswick received four (4) bids for the provision of grass/weed mowing, debris clean-up services and branch trimming in accordance with public bidding requirements;and

WHEREAS: The four (4) received public bids were opened on February 7, 2017, with Always Green Landscaping, LLC determined to be the lowest and best bidder.

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

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby authorized and directed to enter into a three (3) year Agreement with Always Green Landscaping, LLC, the lowest and best bidder, for the provision of grass/weed mowing, debris clean-up services and branch trimming in an annual amount not to exceed \$23,700.00 pursuant to submitted bid prices, subject to annual appropriations by City Council as required by law.

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 ensure continuation of services. 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
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 03/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 22-17** - An emergency resolution strongly opposing the State of Ohio Governor's proposed 2017-2018 Budget, which proposes centralized collection of net profit tax returns which will cause a loss of revenue needed to support the health, safety, welfare and economic development efforts of Ohio municipalities - **1st Reading** (To be brought from Finance Committee, Administration/Vice Mayor Hanek)

BACKGROUND: The proposal of State takeover of collection of municipal income taxes is an attack on home rule powers granted to the municipal corporations. With the recent reduction in LGF, elimination of Estate Tax and accelerated phase-out of promised reimbursement for loss of revenues due to the repeal of Tangible personal Property Tax have all resulted in an approximate maximum loss of revenue of \$725,000 annually. Municipal income tax is the single largest revenue source, which provides services, a positive quality of life for residents and businesses and any forced reduction in this revenue will have a negative impact on residents, creating an environment detrimental to retaining and attracting business in Ohio.

PURPOSE AND EXPLANATION: To oppose the Governor's proposed 2017-18 Budget to institute a state-operated program for the centralized collection of Ohio Municipal Income Tax.

IMPLEMENTATION SCHEDULE: Adopt this resolution on March 13, 2017 as an emergency with the suspension of the rules.

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?

Adopt on first reading as an emergency with the suspension of the rules.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO

RESOLUTION NO. 22-17

BY: Mrs. Hanek, Mr. Johnson and Mr. Salzgeber

AN EMERGENCY RESOLUTION STRONGLY OPPOSING THE GOVERNOR OF THE STATE OF OHIO'S PROPOSED 2017-2018 BUDGET, WHICH PROPOSES CENTRALIZED COLLECTION OF NET PROFIT TAX RETURNS AND, IF ADOPTED, WILL RESULT IN A LOSS OF REVENUE NECESSARY TO SUPPORT THE HEALTH, SAFETY, WELFARE AND ECONOMIC DEVELOPMENT EFFORTS OF OHIO MUNICIPALITIES.

WHEREAS: The Mayor and Council have been advised of a proposal by Ohio Governor Kasich and his administration to institute a state-operated program for the centralized collection of municipal income taxes;

WHEREAS: The proposal for a state takeover of collection of the municipal income taxes of municipal corporations such as City of Brunswick is a clear attack on the home rule powers granted to municipal corporations by the Ohio Constitution;

WHEREAS: The City of Brunswick strenuously objects to this latest attack on municipal home rule under consideration by the State of Ohio and urges all municipal corporations to make it clear to the Governor and General Assembly that this proposed usurpation of constitutionally granted home rule municipal power shall not take place without a vigorous legal challenge by affected municipal corporations;

WHEREAS: The recent reduction in the Local Government Fund, elimination of the Estate Tax and accelerated phase-out of promised reimbursement for loss of revenues due to the repeal of the Tangible Personal Property Tax have all resulted in an approximate maximum loss of revenue of \$725,000 annually;

WHEREAS: The City of Brunswick has and continues to desire to provide the personal services and assistance to its taxpayers and businesses in the preparation and filing of their municipal income tax reports and returns;

WHEREAS: Only municipalities can ensure the prompt and proper auditing of local municipal income tax returns to ensure all applicable deductions and declarations are reported, thus also ensuring that all taxpayers pay their fair share without causing higher costs of compliance for all, and must be able to do so without burdensome and costly restrictions included in the Governor's budget proposal created with the only purpose of restricting municipalities from correcting / auditing business municipal income tax return filings or making assessments;

WHEREAS: Provisions in this proposal will hamper municipalities' ability to audit and correct municipal income tax business returns, to equitably enforce the municipal income tax laws and has been crafted as a vehicle to control the administrative process of municipal income tax to the benefit of specific taxpayer interests; and

WHEREAS: The municipal income tax is the single largest revenue source, which provides funding for essential municipal services thereby promoting a positive quality of life that residents and businesses alike rely upon, and any forced reduction in this revenue will have a significant negative impact on residents and businesses, creating an environment detrimental to retaining and attracting business in Ohio.

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

Section 1: The Ohio General Assembly should request the immediate removal of all language pertaining to municipal income tax collection and administration in the Governor's 2017-2018 budget and should promote upcoming changes to the Ohio Business Gateway as a solution for businesses to file municipal income tax returns in a more simple and efficient manner, with the Ohio Business Gateway continuing to act only as a portal to remit payments and filing information directly to municipalities, and not to the Ohio Department of Taxation for processing.

Section 2: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason to timely provide notice to the Ohio General Assembly of the objections contained herein. 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: _____

Barbara J. Ortiz, CMC, Clerk of Council

PLANNING COMMISSION

MEMORANDUM



DATE: March 3, 2017

TO: City Council
Carl DeForest, Acting City Manager

FROM: Pam Plavecki, Planning & Zoning Coordinator *pp*

SUBJECT: Chapter 1234 entitled "Erosion & Sediment Control" & Chapter 1236
entitled "Stormwater Management text amendments"

The Planning Commission, at their meeting on March 3, 2017, voted to **recommend approval** to City Council of the proposed text amendments to Section 1234 entitled "Erosion & Sediment Control, and Chapter 1236 entitled "Stormwater Management (copies attached), of the Codified Ordinances of the City of Brunswick.

Enc.

c: Grant Aungst, Community & Economic Dev. Director
Ken Fisher, Law Director
Santo Incorvaia, Assistant Law Director
Cliff Calaway, Chief Building Official
Matt Jones, Consulting City Engineer

CHAPTER 1234
EROSION AND SEDIMENT CONTROL

1234.01 PURPOSE AND SCOPE

- (a) The purpose of this regulation is to establish technically feasible and economically reasonable standards to achieve a level of erosion and sediment control that will minimize damage to property and degradation of water resources, and will promote and maintain the health and safety of the citizens of City of Brunswick:
- (b) This regulation will:
 - (1) Allow development while minimizing increases in erosion and sedimentation.
 - (2) Reduce water quality impacts to receiving water resources that may be caused by new development or redevelopment activities.
- (c) This regulation applies to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways, underground cables, or pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; general clearing; and all other uses that are not specifically exempted in Section 1234.01(d).
- (d) This regulation does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules.

1234.02 DEFINITIONS

For purpose of this regulation, the following terms shall have the meaning herein indicated:

- (a) **ABBREVIATED STORMWATER POLLUTION PREVENTION PLAN (ABBREVIATED SWP3):** The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
- (b) **ACRE:** A measurement of area equaling 43,560 square feet.
- (c) **ADMINISTRATOR:** The person or entity having the responsibility and duty of administering and ensuring compliance with this regulation.
- (d) **COMMENCEMENT OF CONSTRUCTION:** The initial disturbance of soils associated with clearing, grubbing, grading, placement of fill, or excavating activities or other construction activities.
- (e) **COMMUNITY:** Throughout this regulation, this shall refer to City of Brunswick, its designated representatives, boards, or commissions.
- (f) **CONCENTRATED STORMWATER RUNOFF:** Any stormwater runoff that flows through a drainage pipe, ditch, diversion, or other discrete conveyance channel.
- (g) **CONSTRUCTION ENTRANCE:** The permitted points of ingress and egress to development areas regulated under this regulation.

- (h) DEVELOPMENT AREA: A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.
- (i) DEWATERING VOLUME: See current *Ohio Rainwater and Land Development Manual*.
- (j) DISCHARGE: The addition of any pollutant to surface waters of the state from a point source.
- (k) DISTURBANCE: Any clearing, grading, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.
- (l) DISTURBED AREA: An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities such as grading, excavating, or filling.
- (m) DRAINAGE: (1) The area of land contributing surface water to a specific point. (2) The removal of excess surface water or groundwater from land by surface or subsurface drains.
- (n) DRAINAGE WATERSHED: For the purpose of this regulation the total contributing drainage area to a SCM, i.e., the “watershed” directed to the practice. This includes offsite contributing drainage.
- (o) DRAINAGE WAY: A natural or manmade channel, ditch, or waterway that conveys surface water in a concentrated manner by gravity.
- (p) EROSION: The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.
- (q) EROSION AND SEDIMENT CONTROL: The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.
- (r) FINAL STABILIZATION: All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 80% coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion. Final stabilization also requires the installation of permanent (post-construction) stormwater control measures (SCMs).
- (s) GRADING: The excavating, filling, or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.
- (t) GRUBBING: Removing or grinding of roots, stumps and other unwanted material below existing grade.
- (u) IMPERVIOUS: That which does not allow infiltration.

- (v) **LANDSCAPE ARCHITECT:** A Registered Professional Landscape Architect whom is registered in the State of Ohio.
- (w) **LARGER COMMON PLAN OF DEVELOPMENT OR SALE:** A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- (x) **MAXIMUM EXTENT PRACTICABLE (MEP):** The technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in stormwater discharges that was established by the Clean Water Act §402(p). A discussion of MEP as it applies to small MS4s is found in 40 CFR 122.34.
- (y) **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:
 - a. Owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including a special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under Section 208 of the Federal Water Pollution Control Act that discharges into surface waters of the state; and
 - b. Designed or used for collecting or conveying solely stormwater,
 - c. Which is not a combined sewer, and
 - d. Which is not a part of a publicly owned treatment works
- (z) **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES):** The national program for issuing, modifying, revoking and reissuing, termination, monitoring and enforcing permits and enforcing pretreatment requirements, under sections 307, 402, 318, 405 under the Clean Water Act.
- (aa) **OPERATOR:** Any party associated with a construction project that meets either of the following two criteria:
 - a. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
 - b. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with A Stormwater Pollution Prevention Plan (SWP3) for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions
- (bb) **OWNER OR OPERATOR:** The owner or operator of any “facility or activity” subject to regulation under the NPDES program.
 - i. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
 - ii. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with A Stormwater Pollution Prevention Plan (SWP3) for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions.)
- (cc) **PARCEL:** Means a tract of land occupied or intended to be occupied by a use, building or group of buildings and their accessory uses and buildings as a unit, together with such

open spaces and driveways as are provided and required. A parcel may contain more than one contiguous lot individually identified by a 'Permanent Parcel Number' assigned by the Medina County Auditor's Office.

- (dd) PERCENT IMPERVIOUSNESS: The impervious area created divided by the total area of the project site.
- (ee) PERMANENT STABILIZATION: Establishment of permanent vegetation, decorative landscape mulching, matting, sod, rip rap, and landscaping techniques to provide permanent erosion control on areas where construction operations are complete or where no further disturbance is expected for at least one year.
- (ff) PERSON: Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof.
- (gg) PHASING: Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.
- (hh) POINT SOURCE: Any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or the floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
- (ii) PROFESSIONAL ENGINEER: A Registered Professional Engineer registered in the State of Ohio.
- (jj) PROFESSIONAL WETLAND CONSULTANT: Individuals competent in botany, hydric soils and wetland hydrology that provide professional services or advice, and meet the education and professional experience requirements as required by the Society of Professional Wetland Scientists.
- (kk) QUALIFIED INSPECTION PERSONNEL: A person knowledgeable in the principles and practice of erosion and sediment controls, who possess the skills to assess all conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any sediment and erosion control measure selected to control the quality of stormwater discharges from the construction activity.
- (ll) *RAINWATER AND LAND DEVELOPMENT*: Ohio's standards for stormwater management, land development, and urban stream protection. The most current edition of these standards shall be used with this regulation.
- (mm) RIPARIAN AREA: The transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs and surrounding vegetation which serve to stabilize erodible soil, improve both surface and ground water quality, increase stream shading and enhance wildlife habitat.
- (nn) RUNOFF: The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.

- (oo) RUNOFF COEFFICIENT: The fraction of rainfall that will appear at the conveyance as runoff.
- (pp) SEDIMENT: The soils or other surface materials that are transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.
- (qq) SEDIMENTATION: The deposition or settling of sediment.
- (rr) SEDIMENT SETTLING POND: A sediment trap, sediment basin or permanent basin that has been temporarily modified for sediment control, as described in the latest edition of *Ohio Rainwater and Land Development*.
- (ss) SEDIMENT STORAGE VOLUME: See current edition of *Ohio Rainwater and Land Development*.
- (tt) SETBACK: A designated transition area around water resources that is left in a natural, usually vegetated, state so as to protect the water resources from runoff pollution. Soil disturbing activities in this area are restricted by this regulation.
- (uu) SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling, grubbing or stump removal that occurs during clearing or timber activities, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.
- (vv) SOIL & WATER CONSERVATION DISTRICT: An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Medina SWCD.
- (ww) STABILIZATION: The use of SCMs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.
- (xx) STEEP SLOPES: Slopes that are 15 percent or greater in grade. NOTE: If otherwise defined in City zoning, use City definition.
- (yy) STORMWATER: Stormwater runoff, snow melt and surface runoff and drainage.
- (zz) STORMWATER CONTROL MEASURE (SCM): Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources. SCMs also include treatment requirements, operating procedures, and practices to control facility and/or construction site runoff, spillage, or leaks; sludge or waste disposal; or drainage from raw material storage.
- (aaa) STORMWATER POLLUTION PREVENTION PLAN (SWP3): The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
- (bbb) SUBDIVISIONS, MAJOR AND MINOR: See Ohio Administrative Code 711.001 for definition.

- (ccc) SURFACE OUTLET: A dewatering device that only draws water from the surface of the water.
- (ddd) SURFACE WATER OF THE STATE: Also Water Resource or Water Body. Any stream, lake, reservoir, pond, marsh, wetland, or other waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.
- (eee) TEMPORARY STABILIZATION: The establishment of temporary vegetation, mulching, geotextiles, sod, preservation of existing vegetation, and other techniques capable of quickly establishing cover over disturbed areas to provide erosion control between construction operations.
- (fff) TOPSOIL: The upper layer of the soil that is usually darker in color and richer in organic matter and nutrients than subsoil.
- (ggg) TOTAL MAXIMUM DAILY LOAD (TMDL): The sum of the existing and/or projected point source, nonpoint source, and background loads for a pollutant to a specified watershed, water resource or wetland, or water resource or wetland segment. A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into the water and still ensure attainment and maintenance of water quality standard.
- (hhh) UNSTABLE SOILS: A portion of land that is identified by the City of Brunswick Engineer as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having a low soil strength.
- (iii) WATER QUALITY VOLUME (WQv): The volume of stormwater runoff which must be captured and treated prior to discharge from the developed site after construction is complete. WQv is based on the expected runoff generated by the mean storm precipitation volume from post-construction site conditions at which rapidly diminishing returns in the number of runoff events captured begins to occur.
- (jjj) WATER RESOURCE Also SURFACE WATER OF THE STATE: Any stream, lake, reservoir, pond, marsh, wetland, or waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.
- (kkk) WATERSHED: The total drainage area contributing runoff to a single point.
- (lll) WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).

1234.03 DISCLAIMER OF LIABILITY

- a) Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are

promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

- b) By approving an SWP3 under this regulation, the City does not accept responsibility for the design, installation, and operation and maintenance of stormwater management practices.
- c) Performance Liability. No provision of this Chapter shall limit, increase or otherwise affect the liabilities of the owner nor impose any liability upon the City not otherwise imposed by law.
- d) No release from Other Requirements. No condition of this permit shall release the owner from any responsibility or requirements under other Federal, State, or local environmental Chapters. If requirements vary, the most restrictive requirements shall prevail.
- e) Proceeding with Activity. Soil-disturbing activities regulated under this Chapter shall not begin until all necessary City, State and Federal permits and appropriate approvals of the SWP3 have been granted to the site owner.
- f) Performance Responsibility. The owner is responsible for carrying out all provisions of the approved SWP3 and for meeting all the standards and requirements of this Chapter.

1234.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY

- (a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions shall prevail.
- (b) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.
- (c) This regulation shall not be construed as authorizing any person to maintain a private or public nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.
- (d) Failure of City of Brunswick to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in City of Brunswick, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

1234.05 DEVELOPMENT OF STORMWATER POLLUTION PREVENTION PLANS

- (a) This regulation requires that a Stormwater Pollution Prevention Plan (SWP3) be developed and implemented for all development projects disturbing one (1) acre or more and on which any regulated activity of Section 1234.01(c) is proposed. The City Engineer has the discretion to require a SWP3 for projects on sites of any size.
- (b) The following activities shall submit an Abbreviated SWP3:
 - (1) New single-family residential construction regardless of parcel size. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, a full SWP3 and compliance with the Ohio EPA Construction General Permit may be required.

- (2) Additions, accessory buildings, for single-family residential construction. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, a full SWP3 and compliance with the Ohio EPA Construction Site General Permit are required.
- (3) General land clearing activities not related to construction. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, compliance with the Ohio EPA Construction Site General Permit and a full SWP3 are required.
- (c) Activities disturbing 1/10th (one tenth) or less of an acre are not required to submit a SWP3 or an Abbreviated SWP3, unless required by the City of Brunswick Engineer. These activities must comply with all other provisions of this regulation.

1234.06 APPLICATION PROCEDURES

- (a) **SOIL DISTURBING ACTIVITIES SUBMITTING A STORMWATER POLLUTION PREVENTION PLAN:** The owner shall submit two (2) sets of the SWP3 and the applicable fees to the City of Brunswick and as follows:
 - (1) For subdivisions: After the approval of the preliminary plans and with submittal of the improvement plans.
 - (2) For other construction projects: SWP3 plans and fees must be submitted in conjunction with the submission of site development plans. The SWP3 must be reviewed and approved by the City Engineer prior to the Chief Building Official for the City of Brunswick issuing a building permit.
 - (3) For general clearing projects: SWP3 plans and fees must be submitted prior to the commencement of clearing/demolition activities begin. The SWP3 must be reviewed and approved by the City Engineer prior to the Chief Building Official for the City of Brunswick issuing a pertinent permit or clearing/demolition activities begin.
- (b) **SOIL DISTURBING ACTIVITIES SUBMITTING AN ABBREVIATED STORMWATER POLLUTION PREVENTION PLAN:** The owner shall submit two (2) sets of the Abbreviated SWP3 and the applicable fees to the City of Brunswick as follows:
 - (1) For single-family home construction: With submission of a residential site plan for the proposed structure. The SWP3 must be reviewed and approved by the City Engineer prior to the Chief Building Official for the City of Brunswick issuing a building permit.
 - (2) For general clearing projects: SWP3 plans and fees must be submitted prior to the commencement of clearing/demolition activities begin. The SWP3 must be reviewed and approved by the City Engineer before the Chief Building Official for the City of Brunswick issuing a pertinent permit or clearing/demolition activities begin.
- (c) Soil disturbing activities shall not begin and building permits shall not be issued without an approved SWP3 or Abbreviated SWP3 and installation of perimeter sediment controls.

- (d) SWP3 for individual sublots in a subdivision will not be approved unless the larger common plan of development or sale containing the subplot is in compliance with this regulation.
- (e) Approvals issued in accordance with this regulation shall remain valid for one (1) year from the date of approval.

1234.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

Approvals issued in accordance with this regulation do not relieve the owner of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the US Army Corps of Engineers, and other federal, state, and/or county agencies. If requirements vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below. All submittals required to show proof of compliance with these state and federal regulations shall be submitted with SWP3s or Abbreviated SWP3s.

- (a) Ohio EPA NPDES Permits authorizing stormwater discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.
- (b) Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application, public notice, or project approval, or a letter from the site owner certifying that a qualified Professional Wetland Consultant has surveyed the site and found no waters of the United States. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
- (c) Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application, public notice, or project approval, or a letter from the site owner certifying that a qualified Professional Wetland Consultant has surveyed the site and found no waters of the State. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
- (d) Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, if an Individual Permit is required for the development project, public notice, or project approval. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation. Proof of compliance shall include one of the following:
 - (1) A letter from a qualified professional who has evaluated the site and determined that Section 404 of the Clean Water Act is not applicable.
 - (2) A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable Nationwide Permit.

- (e) Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Water permit application, a copy of the project approval letter from the ODNR Division of Water, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

1234.08 STORMWATER POLLUTION PREVENTION PLAN

- (a) In order to control sediment pollution of water resources the owner shall submit a SWP3 in accordance with the requirements of this regulation.
- (b) The SWP3 shall include Stormwater Control Measures (SCMs) adequate to prevent pollution of public waters by soil sediment from accelerated stormwater runoff from development areas.
- (c) The SWP3 shall be certified by a Registered Professional Engineer, a Registered Professional Surveyor, certified Professional Erosion and Sediment Control Specialist, or a Registered Landscape Architect.
- (d) The SWP3 shall be amended if requested by the City of Brunswick Engineer, whenever there is a change in design, construction, operation or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the state or if the SWP3 proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activity.
- (e) The SWP3 shall incorporate measures as recommended by the most current online edition of *Ohio Rainwater and Land Development* as published by the Ohio Environmental Protection Agency and shall include the following information:
 - (1) A cover page or title identifying the name and location of the site, the name and contact information of all construction site operators, the name and contact information for the person responsible for authorizing and amending the SWP3, preparation date, and the estimated start and completion dates for construction.
 - (2) A copy of the permit requirements (attaching a copy of the current Ohio EPA NPDES Construction General Permit is acceptable).
 - (3) Site description: The SWP3 shall provide:
 - A. A description of the nature and type of the construction activity (e.g. residential, etc.).
 - B. Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavation, filling or grading, including off-site borrow areas).
 - C. An estimate of the impervious area and percent of imperviousness created by the land disturbance.
 - D. Existing data describing the soil and, if available, the quality of any known pollutant discharge from the site such as that which may result from previous contamination caused by prior land uses.

- E. A description of prior land uses at the site.
- F. An implementation schedule which describes the sequence of major soil-disturbing operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion and sediment controls to be employed during each operation of the sequence.
- G. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s). and the aerial extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from undisturbed areas of the project. For discharges to a municipal separate storm sewer system (MS4), the point of discharge to the MS4 and the location where the MS4 ultimately discharges to a water resource shall be indicated.
- H. List TMDLs applicable for the site and demonstrate that appropriate stormwater control measures (SCMs) have been selected to address these TMDLs. The TMDL information for all watersheds in the State of Ohio can be found on the Ohio EPA Nonpoint Source Pollution Control Program Website.
- I. A log documenting grading and stabilization activities as well as amendments to the SWP3, which occur after construction activities commence.
- J. Each temporary and permanent stormwater practice shall be designated with an individual identification number.
- K. Site map showing:
 - i. Limits of soil-disturbing activity of the site, including off site spoil and borrow areas.
 - ii. Soils types should be depicted for all areas of the site, including locations of unstable or highly erodible soils.
 - iii. Existing and proposed one-foot (1') contours. This must include a delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed in acres. Contour intervals of more than one-foot (1') may be accepted at the discretion of the City Engineer for drainage watersheds outside of the project boundary.
 - iv. Surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the owner intends to fill or relocate for which the owner is seeking approval from the Army Corps of Engineers and/or Ohio EPA.
 - v. Existing and planned locations of buildings, roads, parking

facilities, and utilities.

- vi. The location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of site development.
- vii. Sediment and stormwater management basins including their sediment settling volume and the maximum expected disturbed area that will be directed to the sediment pond during construction. The plan should include a summary of the following:
 - i. The required sediment storage and dewatering volumes
 - ii. The provided sediment storage and dewatering volumes
 - iii. The weir length or skimmer size, as applicable
 - iv. The weir length or skimmer size provided
- viii. Data sheets for all sediment traps, sediment basins, and SCMs that identify contributing drainage area, disturbed area, water quality volume, sedimentation volume, dewatering volume, practice surface area, facility discharge and dewatering time, outlet type and dimensions, and any other relevant parameters for each practice.
- ix. A separate plan and profile view of each individual sediment settling pond and its outlet structure. Detail drawings of the outlet structure shall indicate the following elevations:
 - a) Pond bottom
 - b) Elevation required to store the required sediment storage volume
 - c) For sediment basins, the elevation at which the skimmer is attached
 - d) For sediment traps, the top and bottom of the stone outlet section
 - e) Elevation required to store the dewatering volume, exclusive of the sediment storage volume
 - f) Elevation of the top of embankment
 - g) Crest of the emergency spillway
- x. Where used as a sediment-settling pond during construction, the plan shall include a detail drawing of the temporary outlet configuration of the permanent stormwater basin with the following information specified:
 - a) Storage volume provided below the elevation at which the skimmer or other surface dewatering device is attached
 - b) Elevation at which the skimmer or other surface dewatering device is attached
 - c) Elevation at which the full dewatering zone is stored above the skimmer invert

- d) Any temporary modification to permanent outlet orifices or weirs required to ensure no discharge below the skimmer invert and only the skimmer controls the discharge up to the top of the dewatering volume.
 - e) Calculations of the sediment storage volume, dewatering volume and skimmer drawdown time shall also be provided
 - xi. The location of permanent SCMs to be used to control pollutants in stormwater after construction operations have been completed.
 - xii. Areas designated for the storage or disposal of solid, sanitary and toxic wastes, including dumpster areas, areas designated for cement truck washout, and vehicle fueling.
 - xiii. Measures to prevent and respond to chemical spills and leaks. Owners may also reference the existence of other plans (i.e., Spill Prevention Control and Countermeasure (SPCC) plans, spill control programs, Safety Response Plans, etc.) provided that such plan addresses this requirement and a copy of such plan is maintained on site.
 - xiv. Methods to minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. No detergents may be used to wash vehicles. Wash waters shall be treated in a sediment basin or alternative control that provides equivalent treatment prior to discharge.
 - xv. The location of designated stoned construction entrances where the vehicles will ingress and egress the construction site.
 - xvi. The location of any in-stream activities including stream crossings.
- (2) A soils engineering report. The City of Brunswick Engineer may require the SWP3 to include a Soils Engineering Report based upon his/her determination that the conditions of the soils are unknown or unclear to the extent that additional information is required to protect against erosion or other hazards. This report shall be based on adequate and necessary test borings and/or site investigation, and shall contain all the information listed below. Recommendations included in the report and approved by the City of Brunswick Engineer shall be incorporated in the grading plans and/or other specifications for site development.
- A. Data regarding the nature, distribution, strength, and erodibility of existing soils.
 - B. If applicable, data regarding the nature, distribution, strength, and erodibility of the soil to be placed on the site.
 - C. Conclusions and recommendations for grading procedures.

- D. Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction is completed.
- E. Design criteria for corrective measures when necessary.
- F. Opinions and recommendations covering the stability of the site.

1234.09 PERFORMANCE STANDARDS

The SWP3 must contain a description of the controls appropriate for each construction operation and the owner must implement such controls. The SWP3 must clearly describe for each major construction activity the appropriate control measures; the general sequence during the construction process under which the measures will be implemented; and the contractor responsible for implementation (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization).

The approved SWP3, and the sediment and erosion controls, and non-sediment pollution controls contained therein, shall be implemented upon the commencement of construction. The approved plan must be implemented until the site reaches final stabilization. All properties adjacent to the site of soil-disturbing activity shall be protected from soil erosion and sediment run-off and damage, including, but not limited to, private properties, natural and artificial waterways, wetlands, storm sewers and public lands.

It is the owner's responsibility to maintain current records of contractor(s) responsible for implementation the SWP3 and providing that information to the City Engineer. The SWP3 shall identify all subcontractors engaged in activities that could impact stormwater runoff. The SWP3 shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3.

Erosion and sediment controls shall be designed, installed and maintained effectively to minimize the discharge of pollutants during the course of earth disturbing activities. The controls shall include the following minimum components:

- (a) **NON-STRUCTURAL PRESERVATION MEASURES:** The SWP3 must make use of practices that preserve the existing natural condition to the maximum extent practicable. Such practices may include preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction operations in order to minimize the amount of disturbed land at any one time, minimizing disturbance of steep slopes, designation of tree preservation areas or other protective clearing or grubbing practices. Soil compaction shall be minimized and, unless infeasible, topsoil shall be preserved. Provide and maintain a 50-foot buffer of undisturbed natural vegetation around surface waters of the state, or riparian setbacks, if applicable, whichever is greater, unless maintaining this buffer is infeasible, e.g. stream crossings for roads or utilities, or for channel and floodplain rehabilitation and restoration. Direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration.
- (b) **EROSION CONTROL PRACTICES:** The SWP3 must make use of erosion controls that are capable of providing cover over disturbed soils. The amount of soil exposed during construction activity shall be minimized. A description of control practices designed to restabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 must provide specifications for stabilization of all disturbed areas of the site

and provide guidance as to which method of stabilization will be employed for any time of the year. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, the use of construction entrances, and the use of alternative ground cover.

Erosion control practices must meet the following requirements:

- (1) Stabilization. Disturbed areas must be stabilized as specified in Tables 1 and 2 below.

Table 1: Permanent Stabilization

Area requiring permanent stabilization	Time frame to apply erosion controls
Any area that will lie dormant for one year or more.	Within 7 days of the most recent disturbance.
Any area within 50 feet of a surface water of the state and at final grade.	Within 2 days of reaching final grade.
Any other areas at final grade.	Within 7 days of reaching final grade within that area.

Table 2: Temporary Stabilization

Area requiring temporary stabilization	Time frame to apply erosion controls
Any disturbed area within 50 feet of a surface water of the state and not at final grade.	Within 2 days of the most recent disturbance if that area will remain idle for more than 14 days.
For all construction activities, any disturbed area, including soil stockpiles that will be dormant for more than 14 days but less than one year, and not within 50 feet of a surface water of the state.	Within 7 days of the most recent disturbance within the area. For residential subdivisions, disturbed areas must be stabilized at least 7 days prior to transfer of ownership or operational responsibility.
Disturbed areas that will be idle over winter.	Prior to November 1 or the onset of winter weather, whichever occurs first.
Note: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed.	

- (2) Permanent stabilization of conveyance channels. Owners shall undertake special measures to stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding, mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques, or rock check dams, all as defined in the most recent edition of *Ohio Rainwater and Land Development* or the Field Office Technical Guide available at www.nrcs.usda.gov/technical/efotg/.
- (c) **RUNOFF CONTROL PRACTICES**. The SWP3 shall incorporate measures that control the volume and velocity of stormwater runoff within the site to prevent erosion. Peak flow rates and total stormwater volume shall be controlled to minimize erosion and outlets, downstream channel and streambank erosion. Such practices may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soils and protective grading practices. These practices shall divert runoff away from disturbed areas and steep slopes where practicable. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

- (d) **SEDIMENT CONTROL PRACTICES.** The SWP3 shall include a description of, and detailed drawings for, all structural practices that shall store runoff, allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas to minimize sediment discharges from the site. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. Such practices may include, among others: sediment settling ponds, silt fences, storm drain inlet protection, and earth diversion dikes or channels which direct runoff to a sediment settling pond. The design, installation and maintenance of erosion and sediment controls shall address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.
- (e) All sediment control practices must be capable of ponding runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless used in conjunction with a sediment settling pond. Sediment control practices must meet the following requirements:
- (1) Timing. Sediment control structures shall be functional throughout the course of earth disturbing activity. Sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven (7) days from the start of grubbing. They shall continue to function until the up slope development area is restabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.
- (2) Sediment settling ponds.
- A. A sediment settling pond, or equivalent best management practice upon approval from the City of Brunswick Engineer, is required for any one of the following conditions:
1. Concentrated stormwater runoff.
 2. Runoff from drainage areas that exceeds the design capacity of silt fence (see Table 3) inlet protection, or other sediment barriers.
 3. Runoff from common drainage locations with 10 or more acres of disturbed land.
 4. Sediment settling ponds shall be provided in the form of a sediment trap or sediment basin as defined in the latest edition of *R Ohio Rainwater and Land Development Manual*. The maximum allowable contributing drainage area to a sediment trap shall be limited to less than 5 acres. Contributing-drainage areas of 5 acres or more shall be treated with a sediment basin. An equivalent best management practice may be utilized upon approval from the City.
- B. The sediment-settling pond shall provide both a sediment storage zone and a dewatering zone. The volume of the dewatering zone shall be at least 1,800 cubic feet of storage per acre of total contributing drainage area. The dewatering structure of sediment basins shall be designed to have a minimum 48-hour drain time, and, unless infeasible, be designed

to always withdraw runoff from the surface of the pond throughout the storm cycle. As such, a skimmer discharge device consistent with *Ohio Rainwater and Land Development Manual* shall be provided to dewater sediment basins. Sediment traps shall also provide both a sediment storage zone and dewatering zone, but the outlet structure shall be constructed consistent with the specifications contained in the latest edition of *Ohio Rainwater and Land Development Manual*.

When post-construction detention/water quality ponds are to be used as temporary sediment trapping SCMs, a skimmer discharge device consistent with *Ohio Rainwater and Land Development Manual* shall be utilized during construction phase and until the site is deemed permanently stabilized by the City.

The skimmer shall be designed per the equivalent requirements of sediment basins and the operator must ensure that the outlet structure of the pond provides an equivalent or better sediment storage zone and dewatering zone. As such, temporarily while the site is under construction, there shall be no discharge of runoff below the elevation required for the sediment storage zone and the discharge of stormwater within the dewatering zone shall only occur through the skimmer.

- C. The volume of the sediment storage zone shall be calculated by one of the following methods:

Method 1: The volume of the sediment storage zone shall be 1,000 ft³ per disturbed acre within the watershed of the basin.

Method 2: The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with Revised Universal Soil Loss Equation (RUSLE) or other generally accepted erosion prediction model.

- D. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity must be included unless runoff from these areas is diverted away from the sediment settling pond and is not comingled with sediment-laden runoff. The depth of the dewatering zone must be less than or equal to five (5) feet. The configuration between the inlets and the outlet of the sediment-settling pond must provide at least two units of length for each one unit of width $\geq 2:1$ length-to-width ratio; however, a length to width ratio of $\geq 4:1$ is recommended. Sediment must be removed from the sediment-settling pond when the design capacity of the sediment storage zone has been completely filled by sediment accumulations. This limit is typically reached when sediment occupies one-half of the basin depth. When designing sediment settling ponds, the owner must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls must be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

- (3) Silt fence and diversions. Sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties, water resources from sediment transported via sheet flow. Where intended to provide sediment control, silt fence shall be placed on a level contour and shall be capable of temporarily ponding runoff. The relationship between the maximum drainage area to silt fence for a particular slope range is shown in Table 3 below. Placing silt fence in a parallel series does not extend the size of the permissible drainage area.

Table 3: Maximum Drainage Area to Silt Fence Based on Slope

Maximum Drainage Area (acres) to 100 linear feet of silt fence	Range of Slope for a drainage area (%)
0.5	<2%
0.25	≥ 2% but < 20%
0.125	≥ 20% but < 50%

- (4) Alternative perimeter controls for sheet flow discharges may be considered by the City, but their use shall not exceed the limitations indicated in Table 3 above. Detail drawings and plan notes shall specify the diameter of filter socks, compost berms and other such alternative perimeter controls if used instead of silt fence.
- (5) Stormwater diversion practices shall be used to keep runoff away from disturbed areas and steep slopes. Such devices, which include swales, dikes or berms, may receive stormwater runoff from areas up to 10 acres.
- (6) Inlet protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems. All inlets receiving runoff from drainage areas of one or more acres will require a sediment settling pond. Straw or hay bales and filter socks around catch basins are not acceptable forms of inlet protection.
- (7) Off-site tracking of sediment and dust control. Stormwater control measures must be implemented to ensure sediment is not tracked off-site and that dust is controlled. These stormwater control measures must include, but are not limited to, the following:
- A. Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete or cement sized greater than 2" in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the most recent edition of the *Ohio Rainwater and Land Development*.
 - B. Streets and catch basins adjacent to construction entrances shall be kept free of sediment tracked off site. Streets directly adjacent to construction entrances and receiving traffic from the development area, shall be cleaned daily to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall

also be cleaned weekly and protected from sediment-laden runoff, if feasible without posing a public safety hazard.

Based on site conditions, City of Brunswick Engineer may require additional stormwater control measures to control off site tracking and dust. These additional SCMs may include:

- C. Fencing shall be installed around the perimeter of the development area to ensure that all vehicle traffic adheres to designated construction entrances.
- D. Designated vehicle and wheel-washing areas. Wash water from these areas must be directed to a designated sediment trap, a sediment-settling pond, or to a sump pump for dewatering in conformance with Section 1234.09(G) of this regulation. No surfactants or detergents may be used to wash vehicles.
- E. Owners shall take all necessary measures to comply with applicable regulations regarding fugitive dust emissions, including obtaining necessary permits for such emissions. The City of Brunswick Engineer may require dust controls including the use of water trucks to wet disturbed areas, tarping stockpiles, temporary stabilization of disturbed areas, and regulation of the speed of vehicles on the site.

(8) Surface Waters of the State protection. Construction vehicles shall avoid water resources. A 50 foot undisturbed natural buffer shall be provided around surface waters of the state unless infeasible. If it is infeasible to provide and maintain an undisturbed 50-foot natural buffer, the SWP3 shall comply with the stabilization requirements in 1234.09.b.1 for areas within 50 feet of a surface water or riparian setbacks if applicable, whichever is greater; and minimize soil compaction and, unless infeasible, preserve topsoil. If the owner is permitted to disturb areas within 50 feet of a water resource, the following conditions shall be addressed in the SWP3:

- A. All SCMs and stream crossings shall be designed as specified in the most recent edition of *Ohio Rainwater and Land Development Manual*.
- B. Structural SCMs shall be designated and implemented on site to protect water resources from the impacts of sediment runoff.
- C. No structural sediment controls (e.g., the installation of silt fence or a sediment settling pond in-stream) shall be used in water resources or wetlands.
- D. Where stream crossings for roads or utilities are necessary and permitted, the project shall be designed such that the number of stream crossings and the width of the disturbance are minimized.
- E. Temporary stream crossings shall be constructed if water resources or wetlands will be crossed by construction vehicles during construction.
- F. Construction of bridges, culverts, or sediment control structures shall not

place soil, debris, or other particulate material into or close to the water resources or wetlands in such a manner that it may slough, slip, or erode.

- G. Concentrated stormwater runoff from SCMs to natural wetlands shall be converted to diffuse flow through the use of level spreaders or other such appropriate measure before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series to ensure non-erosive velocities.
 - H. Protected areas or critical areas, including wetlands and riparian areas shall be physically marked in the field prior to earth disturbing activities.
- (9) Modifying controls. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the owner shall replace or modify the control for site conditions.
- (f) **NON-SEDIMENT POLLUTANT CONTROLS:** No solid or liquid waste, including building materials, shall be discharged in stormwater runoff. The owner must implement site stormwater control measures to prevent toxic materials, hazardous materials, or other debris from entering water resources, wetlands or the MS4. These practices shall include but are not limited to the following:
- A. Waste Materials: A covered dumpster shall be made available for the proper disposal of garbage, plaster, drywall, grout, gypsum, and other waste materials.
 - B. Wastewater: Contaminated washout from stucco, paint, form release oils, curing compounds, and other construction materials shall not be discharged directly into a water resource or storm sewer.
 - C. Vehicle fluids: No pollutants from vehicle fuel, oils, or other vehicle fluids can be discharged to surface waters of the State.
 - D. Concrete Truck Wash Out: The washing of concrete material into a street, catch basin, other public facility, natural resource or water of the state is prohibited. A designated area for concrete washout shall be made available.
 - E. Disposal of Other Wastewaters: The discharge of washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials to a street, catch basin, other public facility, natural resource or waters of the state is prohibited. The discharge of soaps or solvents used in vehicle and equipment washing is also prohibited. If generated, these wastewaters must be collected and disposed of properly.
 - F. Fuel/Liquid Tank Storage: All fuel/liquid tanks and drums shall be stored in a marked storage area. A dike shall be constructed around this storage area with a minimum capacity equal to 110% of the volume of the largest containers in the storage area and/or a spill kit shall be provided to clean up spills. The SWP3 Plan shall contain spill prevention and response procedures.
 - G. Toxic or Hazardous Waste Disposal: Any toxic or hazardous waste shall be disposed of properly. The discharge of fuels, oils, and other pollutants used in

vehicle and equipment operation and maintenance is prohibited.

- H. Contaminated Soils Disposal and Runoff: Discovery of previously unknown contaminated soils onsite shall be self-reported to Ohio EPA and local authorities. Contaminated soils from redevelopment sites shall be disposed of properly. Runoff from contaminated soils shall not be discharged from the site. Proper permits shall be obtained for development projects on solid waste landfill sites or redevelopment sites. Where construction activities are to occur on sites with contamination from previous activities, operators shall be aware that concentrations of materials that meet other criteria (i.e. not considered a Hazardous Waste, meeting Voluntary Action Program (VAP standards)) may still result in stormwater discharges in excess of Ohio Water Quality Standards. Such discharges are not authorized by this code. Control measures which may be utilized to meet this requirement include, but are not limited to:
- i. Use berms, trenches, pits or tanks to collect contaminated runoff and prevent discharge.
 - ii. Pump runoff from contaminated soils to the sanitary sewer with the prior approval of the sanitary sewer system operator, or pump into a container for transport to an appropriate treatment or disposal facility; and
 - iii. Cover areas of contamination with tarps, daily cover or other such methods to prevent stormwater from coming into contact with contaminated materials.

The SWP3 must include methods to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, and sanitary waste to precipitation, stormwater runoff, and snow melt. The SWP3 shall include measures to prevent and respond to chemical spills and leaks. Owners may also reference the existence of other plans (i.e., Spill Prevention Control and Countermeasure (SPCC) plans, spill control programs, Safety Response Plans, etc.) provided that such plan addresses this requirement and a copy of such plan is maintained on site.

- (g) **COMPLIANCE WITH OTHER REQUIREMENTS.** The SWP3 shall be consistent with applicable State and/or local waste disposal, sanitary sewer, or septic system regulations, including provisions prohibiting waste disposal by open burning.
- (h) **TRENCH AND GROUND WATER CONTROL.** There shall be no sediment-laden or turbid discharges to water resources or wetlands resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment-settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.
- (i) **INTERNAL INSPECTIONS.** All controls on the site shall be inspected at least once every seven (7) calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period.

The owner shall assign qualified inspection personnel to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate, or whether additional control measures are required. Qualified inspection personnel are individuals with knowledge and experience in the installation and maintenance of sediment and erosion controls. Certified inspection reports for full SWP3 shall be submitted to the City Engineer within seven (7) working days from the inspection and retained at the development site.

These inspections shall meet the following requirements:

- (1) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of or the potential for, pollutants entering the drainage system.
- (2) Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that they are operating correctly. The owner shall utilize an inspection form provided by the City of Brunswick or an alternate form acceptable to the City of Brunswick Engineer. The inspection form shall include:
 - A. The inspection date.
 - B. Names, titles and qualifications of personnel making the inspection.
 - C. Weather information for the period since the last inspection, including a best estimate of the beginning of each storm event, duration of each storm event and approximate amount of rainfall for each storm event in inches, and whether any discharges occurred.
 - D. Weather information and a description of any discharges occurring at the time of inspection.
 - E. Locations of:
 - i. Discharges of sediment or other pollutants from site.
 - ii. SCMs that need to be maintained.
 - iii. SCMs that failed to operate as designed or proved inadequate for a particular location.
 - iv. Where additional SCMs are needed that did not exist at the time of inspection.
 - F. Corrective action required including any necessary changes to the SWP3 and implementation dates.
 - G. For sites that will not be completed by October 1, a Pre-Winter Stabilization Meeting shall be held by the landowner and the developer, engineer and contractor of the project and the City prior to October 1, in order to plan and approve winter erosion and sediment controls as defined in the most current online edition of *Rainwater and Land Development*.

- (3) Discharge locations shall be inspected to determine whether erosion and sediment control measures are effective in preventing significant impacts to the receiving water resource or wetlands.
- (4) Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.
- (i) MAINTENANCE. The SWP3 shall be designed to minimize maintenance requirements. All SCMs shall be maintained and repaired as needed to ensure continued performance of their intended function until final stabilization. All sediment SCMs must be maintained in a functional condition until all up slope areas they control reach final stabilization. The owner shall provide a description of maintenance procedures needed to ensure the continued performance of SCMs and shall ensure a responsible party and adequate funding to conduct this maintenance, all as determined by the City of Brunswick Engineer.

When inspections reveal the need for repair, replacement, or installation of erosion and sediment control SCMs, the following procedures shall be followed:

- (1) When SCMs require repair or maintenance. If an internal inspection reveals that a SCM is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.
 - (2) When SCMs fail to provide their intended function. If an internal inspection reveals that a SCM fails to perform its intended function as detailed in the SWP3 and that another, more appropriate control practice is required, the SWP3 must be amended and the new control practice must be installed within three (3) to ten (10) days of the inspection as determined by the City engineer or his/her designated site inspector.
 - (3) When SCMs depicted on the SWP3 are not installed. If an internal inspection reveals that a SCM has not been implemented in accordance with the schedule, the control practice must be implemented within ten (10) days from the date of the inspection. If the internal inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.
- (j) FINAL STABILIZATION. Final stabilization shall be determined by the City of Brunswick Engineer. Once a definable area has achieved final stabilization, the owner may note this on the SWP3 and no further inspection requirement applies to that portion of the site. Final stabilization also requires the installation of permanent (post-construction) stormwater control measures (SCMs). Obligations under this ordinance shall not be completed until installation of post-construction SCMs is verified.
 - (k) DISPOSITION OF TEMPORARY PRACTICES. All temporary and permanent erosion and sediment control practices shall be disposed of within thirty days after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise authorized by the City Engineering Department. Trapped sediment shall be permanently stabilized or removed to prevent further erosion.

1234.10 ABBREVIATED STORMWATER POLLUTION PREVENTION PLAN.

- (a) In order to control sediment pollution of water resources, the owner shall submit an Abbreviated SWP3 in accordance with the requirements of this regulation.
- (b) The Abbreviated SWP3 shall be certified by a Registered Professional Engineer, a Registered Professional Surveyor, certified Professional Erosion and Sediment Control Specialist, or a Registered Landscape Architect.
- (c) The Abbreviated SWP3 shall include a minimum of the following SCMs. City of Brunswick may require other SCMs as site conditions warrant.
 - (1) Construction Entrances: Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete or cement sized greater than 2" in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the most recent edition of *Rainwater and Land Development*.
 - (2) Concrete Truck Wash Out: The washing of concrete material into a street, catch basin, or other public facility or natural resource is prohibited. A designated area for concrete washout shall be indicated on the plan. Use for other waste and wastewater is prohibited.
 - (3) Street Sweeping: Streets directly adjacent to construction entrances and receiving traffic from the development area, shall be cleaned daily as needed or when directed by the City Engineer or Service Director to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall be cleaned weekly.
 - (4) Stabilization. The development area shall be stabilized as detailed in Table 4.

Table 4: Permanent Stabilization

Area requiring stabilization	Time frame to apply erosion controls
Any disturbed area within 50 feet of a surface water of the state and not at final grade.	Within 2 days of the most recent disturbance if that area will remain idle for more than 14 days
For all construction activities, any disturbed area, including soil stockpiles, that will be dormant for more than 14 days but less than one year, and not within 50 feet of a stream.	Within 7 days of the most recent disturbance within the area.
Disturbed areas that will be idle over winter	Prior to November 1.
Note: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed. These techniques may include mulching or erosion matting.	

- (5) Inlet Protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems, including rear yard inlets. Straw, hay bales, and filter socks are not acceptable forms of inlet protection.
- (6) Silt Fence and Other Perimeter Controls. Silt fence and other perimeter controls approved by the City shall be used to protect adjacent properties and water resources from sediment discharged via sheet (diffused) flow. Silt fence shall be placed along level contours and the permissible drainage area is limited to those indicated in Table 3 in 1234.09 of these regulations
- (7) Internal Inspection and Maintenance. All controls on the development area shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. Maintenance shall occur as detailed below:
 - A. When SCMs require repair or maintenance. If the internal inspection reveals that a SCM is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.
 - B. When SCMs fail to provide their intended function. If the internal inspection reveals that a SCM fails to perform its intended function and that another, more appropriate SCM is required, the Abbreviated SWP3 must be amended and the new SCM must be installed within ten (10) days of the inspection.
 - C. When SCMs depicted on the Abbreviated SWP3 are not installed. If the internal inspection reveals that a SCM has not been implemented in accordance with the schedule, the SCM must be implemented within ten (10) days from the date of the inspection. If the inspection reveals that the planned SCM is not needed, the record must contain a statement of explanation as to why the SCM is not needed.
- (8) Final Stabilization: Final stabilization shall be determined by the City of Brunswick Engineer.

1234.11 FEES

The SWP3 and Abbreviated SWP3 review, filing, and inspection fee reserve is part of a complete submittal and is required to be submitted to the City of Brunswick before the review process begins. Please consult with City of Brunswick Engineer for the current fee reserve schedule. At such time that the fee reserve balance falls below 35% of its original balance the owner may be required to deposit additional funds to cover the anticipated costs of future fees or return the reserve to the original balance as determined by the City Engineer.

1234.12 BOND

- (a) If a SWP3 or Abbreviated SWP3 is required by this regulation, soil-disturbing activities shall not be permitted until either a Cash Bond, Performance Bond or Letter of Credit in the amount of \$1,500 for a single-family residential lot, or \$1,500 per acre for

subdivisions, has been deposited with the City of Brunswick Finance Department. This bonding instrument must be in a form acceptable to the Law Director and shall be posted for the City of Brunswick to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the owner fails to comply with the provisions of this regulation. The bond shall be returned after all work required by this regulation has been completed and final stabilization has been reached, all as determined by the City Engineer.

- (b) No project subject to this regulation shall commence without a SWP3 or Abbreviated SWP3 approved by the City Engineer.
- (c) Upon the failure of the owner and/or developer and/or contractor(s) to complete any work ordered by the City Engineer, the City may elect to contract with others or employ its own employees to remedy all or part of the said unfinished work and the owner and/or developer and/or contractor(s) shall be liable to the City of Brunswick for the cost of such work and for the cost to the City to collect its costs if not paid upon presentment. The City shall have the right to enter upon the disturbed lands to correct such failure and to abate any nuisance found.

1234.13 ENFORCEMENT

- (a) If the City of Brunswick or its duly authorized representative determines that a violation of the rules adopted under this code exist, the City of Brunswick or representative may issue an immediate stop work order if the violator failed to obtain any federal, state, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity.
- (b) All development areas are subject to external inspections by a representative of the City Engineer to ensure compliance with the approved SWP3 or Abbreviated SWP3. All costs associated with such inspections shall be the responsibility of the owner and will be deducted from the fee reserve balance posted with the finance department.
- (c) After each external inspection, City of Brunswick shall prepare and distribute a status report to the owner.
- (d) If an external inspection determines that operations are being conducted in violation of the approved SWP3 or Abbreviated SWP3 the City of Brunswick may take action as detailed in Section 1234.14 of this regulation.

1234.14 VIOLATIONS

- (a) No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.
- (b) Upon notice, the City Manager and/or the City Engineer may suspend any active soil disturbing activity for a period not to exceed ninety (90) days, and may require immediate erosion and sediment control measures whenever he or she determines that such activity is not meeting the intent of this regulation. Such notice shall be in writing,

shall be given to the owner, and shall state the conditions under which work may be resumed. In instances, however, where the City Manager and/or the City Engineer finds that immediate action is necessary for public safety or the public interest, he or she may require that work be stopped upon verbal order pending issuance of the written notice.

1234.15 APPEALS

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the City of Brunswick in relation to this regulation may appeal to the court of common pleas. Such an appeal shall be made in conformity with O.R.C. Chapter 2506. Written notice of appeal shall be served on the City of Brunswick and a copy shall be provided to the Medina SWCD.

1234.99 PENALTY

- (a) Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (b) The imposition of any other penalties provided herein shall not preclude the City of Brunswick instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City of Brunswick.
- (c) All expenses incurred by the City of Brunswick to initiate an enforcement action, implement a mitigating event, remediation of damages caused or resolve a violation shall be the responsibility of the owner shall be deducted from any funds or bonds on file with the Finance Department.

CHAPTER 1236
COMPREHENSIVE STORMWATER MANAGEMENT

1236.01 PURPOSE AND SCOPE

- A. The purpose of this regulation is to establish technically feasible and economically reasonable stormwater management standards to achieve a level of stormwater quality and quantity control that will minimize damage to property and degradation of water resources and will promote and maintain the health, safety, and welfare of the citizens of the City of Brunswick:
- B. This regulation requires owners who develop or re-develop their property within the City of Brunswick to:
1. Control stormwater runoff from their property and ensure that all stormwater control measures (SCMs) are properly designed, constructed, and maintained.
 2. Reduce water quality impacts to receiving water resources that may be caused by new development or redevelopment activities.
 3. Control the volume, rate, and quality of stormwater runoff originating from their property so that surface water and ground water are protected and flooding and erosion potential are not increased.
 4. Minimize the need to construct, repair, and replace subsurface storm drain systems.
 5. Preserve natural infiltration and ground water recharge, and maintain subsurface flow that replenishes water resources, except in slippage prone soils.
 6. Incorporate stormwater quality and quantity controls into site planning and design at the earliest possible stage in the development process.
 7. Reduce the expense of remedial projects needed to address problems caused by inadequate stormwater management.
 8. Maximize use of SCMs that serve multiple purposes including, but not limited to, flood control, erosion control, fire protection, water quality protection, recreation, and habitat preservation.
 9. Design sites to minimize the number of stream crossings and the width of associated disturbance in order to minimize the City of Brunswick's future expenses related to the maintenance and repair of stream crossings.
 10. Maintain, promote, and re-establish conditions necessary for naturally occurring stream processes that assimilate pollutants, attenuate flood flows, and provide a healthy water resource.
- C. This regulation shall apply to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways and roads; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; grading; and all other uses that are not specifically exempted in

Section 1236.01.

- D. Public entities, including the State of Ohio, Medina County, and the City of Brunswick shall comply with this regulation for roadway projects initiated after March 10, 2006 and, to the maximum extent practicable, for projects initiated before that time.
- E. This regulation does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules.
- F. This regulation does not require a Comprehensive Stormwater Management Plan for linear construction projects, such as pipeline or utility line installation, that do not result in the installation of impervious surface as determined by the City Engineer. Such projects must be designed to minimize the number of stream crossings and the width of disturbance. Linear construction projects must comply with the requirements of Chapter 1234 Erosion and Sediment Control.
- G. This regulation does not apply to construction or re-construction of stand-alone single family dwellings when the parcel is not part of an overall subdivision or is part of a subdivision that is in existence as of the adoption of this ordinance, unless otherwise required by the City Engineer.

1236.02 DEFINITIONS

For the purpose of this regulation, the following terms shall have the meaning herein indicated:

- A. ACRE: A measurement of area equaling 43,560 square feet.
- B. AS-BUILT SURVEY: A survey shown on a plan or drawing prepared by a Registered Professional Surveyor indicating the actual dimensions, elevations, and locations of any structures, underground utilities, swales, detention facilities, and sewage treatment facilities after construction has been completed.
- C. CLEAN WATER ACT: Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4, 33 U.S.C. 1251 et. seq. Formally referred to as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972.
- D. CITY: The City of Brunswick, its designated representatives, boards, or commissions.
- E. COMMUNITY: The City of Brunswick, its designated representatives, boards, or commissions.
- F. COMPREHENSIVE STORMWATER MANAGEMENT PLAN: The written document and plans meeting the requirements of this regulation that sets forth the plans and practices to minimize stormwater runoff from a development area, to safely convey or temporarily store and release post-development runoff at an allowable rate to minimize flooding and stream bank erosion, and to protect or improve stormwater quality and stream channels.
- G. CRITICAL STORM: A storm that is determined by calculating the percentage increase in volume of runoff by a proposed development area for the 1 year 24 hour event. The critical storm is used to calculate the maximum allowable stormwater discharge rate from a developed site.
- H. DEVELOPMENT AREA: A parcel or contiguous parcels owned by one person or persons, or

- operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.
- I. DEVELOPMENT DRAINAGE AREA: A combination of each hydraulically unique watershed with individual outlet points on the development area.
 - J. DISTURBED AREA: An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.
 - K. DRAINAGE: The removal of excess surface water or groundwater from land by surface or subsurface drains.
 - L. EROSION: The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.
 - M. EXTENDED DETENTION FACILITY: A stormwater control measure that replaces and/or enhances traditional detention facilities by releasing the runoff collected during a 0.75 inch or less rainfall events over at least 24 to 48 hours, retarding flow and allowing pollutants to settle within the facility.
 - N. FINAL STABILIZATION: All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 80% coverage for the area has been established or equivalent stabilization practices, such as the use of mulches or geotextiles, have been employed.
 - O. GRADING: The process in which the topography of the surface of the land is altered to a new slope.
 - P. GREEN INFRASTRUCTURE: Wet weather management approaches and technologies that utilize, enhance or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration and reuse.
 - Q. HYDROLOGIC UNIT CODE (HUC): a cataloging system developed by the United States Geological Survey and the Natural Resource Conservation Service to identify watersheds in the United States.
 - R. IMPERVIOUS COVER: Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks, and other areas not covered by vegetation.
 - S. INFILTRATION CONTROL MEASURE: A stormwater control measure practice that does not discharge to a water resource during the stormwater quality event, requiring collected runoff to either infiltrate into the groundwater and/or be consumed by evapotranspiration, thereby retaining stormwater pollutants in the facility.
 - T. LARGER COMMON PLAN OF DEVELOPMENT: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
 - U. LOW IMPACT DEVELOPMENT: Low-impact development (LID) is a site design approach,

which seeks to integrate hydrologically functional design with pollution prevention measures to compensate for land development impacts on hydrology and water quality. LID's goal is to mimic natural hydrology and processes by using small-scale, decentralized practices that infiltrate, evaporate, detain, and transpire stormwater. LID stormwater control measures (SCMs) are uniformly and strategically located throughout the site.

- V. **MAXIMUM EXTENT PRACTICABLE (MEP):** The level of pollutant reduction that operators of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Stormwater Phase II, must meet.
- W. **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:
1. Owned or operated by the federal government, state, municipality, township, county, district, or other public body (created by or pursuant to state or federal law) including a special district under state law such as a sewer district, flood control district or drainage districts, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into water resources; and
 2. Designed or used for collecting or conveying solely stormwater,
 3. Which is not a combined sewer, and
 4. Which is not a part of a publicly owned treatment works.
- X. **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES):** A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.
- Y. **NONSTRUCTURAL STORMWATER CONTROL MEASURE (SCM):** Any technique that uses natural processes and features to prevent or reduce the discharge of pollutants to water resources and control stormwater volume and rate.
- Z. ***OHIO RAINWATER AND LAND DEVELOPMENT:*** Ohio's standards for stormwater management, land development, and urban stream protection. The most current edition of these standards shall be used with this regulation
- AA. **OWNER or OPERATOR:** Any party associated with a construction project that meets either of the following two criteria:
- i. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
 - ii. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with A Stormwater Pollution Prevention Plan (SWP3) for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions.)
- BB. **POST-DEVELOPMENT:** The conditions that exist following the completion of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of stormwater runoff.
- CC. **PRE-CONSTRUCTION MEETING:** Meeting prior to construction between all parties associated

- with the construction of the project including government agencies, contractors and owners to review agency requirements and plans as submitted and approved.
- DD. PRE-DEVELOPMENT: The conditions that exist prior to the initiation of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of stormwater runoff.
- EE. PROFESSIONAL ENGINEER: A Professional Engineer registered in the State of Ohio with specific education and experience in water resources engineering, acting in conformance with the Code of Ethics of the Ohio State Board of Registration for Engineers and Surveyors.
- FF. REDEVELOPMENT: Sites that have been previously developed where no post construction SCMs were installed shall either ensure a 20 percent net reduction of site impervious area, provide for treatment of at least 20 percent of the WQv, or a combination of the two. A one-for-one credit towards the 20 percent net reduction of impervious area can be obtained through the use of green roofs and/or pervious pavement. Where projects are a combination of new development and redevelopment, the total WQv that must be treated shall be calculated by a weighted average based on acreage with the new development at 100 percent WQv and redevelopment at 20 percent WQv.
- GG. RIPARIAN AREA: Naturally vegetated land adjacent to any brook, creek, river, or stream having a defined bed and bank that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this regulation.
- HH. RIPARIAN AND WETLAND SETBACK: A designated transition area around water resources left in a natural, usually vegetated, state so as to protect the water resources from runoff pollution.
- II. RUNOFF: The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually returned to water resources.
- JJ. SEDIMENT: The soils or other surface materials that can be transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.
- KK. SEDIMENTATION: The deposition of sediment in water resources.
- LL. SITE OWNER or OPERATOR: Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof that is responsible for the overall construction site.
- MM. SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, increased stormwater quantity and/or decreased stormwater quality.
- NN. STABILIZATION: The use of Stormwater Control Measures that reduce or prevent soil erosion by stormwater runoff, trench dewatering, wind, ice, gravity, or a combination thereof.
- OO. STORMWATER: Defined at 40 CFR 122.26(b)(13) and means stormwater runoff, snow melt runoff and surface runoff and drainage.

- PP. STORMWATER CONTROL MEASURE (SCM): Schedule of activities, prohibitions of practices, operation and maintenance procedures, treatment requirements, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources and to control stormwater volume and rate. This includes practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. For guidance, please see U.S. EPA's National Menu of SCMs at <http://water.epa.gov/polwaste/npdes/swbmp/index.cfm>.
- QQ. STRUCTURAL STORMWATER CONTROL MEASURE (SCM): Any constructed facility, structure, or device that prevents or reduces the discharge of pollutants to water resources and controls stormwater volume and rate.
- RR. SURFACE WATER OF THE STATE: Also Water Resource. Any stream, lake, reservoir, pond, marsh, wetland, or other waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.
- SS. TOTAL MAXIMUM DAILY LOAD: The sum of the existing and/or projected point source, nonpoint source, and background loads for a pollutant to a specified watershed, water body, or water body segment. A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into the water and still ensures attainment and maintenance of water quality standards.
- TT. WATER QUALITY VOLUME: "Water Quality Volume (WQv)" means the volume of stormwater runoff which must be captured and treated prior to discharge from the developed site after construction is complete. WQv is based on the expected runoff generated by the mean storm precipitation volume from post-construction site conditions at which rapidly diminishing returns in the number of runoff events captured begins to occur.
- UU. WATER RESOURCE: Also SURFACE WATER OF THE STATE. Any stream, lake, reservoir, pond, marsh, wetland, or waterway situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.
- VV. WATER RESOURCE CROSSING: Any bridge, box, arch, culvert, truss, or other type of structure intended to convey people, animals, vehicles, or materials from one side of a watercourse to another. This does not include private, non-commercial footbridges or pole mounted aerial electric or telecommunication lines, nor does it include below grade utility lines.
- WW. WATERSHED: The total drainage area contributing stormwater runoff to a single point.
- XX. WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).
- YY. WETLAND CONSULTANT: Individuals competent in the areas of botany, hydric soils and wetland hydrology that provide professional services or advice, and meet the education and professional experience requirements as required by the Society of Professional Wetland Scientists

1236.03 DISCLAIMER OF LIABILITY

- A. Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or any particular parcel of property.
- B. By approving a Comprehensive Stormwater Management Plan under this regulation, the City of Brunswick does not accept responsibility for the design, installation, and operation and maintenance of SCMs.

1236.04 CONFLICTS, SEVERABILITY, NUISANCES & RESPONSIBILITY

- A. Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the City Engineer, shall prevail.
- B. If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.
- C. This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.
- D. Failure of the City of Brunswick to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City of Brunswick, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

1236.05 DEVELOPMENT OF COMPREHENSIVE STORMWATER MANAGEMENT PLANS

- A. This regulation requires that a Comprehensive Stormwater Management Plan be developed and implemented for all commercial and industrial site development and all soil disturbing activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land, and on which any regulated activity of Section 1236.01 (C) is proposed. The City Engineer reserves the right to require a comprehensive stormwater management plan on sites disturbing less than 1 acre.
- B. The City of Brunswick shall administer this regulation, shall be responsible for determination of compliance with this regulation, and shall issue such notices and orders as may be necessary. The City of Brunswick may consult with the Medina County SWCD, state agencies, private engineers, stormwater districts, or other technical experts as necessary in reviewing the Comprehensive Stormwater Management Plan. Any and all fees or expenses incurred by the City of Brunswick to administer or enforce this ordinance shall be the responsibility of the owner.

1236.06 APPLICATION PROCEDURES

- A. Pre-Application Meeting: The owner is encouraged to schedule a meeting with the City Engineer or his or her designated representative to:

- a. Discuss the proposed project;
 - b. Review the requirements of this Chapter;
 - c. Identify unique aspects of the project that must be addressed during the review process;
 - d. Establish a preliminary review and approval schedule.
 - e. It is encouraged that this meeting occurs with the Planning Commission pre-application meeting.
 - f. Currently, the application for the CSWM is the current Planning Commission Application Form that can be picked up by the Planning Commission Clerk.
- B. Preliminary Comprehensive Stormwater Management Plan: The owner shall submit two (2) sets of a Preliminary Comprehensive Stormwater Management Plan (Preliminary Plan) and the applicable fees to the City Finance Department. The Preliminary Plan shall show the proposed property boundaries, setbacks, dedicated open space, public roads, water resources, stormwater control facilities, and easements in sufficient detail and engineering analysis to allow the City Engineer to determine if the site is laid out in a manner that meets the intent of this regulation and if the proposed SCMs are capable of controlling runoff from the site in compliance with this regulation. The owner shall submit two (2) sets of the Preliminary Plan and applicable fees as follows:
1. For subdivisions: In conjunction with the submission of the preliminary plat.
 2. For other construction projects: In conjunction with the application for a building permit.
 3. For general clearing projects: Prior to commencement of any clearing/demolition activities or in conjunction with the application for a permit.
- C. Final Comprehensive Stormwater Management Plan: The owner shall submit two (2) sets of a Final Comprehensive Stormwater Management Plan (Final Plan) and the applicable fees to the Finance Department conjunction with the submittal of the preliminary plat and improvement plans. The Final Plan shall meet the requirements of Section 1236.08 and shall be approved by the City Engineer prior to approval of the final plat and/or before issuance of a building permit by the Building Inspector.
- D. Review and Comment: The City Engineer shall review the Preliminary and Final Plans submitted, and shall approve or return for revisions with comments and recommendations for revisions. A Preliminary or Final Plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised Preliminary or Final Plan.
- E. Approval Necessary: Land clearing and soil-disturbing activities shall not begin and building permits shall not be issued without an approved Comprehensive Stormwater Management Plan.
- F. Sublots Will Not Proceed: Comprehensive Stormwater Management Plans for individual sublots in a subdivision will not be approved and building permits will not be issued unless the larger common plan of development or sale containing the subplot is in compliance with this regulation.

- G. Valid for Two Years: Approvals issued in accordance with this regulation shall remain valid for two (2) years from the date of approval.

1236.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

Approvals issued in accordance with this regulation do not relieve the owner of responsibility for obtaining all other necessary permits and/or approvals from other federal, state, and/or county agencies. If requirements vary, the most restrictive shall prevail. These permits may include, but are not limited to, those listed below. Owners are required to show proof of compliance with these regulations before the City of Brunswick will issue a building or zoning permit.

- A. Ohio Environmental Protection Agency (Ohio EPA) National Pollutant Discharge Elimination System (NPDES) Permits authorizing stormwater discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be the owner's Notice of Intent (NOI) number from Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.
- B. Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
- C. Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
- D. Section 404 of the Clean Water Act: If an Individual Permit is required for the development project, proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, public notice, or project approval. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
1. A letter from the site owner certifying that a qualified Professional Wetland Consultant has surveyed the site and found no waters of the United States.
 2. A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
- E. Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Soil and Water Resources permit application tracking number, a copy of the project approval letter from the ODNR Division of Soil and Water Resources, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

1236.08 COMPREHENSIVE STORMWATER MANAGEMENT PLANS

- A. Comprehensive Stormwater Management Plan Required: The owner shall develop a Comprehensive Stormwater Management Plan describing how the quantity and quality of stormwater will be managed after construction is completed for every discharge from the site and/or into a water resource or small municipal separate storm sewer system (MS4). The Plan will illustrate the type, location, and dimensions of every structural and non-structural SCM incorporated into the site design, and the rationale for their selection. The rationale must address how these SCMs will address flooding within the site as well as flooding that may be caused by the development upstream and downstream of the site. The rationale will also describe how the SCMs minimize impacts to the physical, chemical, and biological characteristics of on-site and downstream water resources and, if necessary, correct current degradation of water resources that is occurring or take measures to prevent predictable degradation of water resources.
- B. Preparation by Professional Engineer: The Comprehensive Stormwater Management Plan shall be prepared by a Registered Professional Engineer registered in the state of Ohio and include supporting calculations, plan sheets, and design details. To the extent necessary, as determined by the City Engineer, a site survey shall be performed by a Registered Professional Surveyor registered in the state of Ohio to establish boundary lines, measurements, or land surfaces.
- C. Community Procedures: The City Engineer shall prepare and maintain procedures providing specific criteria and guidance to be followed when designing the stormwater management system for the site. These procedures may be updated from time to time, at the discretion of the City Engineer based on improvements in engineering, science, monitoring, and local maintenance experience. The City Engineer shall make the final determination of whether the SCMs proposed in the Comprehensive Stormwater Management Plan meet the requirements of this regulation. The City Engineer may also maintain a list of acceptable SCMs that meet the criteria of this ordinance to be used in the City of Brunswick.
- D. Contents of Comprehensive Stormwater Management Plan: The Comprehensive Stormwater Management Plan shall contain an application, narrative report, construction site plan sheets, a long-term Inspection and Maintenance Plan and Inspection and Maintenance Agreement, and a site description with the following information provided:
1. Site description:
 - a. A description of the nature and type of the construction activity (e.g. residential, shopping mall, highway, etc.).
 - b. Total area of the site and the area of the site that is expected to be disturbed (i.e. grubbing, clearing, excavation, filling or grading, including off-site borrow areas).
 - c. A description of prior land uses at the site.
 - d. An estimate of the impervious area and percent of imperviousness created by the soil-disturbing activity at the beginning and at the conclusion of the project.
 - e. Existing data describing the soils throughout the site, including soil map units, series, complexes, association, hydrologic soil group, porosity, infiltration characteristics, depth to groundwater, depth to bedrock, and any impermeable

layers.

- f. If available, the quality of any known pollutant discharge from the site such as that which may result from previous contamination caused by prior land uses.
- g. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s).
- h. If applicable, identify the point of discharge to a municipal separate storm sewer system and the location where that municipal separate storm sewer system ultimately discharges to a stream, lake, or wetland. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s) and the aerial extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project.
- i. The aerial (plan view) extent and description of water resources at or near the site that will be disturbed or which will receive discharges from disturbed areas of the project.
- j. TMDLs applicable for the watershed that the construction site is located in has to demonstrate that the appropriate SCMs have been selected to address the TMDLs for that watershed. The TMDL information for all watersheds in the State of Ohio can be found on the Ohio EPA Nonpoint Source Pollution Control Program Website.
- k. For each SCM, identify the drainage area, percent impervious cover within the drainage area, runoff coefficient for water quality volume, peak discharge, and the time of concentration for each subwatershed per Appendix 1 of Ohio's stormwater manual, *Ohio Rainwater and Land Development*. Pervious and impervious areas should be treated as separate subwatersheds unless allowed at the discretion of the City Engineer. Identify the SCM surface area, discharge and dewatering time, outlet type and dimensions. Each SCM shall be designated with an individual identification number.
- l. An implementation schedule which describes the sequence of major soil-disturbing operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion and sediment controls to be employed during each operation of the sequence. The SWP3 shall clearly describe for each major construction activity (a) appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented; and (b) which contractor is responsible for implementation (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization).
- m. For subdivided developments where the SWP3 does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices.

- n. The location of any areas on the site located within a Special Flood Hazard Area as defined by current Flood Insurance Rate Maps published by the Federal Emergency Management Agency.
 - o. Location and description of any stormwater discharges associated with dedicated asphalt and dedicated concrete plants associated with the development area and the stormwater control measures to address pollutants in these stormwater discharges.
2. Site map showing:
- a. Limits of soil-disturbing activity on the site.
 - b. Soils map units for the entire site, including locations of unstable or highly erodible soils.
 - c. Existing and proposed one-foot (1') contours. This must include a delineation of drainage watersheds expected before, during, and after major grading activities as well as the size of each drainage watershed in acres.
 - d. Water resource locations including springs, wetlands, streams, lakes, water wells, and associated setbacks on or within 200 feet of the site, including the boundaries of wetlands or streams and first subsequent named receiving water(s) the owner intends to fill or relocate for which the owner is seeking approval from the Army Corps of Engineers and/or Ohio EPA.
 - e. Existing and planned locations of buildings, roads, parking facilities, and utilities.
 - f. The location of any in-stream activities including stream crossings.
 - g. The location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of site development.
 - h. Sediment ponds, including their sediment settling volume and contributing drainage area. When drainage areas are predicted to change throughout active construction (e.g., when temporary diversions are utilized), applicable sediment storage zone and dewatering zone volumes shall be designed for the largest anticipated drainage area, and dewatering orifices shall be designed for the smallest anticipated drainage area.
 - i. The location of designated stoned construction entrances where the vehicles will ingress and egress the construction site.
3. Contact information: Company name and contact information as well as contact name, addresses, and phone numbers for the following:
- a. The Professional Engineer who prepared the Comprehensive Stormwater Management Plan.

- b. The site owner.
- 4. Phase, if applicable, of the overall development plan.
- 5. List of subplot numbers if project is a subdivision.
- 6. Ohio EPA NPDES Permit Number and other applicable state and federal permit numbers, if available, or status of various permitting requirements if final approvals have not been received.
- 7. Location, including complete site address and subplot number if applicable.
- 8. Location of any easements or other restrictions placed on the use of the property.
- 9. A site plan sheet showing:
 - a. The location of each proposed post-construction SCMs.
 - b. The geographic coordinates (latitude and longitude) of the site AND each proposed SCM.

It is preferred that the entire site be shown on one plan sheet to allow a complete view of the site during plan review. If a smaller scale is used to accomplish this, separate sheets providing an enlarged view of areas on individual sheets should also be provided.

- 10. An Inspection and Maintenance Agreement binding on the owner and all subsequent owners of lands served by the system of SCMs designed for the site. Such Agreements between the City and the Owner shall be stand-alone documents, shall include all post-construction SCMs, shall be recorded with the deed of the property(s) within the site, and shall provide and stipulate the following:
 - a. The location of each SCM, including those SCMs permitted to be located in, or within 50 feet of, water resources and identification of the drainage area served by each SCM.
 - b. The method of funding long-term maintenance and inspections of all SCMs.
 - c. Features of the design that facilitate maintenance of the practice. Include plan for providing area for dewatering of dredged sediment, or the need to truck sediment directly from the site.
 - d. A schedule for regular maintenance for each aspect of the stormwater management system and description of routine and non-routine maintenance tasks to ensure continued performance of the system as is detailed in the approved Comprehensive Stormwater Management Plan. This schedule may include additional standards, as required by the City Engineer, to ensure continued performance of SCMs permitted to be located in, or within 50 feet of, water resources.
 - e. Additional standards, as required by the City Engineer, to ensure continual

performance of stormwater management practices permitted to be located in, or within 50 feet of, water resources.

- f. Identification of the landowner(s), organization, or entity responsible for long-term maintenance, including repairs, of the SCMs.
- g. The location and documentation of all access and maintenance easements on the property.
- h. The landowner(s), organization, or municipality shall maintain SCMs in accordance with this regulation.
- i. A prohibition on alteration of the practice without prior written approval from the City Engineer.
- j. The location and documentation of all access and maintenance easements on the property that allows the City of Brunswick access to the SCM at reasonable times for inspections to document the condition of the practice and to ensure it is functioning as originally designed and approved.
- k. Permission for City of Brunswick to enter upon the property and take whatever action is deemed necessary to maintain facilities that do not perform as specified in the Inspection and Maintenance Agreement, and to be reimbursed by the property owner(s) served by the facility for all expenses incurred within 10 days of receipt of invoice from the City of Brunswick.
- l. A release of the City of Brunswick from all damages, accidents, casualties, occurrences, or claims that might arise or be asserted against said parties from the construction, presence, existence, or maintenance of the SCMs.
- m. Alteration or termination of these stipulations is prohibited. The applicant owner must provide a draft of this Inspection and Maintenance Agreement as part of the Comprehensive Stormwater Management Plan submittal. Once a draft is approved, a recorded copy of the Agreement must be submitted to the City of Brunswick to receive final inspection approval of the site.
- n. Annual Inspection. There will be an annual inspection of all SCMs indicated in the CSWM. A SCM, in this case, shall be considered all stormwater facilities used for the purpose of water quality as decided upon by the City Engineer. Examples of SCMs requiring annual inspections are wet ponds, dry ponds, sand filters, bio-swales, and constructed wetlands. The City Engineer may require inspections to be performed more regularly if deemed necessary.
 - (1) The landowner(s) or organization shall use a stormwater certified person (e.g., P.E., CESSWI, CPESC), as approved by the City Engineer, for annual stormwater inspections.
 - (2) The Stormwater Inspector shall use the SCM checklists available from the City Engineer.

- (3) It is deemed a violation of this Section if the City does not receive the annual inspection report before August 1 of each year. In such an event, the City has the authority to enter upon the property to conduct any inspections as necessary to verify that the SCMs are being operated and maintained in accordance with this Chapter and charge the responsible party accordingly. Any accounts that are over 30 days delinquent may be certified to the County Auditor, who shall then place the same on the tax duplicate of the County, with interest as allowed by law, to be collected as taxes are collected.
- o. Annual Report. Following the annual inspection, the landowner(s) or organization shall submit an annual stormwater report to the City Engineer. This report shall contain the following:
- (1) The annual inspection form by a stormwater certified person;
 - (2) Listing of all corrective actions coming from the annual inspection listed as either high priority or normal priority;
 - (3) Records of all regular maintenance performed throughout the year;
 - (4) Records of normal priority corrective actions from the previous year;
 - (5) Contact information of party submitting report.
 - (6) The City shall maintain public records of these annual stormwater reports for a period of five years.
 - (7) The City Engineer, or his designated appointee, will inspect all SCMs every five years to ensure the integrity of the annual inspections.
- p. Corrective Actions. Corrective actions created by the annual inspection report shall be listed as either high priority or normal priority.
1. High priority items shall be corrected within three months of the date of the inspection report unless allowed further time by the City Engineer. The certified Stormwater Inspector shall submit a letter to the City Engineer when any high priority item is completed so that the City Engineer can personally inspect.
 2. Normal priority items shall be corrected before the next annual inspection and will be listed in the next annual stormwater report.
 3. The City is authorized to enter upon the property and to perform the corrective actions identified in the inspection report if the landowner(s) or organization responsible for maintenance does not make the required corrections in the specified time period. In addition to any other penalty provided for in this Chapter, the City shall be reimbursed by the landowner(s) or organization responsible for maintenance for all expenses incurred within ten days of receipt of invoice from the City.

11. Required calculations: Projected stormwater runoff flows, volumes, and timing into and through all SCMs, and the underlying assumptions and hydrologic and hydraulic methods and parameters, under pre- and post-development land use conditions, for flood control, channel protection, and water quality as required in Section 1236.09 of this regulation. Include critical storm determination and demonstrate that the runoff from offsite areas have been considered in the calculations.
12. List of all contractors and subcontractors before construction: Prior to construction or before the pre-construction meeting, provide the list of all contractors and subcontractors and their names, addresses, and phones involved with the implementation of the Comprehensive Stormwater Management Plan including a written document containing signatures of all parties as proof of acknowledgment that they have reviewed and understand the requirements and responsibilities of the Comprehensive Stormwater Management Plan.
13. Existing and proposed drainage patterns: The location and description of existing and proposed drainage patterns and SCMs, including any related SCMs beyond the development area and the larger common development area.
14. For each SCM to be employed on the development area, include the following:
 - a. Location and size, including detail drawings, maintenance requirements during and after construction, and design calculations, all where applicable.
 - b. Final site conditions including stormwater inlets and permanent nonstructural and structural SCMs. Details of SCMs shall be drawn to scale and shall show volumes and sizes of contributing drainage areas.
 - c. Any other structural and/or non-structural SCMs necessary to meet the design criteria in this regulation and any supplemental information requested by the City Engineer.
 - d. Each SCM shall be designated with an individual identification number.

1236.09 PERFORMANCE STANDARDS

- A. Stormwater Design General Information. No person shall develop any real property or connect or cause to be connected any building or other structure, either directly or indirectly, with a drain for the removal of surface, roof, ground or other water to be discharged into a ditch, swale, waterway, stream or an existing storm drainage system for such real property, without complying with the performance standards and paying the charges set forth in this chapter.
- B. General: All components of the stormwater system, including SCMs for storage, treatment and control, and conveyance facilities, shall be designed to prevent structure flooding during the 100-year, 24-hour storm event; to maintain predevelopment runoff patterns, flows, and volumes; and to meet the following criteria:
 1. Integrated practices that minimize degradation of water resources. The SCMs shall function as an integrated system that controls flooding and minimizes the degradation of the physical, biological, and chemical integrity of the water resources receiving

stormwater discharges from the site. Acceptable SCMs shall:

- a. Not disturb riparian areas, unless the disturbance is intended to support a watercourse restoration project.
- b. Maintain predevelopment hydrology and groundwater recharge on as much of the site as practicable.
- c. Only install new impervious surfaces and compact soils where necessary to support the future land use.
- d. Compensate for increased runoff volumes caused by new impervious surfaces and soil compaction by reducing stormwater peak flows to less than predevelopment levels.
- e. Be designed according to the methodology included in the most current edition of *Ohio Rainwater and Land Development* or another design manual acceptable for use by the City and Ohio EPA

SCMs that meet the criteria in this regulation, and additional criteria required by the City Engineer, shall comply with this regulation. Owners may propose alternative practices if they demonstrate to the satisfaction of the City Engineer that these practices also meet the above criteria.

2. SCMs designed for final use: SCMs shall be designed to achieve the stormwater management objectives of this regulation, to be compatible with the proposed post-construction use of the site, to protect the public health, safety, and welfare, and to function safely with routine maintenance.
3. Stormwater management for all lots: Areas developed for a subdivision, as defined in Section 1220.06 (b)(30), shall provide stormwater management and water quality controls for the development of all subdivided lots. This shall include provisions for lot grading and drainage that prevent structure flooding during the 100-year, 24-hour storm; and maintain, to the extent practicable, the pre-development runoff patterns, volumes, and peaks from each lot.
4. Stormwater facilities in water resources: SCMs shall not be constructed in water resources unless the owner obtains all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies, and the activity is in compliance with Chapter 1234 Erosion and Sediment control requirements and the City of Brunswick's future riparian setback requirements, after they have been adopted, all as determined by the City Engineer.
5. Stormwater facilities in the floodplain: Stormwater facilities constructed, manufactured or otherwise, that provide treatment of the water quality volume (see Table 4, Section 1236.09), detention, retention, and/or infiltration, and all related activities, shall not be constructed in any special flood hazard area, as defined in Chapter 1467 Flood Damage Prevention.
6. Stormwater ponds and surface conveyance channels: All stormwater pond and surface

conveyance designs must provide a minimum of one (1) foot freeboard above the projected peak stage within the facility during the 100-year, 24-hour storm. When designing stormwater ponds and conveyance channels, the owner shall consider public safety as a design factor and alternative designs must be implemented where site limitations would preclude a safe design.

7. Exemption: The site where soil-disturbing activities are conducted shall be exempt from the requirements of Section 1236.09 if it can be shown to the satisfaction of the City Engineer that the site is part of a larger common plan of development where the stormwater management requirements for the site are provided by an existing SCM, or if the stormwater management requirements for the site are provided by practices defined in a regional or local stormwater management plan approved by the City Engineer.
8. Maintenance: All SCMs shall be maintained in accordance with the Inspection and Maintenance Plan and Agreements approved by the City Engineer as detailed in Section 1236.08.
9. Agreements with Sub-dividers or Developers. A sub-divider or developer shall be required to construct an on-site SCM for the purposes of water quality and water retention approved by the City Engineer. The combination of stormwater quality and quantity requirements for two or more developments may be placed into one detention basin to be located at a strategic site given that a separate agreement with all parties is developed. The City shall enter into an agreement with the sub-divider or developer, to be approved by Council, containing the following conditions:
 - a) The sub-divider of a major subdivision shall require the formation of a homeowners' association, which shall assume responsibility for all maintenance, upkeep, repair, replacement and management of the SCM. In other developments, the sub-divider or developer shall make provisions acceptable to the City for maintenance of the SCM area as stated in Section 1236.10. Easements shall be granted to the City for access to and maintenance of the stormwater management area.
 - b) If more than one development is to use a single SCM, a separate association of all members using that SCM shall be formed. This association will be held responsible for all future maintenance and repairs of the SCM as stated in this Chapter.
 - c) The sub-divider or developer shall be exempt from the application of this Section only if authorized by the City Engineer.
 - d) Where a sub-divider or developer is exempt from the provisions of this Section, that sub-divider or developer shall comply with and pay fees in accordance with this Chapter, governing subdivisions and development prior to the effective date of this Section.
 - e) All SCMs will be placed within blocks and/or easements to allow City access (See Section 1236.11).
10. Preservation of Existing Natural Drainage. SCMs that preserve and/or improve the

existing natural drainage shall be used to the maximum extent practicable. Such SCMs may include minimizing site grading and compaction; protecting and/or restoring water resources, riparian areas, and existing vegetation and vegetative buffer strips; phasing of construction operations in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing and grubbing practices; and maintaining unconcentrated stormwater runoff to and through these areas. Post-construction stormwater practices shall provide perpetual management of runoff quality and quantity so that a receiving stream's physical, chemical and biological characteristics are protected and ecological functions are maintained.

11. Preservation of Wetland Hydrology: Concentrated stormwater runoff from SCMs to wetlands shall be converted to diffuse flow before the runoff enters a wetland(s) in order to protect the natural hydrology, hydroperiod, and wetland flora. The flow shall be released such that no erosion occurs down slope. SCMs such as level spreaders, vegetative buffers, infiltration basins, conservation of forest covers, and the preservation of intermittent streams, depressions, and drainage corridors may be used to maintain the wetland hydrology.

If the owner proposes to discharge to natural wetlands, a hydrological analysis shall be performed to demonstrate that the proposed discharge matches the pre-development hydroperiods and hydrodynamics.

12. Soil Preservation and Post-Construction Soil Restoration: To the maximum extent practicable leave native soil undisturbed and protect from compaction during construction. Except for areas that will be covered by impervious surface or have been incorporated into an SCM, the soil moisture-holding capacity of areas that have been cleared and graded must be restored to that of the original, undisturbed soil to the maximum extent practicable. Areas that have been compacted or had the topsoil or duff layer removed should be amended using the following steps: 1. till subsoil to a depth of 15-18 inches, 2. incorporate compost through top 12 inches, 3. Replace with stockpiled site or imported suitable topsoil to a minimum depth of 4 inches.

- C. Stormwater Conveyance Design Criteria: All SCMs shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include but not be limited to:

1. Stream/storm sewer discharge. The stormwater facility (storm sewer main or natural watercourse) that will convey the discharge from the site shall be analyzed to determine if it is capable of conveying the additional storm sewer discharge from the site of a 100-year/24-hour storm. If the designated outlet is not capable of conveying the discharge from the site during the 100-year/24-hour storm, then additional storage must be placed onsite to store the additional volume for a period of 48 hours.
2. Surface water protection: The City Engineer may allow modification to streams, rivers, lakes, wetlands or other surface waters only if the owner shows proof of compliance with all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies and the activity is in compliance with Chapter 1234 Erosion and Sediment Control and any City of Brunswick riparian setback requirements that may be in effect, all as determined by the City Engineer.

3. Off-site stormwater discharges: Off-site stormwater runoff that discharges to or across the owner's development site shall be conveyed through the stormwater conveyance system planned for the development site at its existing peak flow rates during each design storm. Off-site flows shall be diverted around stormwater quality control facilities or, if this is not possible, the stormwater quality control facility shall be sized to treat the off-site flow. Comprehensive Stormwater Management Plans will not be approved until it is demonstrated to the satisfaction of the City Engineer that off-site runoff will be adequately conveyed through the development site in a manner that does not exacerbate upstream or downstream flooding and erosion.
4. Sheet flow. The site shall be graded in a manner that maintains sheet flow over as large an area as possible. The maximum area of sheet flow shall be determined based on the slope, the uniformity of site grading, and the use of easements or other legally-binding mechanisms that prohibit re-grading and/or the placement of structures within sheet flow areas. Flow shall be directed into an open channel, storm sewer, or other SCM from areas too long and/or too large to maintain sheet flow, all as determined by the City Engineer.
5. Open channels: Unless otherwise allowed by the City Engineer, drainage tributary to SCMs shall be provided by an open channel with landscaped banks and designed to carry within these banks the 10-year, 24-hour stormwater runoff from upstream contributory areas.
6. Drainage systems: Open drainage systems shall be preferred on all new development sites to convey stormwater where feasible. Storm Sewer systems shall be allowed to augment open drainage systems, such as to limit depth of roadside or conveyance ditches. The following criteria shall be used to design storm sewer systems when necessary.
 - a. Storm sewer design flow shall be based on the Rational Method. Storm sewers shall be designed such that they do not surcharge from runoff caused by the 10 - year, 24 - hour storm, and that the hydraulic grade line of the storm sewer stays below the gutter flow line of the overlying roadway, or below the top of drainage structures outside the roadway, whichever is more restrictive during a 25 - year, 24 - hour storm. The system shall be designed to meet these requirements when conveying the flows from the contributing area within the proposed development and existing flows from offsite areas that are upstream from the development. These calculations will be reviewed and approved by the City Engineer prior to design acceptance. Rainfall data shall be obtained from the latest volume of the NOAA Rainfall ATLAS 14 or per Table 1. Runoff coefficients shall be per Table 2.

Table 1 - Rainfall per Storm Frequency	
24 Hour Storm (year)	Rainfall (in.)
2 (50% storm)	2.44
5 (20% storm)	3.06
10 (10% storm)	3.55
25 (4% storm)	4.35

50 (2% storm)	5.08
100 (1% storm)	5.92

Table 2.
Rational Method Runoff Coefficients (C) for City of Brunswick

	Runoff Coefficients for Hydrologic Soil Groups			
<u>Cover Description</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Cultivated agricultural land	0.17	0.3	0.43	0.50
Pasture or range land continuous grazing	0.08	0.16	0.36	0.47
Meadow protected from grazing	0.06	0.13	0.30	0.43
Woods	0.05	0.10	0.29	0.41
Woods/grass combination (orchard, tree farm, etc.)	0.07	0.14	0.33	0.45
Lawns, parks, golf courses, cemeteries, etc.	0.08	0.16	0.36	0.47
Paved streets, parking lots, roofs, driveways, etc.	0.96	0.96	0.96	0.96
Gravel areas	0.40	0.59	0.69	0.74
Residential Areas				
Average lot size & Average % Impervious Area				
1/8 acre or less 65	0.41	0.59	0.72	0.77
1/4 acre 38	0.16	0.37	0.54	0.64
1/3 acre 30	0.12	0.32	0.50	0.61

½ acre	25	0.09	0.29	0.47	0.59
1 acre	20	0.06	0.26	0.45	0.57
2 acres	12	0.05	0.23	0.41	0.50
Dirt or graded areas		0.41	0.61	0.74	0.83

- b. Rainfall intensity will be calculated using the equation $i = a/(t+b)^c$

Where:

i = Rainfall intensity (in./hour)

t = Time of concentration (minutes)

Refer to Ohio Department of Transportation's *Location & Design Manual, Volume 2* (or latest edition) *Drainage Design*, Figure 1101-2 for Rainfall Intensity Constants (a , b & c). The maximum slope allowable shall be a slope that produces no less than 2.5-fps and no more than a 10-fps velocity within the pipe barrel under design flow conditions.

- c. The minimum inside diameter of pipe to be used in public storm sewer systems is 12 inches. Smaller pipe sizes may be used in private systems, subject to the approval of the City Engineer.
- d. All stormwater conveyance systems shall be designed taking into consideration the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency. The hydraulic grade line for the storm sewer system shall be computed with consideration for the energy losses associated with entrance into and exit from the system, friction through the system, and turbulence in the individual manholes, catch basins, and junctions within the system.
- i. Previous studies on file with the City.
 - ii. FEMA Flood Insurance Rate Maps.
 - iii. Calculations prepared by a Registered Professional Engineer.
- e. Catch basin design spread calculations shall be submitted to the City Engineer for review to determine catch basin spacing and sizing. At a minimum, there shall be at least one total clear lane during a 25 year, 24 hour storm.
- f. The inverts of all curb inlets, manholes, yard inlets, and other structures shall be formed and channelized to minimize the incidence of quiescent standing water where mosquitoes may breed.
- g. Headwalls shall be required at all storm sewer inlets or outlets to and from open channels or lakes.

- h. Outlets discharging into an open-water conveyance structure shall have an invert at a minimum of three inches above the average water depth during the snow-melt season.
 - i. The flood elevation for a 100 year, 24 hour storm must be a minimum of ten feet away horizontally from the perimeter of any homes within the new subdivision, nor cause any home flooding to adjacent neighboring properties, and shall be at least two feet below the finished grade elevation of any livable structure.
 - j. All storm sewer outlets from a subdivision must flow either into a public storm sewer, stream of the State, or a major ditch unless authorized by the City Engineer.
 - k. The maximum distance for sheet flow shall be 300 feet before entering a storm structure. Except, that the maximum overland drainage area tributary to the storm structure shall be no greater than 1.5 acres.
7. Water Resource Crossings. The following criteria shall be used to design structures that cross a water resource within the City of Brunswick:
- a. Water resource crossings other than bridges shall be designed to convey the stream's flow for the minimum 25-year, 24-hour storm or as indicated by the City Engineer. The maximum allowable headwater elevation for such a storm shall be 12 inches below the pavement crown elevation. Water crossings carrying receiving waters located near upstream City borders shall convey no more flow than currently designed to carry unless directed by the City Engineer.
 - b. Bridges, open bottom arch or spans are the preferred crossing technique and shall be considered in the planning phase of the development. Bridges and open spans should be considered for all State Scenic Rivers, coldwater habitat, exceptional warmwater habitat, seasonal salmonid habitat streams, and Class III headwater streams. The footers or piers for these bridges and open spans shall not be constructed below the ordinary high water mark.
 - c. If a culvert or other closed bottom crossing is used, twenty-five (25) percent of the cross-sectional area or a minimum of 1 foot of box culverts and pipe arches must be embedded below the channel bed. The conduit or conveyance must be sized to carry the 25-year storm under these conditions.
 - d. The minimum inside diameter of pipes to be used for crossings shall be 12 inches.
 - e. The maximum slope allowable shall be a slope that produces a 10-fps velocity within the culvert barrel. Erosion protection and/or energy dissipaters shall be required to properly control entrance and outlet velocities.
 - f. All culvert installations shall be designed with consideration for the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency.

- g. Headwalls shall be required at all culvert inlets or outlets to and from open channels or lakes.
 - h. Streams with a drainage area of 5 square miles or larger should incorporate floodplain culverts at the bankfull elevation to restrict the rise in headwater elevation upstream of the culvert to no more than 1 foot during the 100-year, 24-hour storm.
 - i. Bridges shall be designed such that the hydraulic profile through a bridge shall be below the bottom chord of the bridge for either the 100-year, 24-hour storm, or the 100-year flood elevation as determined by FEMA, whichever is more restrictive.
 - 8. Overland flooding: Overland flood routing paths shall be used to convey stormwater runoff from the 100-year, 24-hour storm event to an adequate receiving water resource or SCM such that the runoff is contained within the drainage easement for the flood routing path and does not cause flooding of buildings or related structures. The peak 100-year water surface elevation along flood routing paths shall be at least one foot below the finished grade elevation of all structures. When designing the flood routing paths, the conveyance capacity of the site's storm sewers shall be taken into consideration.
 - 9. Compensatory flood storage mitigation: In order to preserve floodplain storage volumes and thereby avoid increases in water surface elevations, any filling within floodplains approved by the City of Brunswick must be compensated by providing an equivalent storage volume. First consideration for the location(s) of compensatory floodplain volumes should be given to areas where the stream channel will have immediate access to the new floodplain within the limits of the development site. Consideration will also be given to enlarging existing or proposed retention basins to compensate for floodplain fill if justified by a hydraulic analysis of the contributing watershed. Unless otherwise permitted by the City of Brunswick, reductions in volume due to floodplain fills must be mitigated within the legal boundaries of the development. Embankment slopes used in compensatory storage areas must reasonably conform to the natural slopes adjacent to the disturbed area. The use of vertical retaining structures is specifically prohibited.
 - 10. Velocity dissipation: Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide non-erosive flow velocity from the structure to a water resource so that the natural physical and biological characteristics and functions of the water resource are maintained and protected.
- D. Stormwater Quality Control:
- 1. Direct runoff to a SCM: The site shall be designed to direct runoff from areas disturbed during construction to one or more of the following SCMs. These SCMs are listed in Table 3 of this regulation and shall be designed to meet the following general performance standards:
 - a. Extended detention facilities that detain stormwater; settle or filter particulate pollutants; and release the controlled stormwater to a water resource.
 - b. Infiltration facilities that retain stormwater; promote settling, filtering, and

biodegradation of pollutants; and infiltrate all captured stormwater into the ground based on the findings of the soil engineering report prepared for the site.

- c. For sites disturbing less than five (5) acres, but greater than one (1) acre and not part of a common plan of development or sale, where 5 or more acres are disturbed, the City Engineer may approve other SCMs if the owner demonstrates to the City Engineer's satisfaction that these SCMs meet the objectives of this regulation.
 - d. For sites disturbing five (5) or more acres, or less than five (5) acres but part of a larger common plan of development or sale which will disturb five (5) or more acres, the City Engineer may approve other SCMs if the owner demonstrates to the City Engineer's satisfaction that these SCMs meet the objectives of this regulation as stated in Section 1236.09.C.6, and has prior written approval from the Ohio EPA.
 - e. For the construction of new roads and roadway improvement projects by public entities (i.e. the state, counties, townships, or cities), the City Engineer may approve SCMs not included in Table 2 of this regulation, but must show compliance with the current version of the Ohio Department of Transportation's "*Location and Design Manual, Volume Two Drainage Design*".
 - f. Other SCMs may be approved by the City Engineer if the owner demonstrates that they satisfactorily meet the objectives of this regulation as stated in Section 1236.09.C.6.
2. Criteria applying to all SCMs. SCMs chosen must be sized to treat the water quality volume (WQ_v) and to ensure compliance with Ohio Water Quality Standards (OAC Chapter 3745-1).
- a. The WQ_v shall be equal to the volume of runoff from a 0.75 inch rainfall event and shall be determined according to one of the following methods:

- (1) Through a site hydrologic study approved by the City Engineer that uses continuous hydrologic simulation; site-specific hydrologic parameters, including impervious area, soil infiltration characteristics, slope, and surface routing characteristics; proposed SCMs controlling the amount and/or timing of runoff from the site; and local long-term hourly records, or
- (2) Using the following equation:

$$WQ_v = C * P * A / 12$$

where terms have the following meanings:

WQ_v = water quality volume in acre-feet
C = runoff coefficient appropriate for storms less than 1 in.
P = 0.75 inch precipitation depth
A = area draining into the SCM, in acres.

Runoff coefficients required by the Ohio Environmental Protection Agency (Ohio EPA) for use in determining the water quality volume are listed in Table 3 or using the following equation to calculate the runoff coefficient:

$$C = 0.858i_3 - 0.78i_2 + 0.774i_1 + 0.04, \text{ where:}$$

i = fraction of the drainage area that is impervious

Table 3: Runoff Coefficients Based on the Type of Land Use

Land Use	Runoff Coefficient
Industrial & Commercial	0.8
High Density Residential (>8 dwellings/acre)	0.5
Medium Density Residential (4 to 8 dwellings/acre)	0.4
Low Density Residential (<4 dwellings/acre)	0.3
Open Space and Recreational Areas	0.2
Where land use will be mixed, the runoff coefficient should be calculated using a weighted average. For example, if 60% of the contributing drainage area to the stormwater treatment structure is Low Density Residential, 30% is High Density Residential, and 10% is Open Space, the runoff coefficient is calculated as follows $(0.6)(0.3) + (0.3)(0.5) + (0.1)(0.2) = (0.35)$	

- b. An additional volume equal to 20% of the WQv shall be incorporated into the SCM for sediment storage. This volume shall be incorporated into the sections of SCMs where pollutants will accumulate.
- c. Each individual SCM must be sized to treat the WQv associated with its entire contributing drainage area. Exceptions to this may be granted by the City Engineer and/or the OEPA on a case-by-case basis.
- d. SCMs shall be designed such that the drain time is long enough to provide treatment and protect against downstream bank erosion, but short enough to provide storage available for successive rainfall events as defined in Table 4.
- e. Sites within watersheds of coldwater habitat streams shall include SCMs to infiltrate the water quality volume or reduce the temperature of discharged runoff. SCMs that reduce the temperature of discharged runoff include bioretention, permeable pavement, underground detention, and incorporation of shading and infiltration in parking lot design.

Table 4: Draw Down Times for Stormwater Control Measures

Stormwater Control Measure	Drain Time of WQv
Infiltration Basin or Trench ¹	48 hours
Permeable Pavement – Infiltration ¹	48 hours
Permeable Pavement – Extended Detention	24 hours
Extended Detention	
▪ Dry Extended Detention Basin ²	48 hours
▪ Wet Extended Detention Basin ³	24 hours
▪ Constructed Wetlands (above permanent pool) ⁴	24 hours

▪ Media Filtration, Bioretention Area/Cell ^{5,6}	24 hours
▪ Sand and other Media Filtration ⁵	24 hours
▪ Pocket Wetland ⁷	24 hours
¹ Practices designed to fully infiltrate the WQ _v shall empty within 48 hours to provide storage for subsequent storm events. ² The use of a forebay and micropool is required on all dry extended detention basins. Each is to be sized at a minimum 10% of the WQ _v . ³ Provide both a permanent pool and an extended detention volume above the permanent pool, each sized with at least 0.75*WQ _v . ⁴ Extended detention shall be provided for the WQ _v above the permanent water pool. ⁵ The surface ponding area shall completely empty within 24 hours so that there is no standing water. Shorter drawdown times are acceptable as long as design criteria in <i>Rainwater and Land Development</i> have been met. ⁶ This includes grassed linear bioretention, which was previously titled enhanced water quality swale. ⁷ Pocket wetlands must have a wet pool equal to the WQ _v , with 25% of the WQ _v in a pool and 75% in marshes. The ED _v above the permanent pool must be equal to the WQ _v .	

- f. Each SCM shall be designed to facilitate sediment removal, vegetation management, debris control, and other maintenance activities defined in the Inspection Plan and Maintenance Agreement for the site.
- g. The seasonal high groundwater elevation is the normal water line or normal elevation of saturation.
- h. Water quality volume (WQ_v) orifices less than 3-inches in diameter shall be designed with an anti-clogging or non-clogging design.

3. Additional criteria applying to infiltration facilities.

- a. Infiltration facilities shall only be allowed if the soils of the facility fall within hydrologic soil groups A or B, if the seasonal high water table is at least three (3) feet below the final grade elevation, and any underlying bedrock is at least six feet below the final grade elevation. Infiltration trenches should be designed to meet all criteria in *Ohio Rainwater and Land Development*.
- b. All runoff directed into an infiltration basin must first flow through a pretreatment practice such as a grass channel or filter strip to remove coarser sediments that could cause a loss of infiltration capacity.
- c. During construction, all runoff from disturbed areas of the site shall be diverted away from the proposed infiltration basin site. No construction equipment shall be allowed within the infiltration basin site to avoid soil compaction.

4. Additional Criteria for Extended Detention Facilities:

- a. The outlet shall be designed to not release more than the first half of the water quality volume in less than 1/3rd of the drain time. If elevations allow, a valve shall be provided to drain any permanent pool volume for removal of accumulated sediments. The outlet shall be designed to minimize clogging, vandalism, and maintenance.
- b. The basin design shall incorporate the following features to maximize multiple

uses, aesthetics, safety, and maintainability:

- (1) Basin side slopes above the permanent pool shall have a run to rise ratio of 3:1 or flatter.
- (2) The perimeter of all permanent pool areas deeper than 4 feet shall be surrounded by an aquatic bench that extends at least 8 feet and no more than 15 feet outward from the normal water edge. The portion of the aquatic bench closest to the shoreline shall have an average depth of 6 inches below the permanent pool to promote the growth of aquatic vegetation. The remainder of the aquatic bench shall be no more than 15 inches below the permanent pool to minimize drowning risk to individuals who accidentally or intentionally enter the basin, and to limit growth of dense vegetation in a manner that allows waves and mosquito predators to pass through the vegetation. The maximum slope of the aquatic bench shall be 10 (H) to 1 (V). The aquatic bench shall be planted with hardy native species of plant comparable to wetland vegetation that are able to withstand prolonged inundation. The use of invasive plant species is prohibited.
- (3) A forebay designed to allow larger sediment particles to settle shall be placed at basin inlets. The forebay and micropool volume shall be equal to approximately 10% of the water quality volume (WQv).
- (4) Detention basins shall be provided with an emergency drain, where practicable, so that the basin may be emptied if the primary outlet becomes clogged and/or to drain the permanent pool to facilitate maintenance. The emergency drain should be designed to drain by gravity where possible.

5. Additional criteria applying to infiltration facilities.

- A. Infiltration facilities shall only be allowed if the soils of the facility have an infiltration rate between 0.5 in./hr. and 4.0 in./hr. (or deemed acceptable by the City Engineer)), if the seasonal high water table is at least three (3) feet below the final grade elevation, and any underlying bedrock is at least six feet below the final grade elevation. Infiltration trenches should be designed to meet all criteria in the current edition of the *Ohio Rainwater and Land Development*.
- B. All runoff directed into an infiltration basin must first flow through a pretreatment practice such as a grass channel or filter strip to remove coarser sediments that could cause a loss of infiltration capacity.
- C. During construction, all runoff from disturbed areas of the site shall be diverted away from the proposed infiltration basin site. No construction equipment shall be allowed within the infiltration basin site to avoid soil compaction.

6. Criteria for the Acceptance of Alternative post-construction SCMs: The owner may request approval from the City Engineer for the use of alternative structural post-construction SCMs if the owner shows to the satisfaction of the City Engineer that these

SCMs are equivalent in pollutant removal and runoff flow/volume reduction effectiveness to those listed in Table 4. If the site is greater than five (5) acres, or less than five (5) acres but part of a larger common plan of development or sale which will disturb five (5) or more acres, prior approval from the Ohio EPA and the city as necessary. To demonstrate the equivalency, the applicant must show:

- a. The alternative SCM has a minimum total suspended solid (TSS) removal efficiency of 80 percent, using the Level II Technology Acceptance Reciprocity Partnership (TARP) testing protocol.
- b. The water quality volume discharge rate from the selected SCM is reduced to prevent stream bed erosion, unless there will be negligible hydrologic impact to the receiving surface water of the State. The discharge rate from the SCM will have negligible impacts if the owner can demonstrate one of the following conditions:
 - (1) The entire water quality volume is recharged to groundwater.
 - (2) The development will create less than one acre of impervious surface.
 - (3) The development project is a redevelopment project with an ultra-urban setting, such as a downtown area, or on a site where 100 percent of the project area is already impervious surface and the stormwater discharge is directed into an existing storm sewer system.
 - (4) The stormwater drainage system of the development discharges directly into a large river of fourth order or greater or to a lake, and where the development area is less than 5 percent of the water area upstream of the development site, unless a Total Maximum Daily Load (TMDL) has identified water quality problems in the receiving surface water of the State.

E. Stormwater Quantity Control: The Comprehensive Stormwater Management Plan shall describe how the proposed SCMs are designed to meet the following requirements for stormwater quantity control for each watershed in the development:

1. The peak discharge rate of runoff from the Critical Storm and all more frequent storms occurring under post-development conditions shall not exceed the peak discharge rate of runoff from a 1-year, 24-hour storm occurring on the same development drainage area under pre-development conditions.
2. Developers or sub-dividers shall include in their preliminary plans a local watershed study to determine the impact from the development or subdivision caused by stormwater onto the lands adjoining or downstream from the area to be developed, to assure that said lands shall not be adversely affected by the proposed development or subdivision.
3. Storms of less frequent occurrence (longer return periods) than the Critical Storm, up to the 100-year, 24-hour storm shall have peak runoff discharge rates no greater than the peak runoff rates from equivalent size storms under pre-development conditions. The 1, 2, 5, 10, 25, 50, and 100-year storms shall be considered in designing a facility to meet this requirement.

4. The Critical Storm for each specific development drainage area shall be determined as follows:
 - a. Determine, using a curve number-based hydrologic method or other hydrologic method approved by the City Engineer, the total volume (acre-feet) of runoff from a 1-year, 24-hour storm occurring on the development site area only before and after development. These calculations shall meet the following standards:
 - (1) Calculations shall include the lot coverage assumptions used for full build out as proposed.
 - (2) Calculations shall be based on the entire contributing watershed to the development area.
 - (3) Drainage area maps shall include area, curve number, time of concentrations. Time of concentration shall also show the flow path and the separation in flow type.
 - (4) Rainfall data shall be obtained from the latest volume of the NOAA Rainfall ATLAS 14 or per Table 1.
 - (5) Temporal Distribution – Use the SCS Type II rainfall distribution for all design events with a recurrence interval greater than 1 year. Include lot coverage assumptions used for full build out of the proposed condition.
 - (6) Curve numbers for the pre-development condition must reflect the average type of land use over the past 10 years and not only the current land use. Curve Numbers shall conform to the National Engineering Handbook Table 9-1.
 - i. Post-development Curve Numbers - All areas that are altered by construction practices shall use post-construction Hydraulic Soil Groups from *Ohio Rainwater and Land Development*.
 - (7) Time of Concentration - Use velocity based methods from (TR-55 NRCS USDA Urban Hydrology in Small Watersheds, 1986) to estimate travel time (Tt) for overland (sheet) flow, shallow concentrated flow and channel flow.
 - i. Maximum sheet flow length is 100 ft.
 - ii. Use the appropriate “unpaved” velocity equation for shallow concentrated flow from NEH-4 (Spell this out).
 - (8) The volume reduction provided by permeable pavement, bioretention, or other LID SCMs may be subtracted from the post development stormwater volume. Volume reductions for these practices may be demonstrated using methods outlined in *Ohio Rainwater and Land Development* or a hydrologic model acceptable to the City Engineer.

- (9) To account for future post-construction improvements to the site, calculations shall assume an impervious surface such as asphalt or concrete for all parking areas and driveways, regardless of the surface proposed in the site description except in instances of engineered permeable pavement systems.
- b. From the volume determined in Section 1236.09, determine the percent increase in volume of runoff due to development. Using the percentage, select the 24-hour Critical Storm from Table 5:

Table 5: 24-Hour Critical Storm

If the Percentage of Increase in Volume of Runoff is:		The Critical Storm will be:
Equal to or Greater Than:	and Less Than:	
----	10	1 year
10	20	2 year
20	50	5 year
50	100	10 year
100	250	25 year
250	500	50 year
500	---	100 year
For example, if the percent increase between the pre- and post-development runoff volume for a 1-year storm is 35%, the Critical Storm is a 5-year storm. The peak discharge rate of runoff for all storms up to this frequency shall be controlled so as not to exceed the peak discharge rate from the 1-year frequency storm under pre-development conditions in the development drainage area. The post-development runoff from all less frequent storms need only be controlled to meet pre-development peak discharge rates for each of those same storms.		

F. Stormwater Management on Redevelopment Projects:

1. Comprehensive Stormwater Management Plans for redevelopment projects shall reduce existing site impervious areas by at least 20 percent. A one-for-one credit towards the 20 percent net reduction of impervious area can be obtained through the use of pervious pavement and/or green roofs.
2. Where site conditions prevent the reduction of impervious area, SCMs shall be implemented to treat at least 20 percent of the WQv.
3. When a combination of impervious area reduction and stormwater quality control facilities are used, ensure a 20 percent net reduction of the site impervious area, provide for treatment of at least 20 percent of the WQv, or a combination of the two.
4. Where projects are a combination of new development and redevelopment, the total water quality

volume required to be treated shall be calculated by a weighted average based on acreage, with the new development at 100 percent water quality volume and redevelopment at 20 percent.

5. Where conditions prevent impervious area reduction or on-site stormwater management for redevelopment projects, the City Engineer may approve practical alternatives as detailed in Section 1236.10.

1236.10 ALTERNATIVE ACTIONS

- A. When the City of Brunswick determines that site constraints compromise the intent of this regulation, off-site alternatives may be used that result in an improvement of water quality and a reduction of stormwater quantity. Such alternatives shall meet the following standards:
 1. Shall achieve the same level of stormwater quantity and quality control that would be achieved by the on-site controls required under this regulation.
 2. Implemented in the same Hydrologic Unit Code (HUC) 12 watershed unit as the proposed development project.
 3. The mitigation ratio of the water quality volume is 1.5 to 1 or the water quality volume at the point of retrofit, whichever is greater.
 4. An inspection and maintenance agreement as described in Chapter 1236.08.D.10 is established to ensure operations and treatment in perpetuity.
 5. Obtain prior written approval from Ohio EPA.
- B. Alternative actions may include, but are not limited to the following. All alternative actions shall be approved by the City Engineer:
 1. Fees, in an amount specified by the City of Brunswick to be applied to community-wide SCMs.
 2. Implementation of off-site SCMs and/or the retrofit of an existing SCM to increase quality and quantity control.
 3. Stream, floodplain, or wetland restoration.
 4. Acquisition or conservation easements on protected open space significantly contributing to stormwater control such as wetland complexes.

1236.11 EASEMENTS

Access to SCMs as required by the City Engineer for inspections shall be secured by easements. The following conditions shall apply to all easements:

- A. Easements shall be included in the Inspection and Maintenance Agreement submitted with the Comprehensive Stormwater Management Plan.
- B. Easements shall be approved by the City of Brunswick prior to approval of a final plat and shall be recorded with the Medina County Auditor and on all property deeds.

- C. Unless otherwise required by the City Engineer, access easements between a public right-of-way and all SCMs shall be no less than 25-feet wide. The easement shall also incorporate the entire SCM plus an additional 25-foot wide band around the perimeter of the SCMs.
- D. The easement shall be graded and/or stabilized as necessary to allow maintenance equipment to access and manipulate around and within each facility, as defined in the Inspection and Maintenance Agreement for the site.
- E. Easements to structural SCMs shall be restricted against the planting in said easement of trees, shrubbery, or other woody growth; against the construction therein of buildings, fences, walls, and other structures that may obstruct the free flow of stormwater and the passage of inspectors and maintenance equipment; and against the changing of final grade from that described by the final grading plan approved by the City of Brunswick. Any re-grading and/or obstruction placed within a maintenance easement may be removed by the City of Brunswick at the property owners' expense. Grading and/or obstructions that is/are revised or removed may not be returned to original condition or configurations if determined by the City of Brunswick to be an obstruction to the operation and maintenance of the stormwater facility.

1236.12 MAINTENANCE AND FINAL INSPECTION APPROVAL

To receive final inspection and acceptance of any project, the following must be completed by the owner and provided to the City Engineer:

- A. Final stabilization and all permanent SCMs must be installed and made functional, as determined by the City Engineer and per the approved Comprehensive Stormwater Management Plan.
- B. An As-Built Survey must be certified (sealed, signed and dated) by a Professional Engineer with a statement certifying that the stormwater control measures as designed and installed, meet the requirements of the Comprehensive Stormwater Management Plan approved by the City Engineer. In evaluating this certification, the City Engineer may require the submission of a new set of stormwater practice calculations if he/she determines that the design was altered significantly from the approved Comprehensive Stormwater Management Plan. The As-Built Survey must provide the location, dimensions, and bearing of such SCMs and include the entity responsible for long-term maintenance as detailed in the Inspection and Maintenance Agreement.
- C. A copy of the complete and recorded Inspection and Maintenance Plan and Inspection and Maintenance Agreement as specified in Section 1236.08 must be provided to the City Engineer.

1236.13 ON-GOING INSPECTIONS

The owner shall inspect SCMs regularly as described in the Inspection and Maintenance Plan and Inspection and Maintenance Agreement. The City has the authority to enter upon the property to conduct inspections as necessary, with prior notification of the property owner, to verify that the SCMs are being maintained and operated in accordance with this regulation. Upon finding a malfunction or other need for maintenance, the City of Brunswick shall provide written notification to the responsible party, as detailed in the Inspection and Maintenance Agreement, of the need for maintenance. Upon notification, the responsible party shall have ten (10) working days, or other mutually agreed upon time, to make repairs

or submit a plan with detailed action items and established timelines. Should repairs not be made within this time, or a plan approved by the City Engineer for these repairs not be in place, the City of Brunswick may undertake the necessary repairs and assess the responsible party.

1236.14 FEES

The Comprehensive Stormwater Management Plan review, filing, and inspection fee is part of a complete submittal and is required to be submitted to the City of Brunswick before the review process begins. The City Engineer shall establish a fee schedule based upon the actual estimated cost for providing these services. At such time that the fee reserve balance falls below 35% of its original balance the owner may be required to deposit additional funds to cover the anticipated costs of future fees or return the reserve to the original balance as determined by the City Engineer.

1236.15 BOND

- A. If a Stormwater Management Plan is required by this regulation, soil-disturbing activities shall not be permitted until a performance guarantee (cash, bond or letter of credit) of \$1,500/acre disturbed, has been deposited with the City of Brunswick. This Bond shall only be required if the proposed work is not covered by other engineering Bonds securing the same improvements, in an amount equal to or greater than the bonding rate presented above, have been deposited with the City of Brunswick. This bonding instrument must be in a form acceptable to the Law Director and shall be posted for the benefit of the City of Brunswick to perform the obligations otherwise to be performed by the owner as stated in this regulation and to allow all work to be performed as needed in the event that the owner fails to comply with the provisions of this regulation. No project subject to this regulation shall commence without a Stormwater Management Plan approved by the City Engineer. The stormwater bond will be returned when the following three criteria are met:
1. After 80% of the lots of the project have been complete or 80% of the total project has been permanently stabilized from the time of permanent stabilization have passed.
 2. The City Engineer conducts an as-built inspection of all water quality practices and issues final acceptance that the water quality practices have been constructed per the approved Plan.
 3. An Inspection and Maintenance Plan has been approved by the City and An Inspection and Maintenance Agreement signed by the developer, the contractor, the City of Brunswick, and the private owner or homeowners association who will take long-term responsibility for these SCMs, is accepted by the City Engineer.
- B. Once these criteria are met, the owner shall be reimbursed all bond monies that were not used for any part of the project. If all of these criteria are not met after three years of permanent stabilization of the site, the City of Brunswick may use the bond monies to fix any outstanding issues with all water quality structures on the site and the remainder of the bond shall be given to the private lot owner/ homeowners association for the purpose of long term maintenance of the project.

1236.16 INSTALLATION OF WATER QUALITY SCMs

The owner may not direct runoff through any water quality structures until the site has reached final

stabilization as determined by the City Engineer. This is required to prevent the clogging of any of the constructed facilities with sediment due to erosion from un-stabilized areas. This occurs after the completion of the final grade at the site, after all of the utilities are installed, and the site is subsequently stabilized with vegetation or other appropriate methods. The developer must provide documentation acceptable to the City Engineer to demonstrate that the site is completely stabilized. Upon this proof of compliance, the water quality structure(s) may be completed and placed into service. Upon completion of installation of these SCMs, all disturbed areas and/or exposed soils caused by the installation of these SCMs must be stabilized within 2 days.

1236.17 VIOLATIONS

No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.

1236.18 APPEALS

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the City of Brunswick in relation to this regulation may appeal to the court of common pleas. Such an appeal shall be made in conformity with O.R.C. 2506. Written notice of appeal shall be served on the City of Brunswick.

1236.99 PENALTY

- A. Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- B. The imposition of any other penalties provided herein shall not preclude the City of Brunswick instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the City of Brunswick.

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN EMERGENCY ORDINANCE AMENDING CHAPTER 1234 OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES PURSUANT TO THE REQUIREMENTS OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY.

WHEREAS, soil is most vulnerable to erosion by wind and water during soil disturbing activities and this eroded soil necessitates repair of sewers and ditches and dredging of rivers, harbors, and lakes; accelerates downstream bank erosion and damage to public and private property; damages water resources and wetlands by reducing water quality; and causes the siltation of aquatic habitat;

WHEREAS, communities throughout the watershed(s) in which the City of Brunswick is located have experienced and continue to experience costs associated with inadequate erosion and sediment control and increased State and Federal regulation;

WHEREAS, there are watershed-wide efforts to reduce sedimentation in the rivers to which City of Brunswick drains and to protect and enhance the unique water resources and wetlands of the Rocky River Watershed;

WHEREAS, 40 C.F.R. Parts 9, 122, 123 and 124, referred to as NPDES Storm Water Phase II, require designated communities, including the City of Brunswick, to develop and implement a Stormwater Management Program to address, among other components, erosion and sediment control during soil disturbing activities;

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to adopt rules to abate soil erosion and water pollution by soil sediments; and

WHEREAS, Best Management Practices (BMP) will from now on be referred to as Stormwater Control Measures (SCM).

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

SECTION 1: That City of Brunswick Codified Ordinance Chapter 1234 is hereby amended and replaced with the new text of Chapter 1234 as attached hereto as Exhibit "A".

SECTION 2: That 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 deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the

public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety and for the additional reason to ensure passage as soon as practical for substantial compliance with the deadline imposed by the Ohio Environmental Protection Agency. 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
Barbara J. Ortiz, CMC

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

**AN EMERGENCY ORDINANCE AMENDING CHAPTER 1236 OF THE CITY
OF BRUNSWICK CODIFIED ORDINANCES.**

WHEREAS, flooding is a significant threat to property and public health and safety and stormwater management lessens flood damage by reducing and holding runoff and releasing it slowly;

WHEREAS, streambank erosion is a significant threat to property and public health and safety and stormwater management slows runoff and reduces its erosive force;

WHEREAS, insufficient control of stormwater can result in significant damage to receiving water resources, impairing the capacity of these areas to sustain aquatic systems and their associated aquatic life use designations;

WHEREAS, land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition;

WHEREAS, stormwater runoff contributes to increased quantities of pollutants to water resources;

WHEREAS, stormwater runoff, stream channel erosion, and nonpoint source pollution can be controlled and minimized through the regulation of runoff from land development projects;

WHEREAS, the City of Brunswick finds that the lands and waters within its borders are finite natural resources and that their quality is of primary importance in promoting and maintaining public health and safety within its borders;

WHEREAS, the City of Brunswick desires to establish standards, principles, and procedures for the regulation of soil disturbing activities that may increase flooding and erosion and may cause adverse impacts to water resources, resulting from stormwater runoff;

WHEREAS, the use of green infrastructure and runoff reduction practices improves water quality in our streams and Lake Erie and reduces the magnitude and frequency of flooding and combined sewer overflow events through the infiltration, evapotranspiration, treatment and reuse of stormwater runoff;

WHEREAS, the use of green infrastructure produces community benefits including reduced crime, increased property values, increased retail sales and lower infrastructure costs;

WHEREAS, 40 C.F.R. Parts 9, 122, 123, and 124, and Ohio Administrative Code 3745-39 require designated communities, including the City of Brunswick to develop a Stormwater Management Program that, among other components, requires the City of Brunswick to implement standards, principles, and procedures to regulate the quality of stormwater runoff during and after soil disturbing activities; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws.

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

SECTION 1: That City of Brunswick Codified Ordinance Chapter 1236 is hereby amended and replaced with the new text of Chapter 1236 as attached hereto as Exhibit “A”.

SECTION 2: That 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 deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety and for the additional reason to ensure passage as soon as practical to ensure compliance with applicable law. 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
Barbara J. Ortiz, CMC

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 23-17

BY: Mr. Ousley, Mr. Hanek and Mrs. Hanek

**AN EMERGENCY ORDINANCE AMENDING CHAPTER 1234 OF THE CITY
OF BRUNSWICK CODIFIED ORDINANCES PURSUANT TO THE
REQUIREMENTS OF THE OHIO ENVIRONMENTAL PROTECTION
AGENCY.**

WHEREAS, soil is most vulnerable to erosion by wind and water during soil disturbing activities and this eroded soil necessitates repair of sewers and ditches and dredging of rivers, harbors, and lakes; accelerates downstream bank erosion and damage to public and private property; damages water resources and wetlands by reducing water quality; and causes the siltation of aquatic habitat;

WHEREAS, communities throughout the watershed(s) in which the City of Brunswick is located have experienced and continue to experience costs associated with inadequate erosion and sediment control and increased State and Federal regulation;

WHEREAS, there are watershed-wide efforts to reduce sedimentation in the rivers to which City of Brunswick drains and to protect and enhance the unique water resources and wetlands of the Rocky River Watershed;

WHEREAS, 40 C.F.R. Parts 9, 122, 123 and 124, referred to as NPDES Storm Water Phase II, require designated communities, including the City of Brunswick, to develop and implement a Stormwater Management Program to address, among other components, erosion and sediment control during soil disturbing activities;

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to adopt rules to abate soil erosion and water pollution by soil sediments; and

WHEREAS, Best Management Practices (BMP) will from now on be referred to as Stormwater Control Measures (SCM).

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

SECTION 1: That City of Brunswick Codified Ordinance Chapter 1234 is hereby amended and replaced with the new text of Chapter 1234 as attached hereto as Exhibit "A".

SECTION 2: That 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 deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the

public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety and for the additional reason to ensure passage as soon as practical for substantial compliance with the deadline imposed by the Ohio Environmental Protection Agency. 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
Barbara J. Ortiz, CMC

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 24-17

BY: Mr. Ousley, Mr. Hanek and Mrs. Hanek

**AN EMERGENCY ORDINANCE AMENDING CHAPTER 1236 OF THE CITY
OF BRUNSWICK CODIFIED ORDINANCES.**

WHEREAS, flooding is a significant threat to property and public health and safety and stormwater management lessens flood damage by reducing and holding runoff and releasing it slowly;

WHEREAS, streambank erosion is a significant threat to property and public health and safety and stormwater management slows runoff and reduces its erosive force;

WHEREAS, insufficient control of stormwater can result in significant damage to receiving water resources, impairing the capacity of these areas to sustain aquatic systems and their associated aquatic life use designations;

WHEREAS, land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition;

WHEREAS, stormwater runoff contributes to increased quantities of pollutants to water resources;

WHEREAS, stormwater runoff, stream channel erosion, and nonpoint source pollution can be controlled and minimized through the regulation of runoff from land development projects;

WHEREAS, the City of Brunswick finds that the lands and waters within its borders are finite natural resources and that their quality is of primary importance in promoting and maintaining public health and safety within its borders;

WHEREAS, the City of Brunswick desires to establish standards, principles, and procedures for the regulation of soil disturbing activities that may increase flooding and erosion and may cause adverse impacts to water resources, resulting from stormwater runoff;

WHEREAS, the use of green infrastructure and runoff reduction practices improves water quality in our streams and Lake Erie and reduces the magnitude and frequency of flooding and combined sewer overflow events through the infiltration, evapotranspiration, treatment and reuse of stormwater runoff;

WHEREAS, the use of green infrastructure produces community benefits including reduced crime, increased property values, increased retail sales and lower infrastructure costs;

WHEREAS, 40 C.F.R. Parts 9, 122, 123, and 124, and Ohio Administrative Code 3745-39 require designated communities, including the City of Brunswick to develop a Stormwater Management Program that, among other components, requires the City of Brunswick to implement standards, principles, and procedures to regulate the quality of stormwater runoff during and after soil disturbing activities; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws.

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

SECTION 1: That City of Brunswick Codified Ordinance Chapter 1236 is hereby amended and replaced with the new text of Chapter 1236 as attached hereto as Exhibit "A".

SECTION 2: That 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 deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety and for the additional reason to ensure passage as soon as practical to ensure compliance with applicable law. 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
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 03/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 25-17** - An emergency resolution authorizing the City Manager to purchase playground equipment from Snider Recreation Inc. in an amount not to exceed \$75,322.00 - **1st Reading** (Parks, Recreation & Community Committee, *Administration/John Piepsny*)

BACKGROUND: North Park playground was originally constructed 29 years ago. Bridgeport playground was constructed 24 years ago. The normal life for playground equipment is 15 to 20 years. The current playgrounds have outlived their useful life and are in need of replacement. Also, the swings at Neura park are in need of replacement with updated swings and there is a need to have one that meets ADA requirements. Snider Recreation Inc. is approved on the State of Ohio Procurement plan as an approved vendor with the Ohio State Term #800230.

PURPOSE AND EXPLANATION: The purpose would be to allow the City to replace two playgrounds and one set of swings that have outlived their useful life. North Park playground is 29 years old and Bridgeport playground is 24 years old. Most playground equipment has a life expectancy of 15 to 20 years.

IMPLEMENTATION SCHEDULE: The playground equipment would be ordered once approved by City Council.

FINANCIAL INFORMATION: - - City-Wide Park Improvement Fund #341 - 341-0812-56889 - -

FINANCIAL SUMMARY: The total cost for the playground equipment would be \$75,322.00. There is \$76,000 approved in account #341-0812-56889 of the City Council approved 2017 budget for these improvements.

RECOMMENDED ACTION:

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

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

The administration would ask that the ordinance be approved as an emergency with suspension of the rules. The emergency with suspension of the rules is being asked for so that we can order the playground kits and have them delivered in a timely fashion to allow for the staff to complete the install this spring/summer.

**ADDITIONAL
INFORMATION:**

Snider Recreation Inc. is on the Ohio State Term #800230.

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER
TO PURCHASE PLAYGROUND EQUIPMENT FROM SNIDER
RECREATION INC. IN AN AMOUNT NOT TO EXCEED \$75,322.00.

WHEREAS: The City of Brunswick belongs to the State Procurement Program under the
direction of the Department of Administrative Services; and

WHEREAS: The State contracts, under this program, for the supply of playground equipment
has been awarded to Snider Recreation Inc.

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

SECTION 1: That the City Manager is hereby authorized to purchase playground equipment for
North Park and Bridgeport Park through the State Procurement Program from
Snider Recreation Inc. in an amount not to exceed \$75,322.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for
the immediate preservation of the public peace, property, health, safety or welfare,
and for the additional reason to allow for delivery and installation during the 2017
spring/summer seasons. 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

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 25-17

BY: Mr. Abella, Mr. Capretta and Mr. Salzgeber

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER
TO PURCHASE PLAYGROUND EQUIPMENT FROM SNIDER
RECREATION INC. IN AN AMOUNT NOT TO EXCEED \$75,322.00.

WHEREAS: The City of Brunswick belongs to the State Procurement Program under the direction of the Department of Administrative Services; and

WHEREAS: The State contracts, under this program, for the supply of playground equipment has been awarded to Snider Recreation Inc.

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

SECTION 1: That the City Manager is hereby authorized to purchase playground equipment for North Park and Bridgeport Park through the State Procurement Program from Snider Recreation Inc. in an amount not to exceed \$75,322.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason to allow for delivery and installation during the 2017 spring/summer seasons. 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