



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
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Administration Representatives

SEPTEMBER 11, 2017

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of regular Council Meeting Minutes dated July 24, 2017.
 - (a) Council Meeting Minutes dated July 24, 2017.
5. Mayor's Report:
 - (a) Mayor's Court Financial Reports for the month ending July and August 2017 will be posted on the website and added to the minutes for the record;
 - (b) Recognition of Mike Esber upon his retirement from Michael's Mini Mart;
 - (c) Proclamation to End Prostrate Cancer - Stephanie Mueller;
 - (d) Proclamation for International Week of the Deaf - Casey Ring;
 - (e) Mayor's Update
6. Clerk of Council's Report
7. Council Committee Reports:
 - Economic Development.....Mr. Johnson
 - (40) Economic Development Committee Meeting Minutes dated July 18, 2017
 - Services, Utilities, Technology & Cable.....Mr. Salzgeber
 - (37) Services Committee Meeting Minutes dated July 10, and July 24, 2017
 - Finance Committee.....Mrs. Hanek
 - (39) Finance Committee Meeting Minutes dated July 24, 2017
 - Safety & Environment.....Mr. Hanek
 - (41) Safety Committee Meeting Minutes dated July 11, 2017
 - Planning & Zoning Committee.....Mr. Ousley
 - (43) Planning & Zoning Committee Meeting Minutes dated July 20, 2017
 - Parks, Recreation & Community Committee.....Mr. Abella Jr.

(38) Parks & Rec Committee Meeting Minutes dated July 24, 2017

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

(42) Building Code Committee Meeting Minutes dated July 10, 2017

8. Other Boards and Commissions

(a) Committee of the Whole Meeting Minutes dated July 10, and July 24, 2017

9. Petitions from the Public on Legislation

10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

b. 2nd Reading(s)

RES. NO. 68-17 - A resolution authorizing the City Manager to purchase a new Ford F550 4WD Truck Dump Cab and Chassis and for the Department of Parks and Recreation from Liberty Ford in an amount not to exceed \$36,198.62 **2nd Reading** (Parks, Recreation & Community Committee, *Administration/John Piepsny*)

RES. NO. 69-17 - A resolution authorizing the City Manager to purchase a new Ford F550 4WD Truck Dump Body from Henderson Products for the Department of Parks & Recreation in an amount not to exceed \$24,320.00 - **2nd Reading** (Parks, Recreation & Community Committee, *Administration/John Piepsny*)

ORD. NO. 70-17 - An ordinance establishing Chapter 864 of the City of Brunswick Codified Ordinances to regulate massage establishments - **2nd Reading** (Committee-of-the-Whole, *Administration/Chief Ohlin*)

ORD. NO. 71-17 - An ordinance establishing Section 1262.04(g) of the Codified Ordinances of the City of Brunswick by including massage establishments as a conditionally permitted use in the C-O Office Commercial Zoning District - **2nd Reading** (Planning & Zoning Committee, Approved by Planning Commission 9-7-17, *Administration/Grant Aungst*)

ORD. NO. 72-17 - An ordinance establishing Section 1260.04(t) of the Codified Ordinances of the City of Brunswick by including massage establishments as a conditionally permitted use in the C-G General Commercial Zoning District - **2nd Reading** (Planning & Zoning Committee, Approved by Planning Commission 9-7-17, *Administration/Grant Aungst*)

ORD. NO. 73-17 - An ordinance amending the Design Guidelines for the Main Street District of the Brunswick Town Center Special Planning District No. 2 by permitting massage establishments as a conditionally permitted use - **2nd Reading** (Planning & Zoning Committee, Approved by Planning Commission 9-7-17, *Administration/Grant Aungst*)

c. 1st Reading(s)

ORD. NO. 77-17 - An ordinance amending Section 1280.01(h) of the City of Brunswick Codified Ordinances by prohibiting medical marijuana cultivators and retail dispensaries in the City - **1st Reading** (To be brought from Planning & Zoning Committee, Administration/ Ken Fisher)

ORD. NO. 78-17 - An ordinance establishing Section 1266.04(g) of the Codified Ordinances of the City of Brunswick by including medical marijuana processors as a conditionally permitted use in the I-L Light Industrial District - **1st Reading** (To be brought from Planning & Zoning Committee, Administration/Ken Fisher)

ORD. NO. 79-17 - An emergency ordinance to approve the editing and inclusion of certain ordinances as components of the Codified Ordinances; to provide for the adoption of new legislation in the updated revised codified ordinances; and to repeal ordinances in conflict therewith - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Barb Ortiz*)

(a) **RES. NO. 80-17** - A resolution authorizing the City Manager to enter into an agreement with Interfinish, LLC for the design and installation of a new track at the Brunswick Community Recreation and Fitness Center in an amount not to exceed \$43,395.00 - **1st Reading** (To be brought from Parks, Recreation & Community Committee, *Administration/John Piepsny*)

RES. NO. 81-17 - An emergency resolution authorizing the City Manager to purchase three (3) marked police cruisers for the Division of Police from Statewide Ford in an amount not to exceed \$125,000.00 - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Chief Ohlin*)

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

- (a) New liquor permit to 1733 Pearl Road Zeppes LLC, DBA Zeppes Tavern and Pizzeria located at 1733 Pearl Road, Brunswick, Ohio 44212. Council had no objections to this permit. Reply was made on August 28, 2017 and added to tonight's agenda for the record.

16. Adjournment

CITY OF BRUNSWICK, OHIO

MINUTES OF COUNCIL

MONDAY, JULY 24, 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: ALEX JOHNSON, MICHAEL ABELLA JR., ANTHONY CAPRETTA, PATRICIA HANEK, NICHOLAS HANEK, JOSEPH SALZGEBER AND COUNCIL CLERK BARB ORTIZ, MAYOR RON FALCONI.

PATRICIA HANEK MOVED TO EXCUSE BRIAN OUSLEY FOR JUST CAUSE, SECONDED BY JOE SALZGEBER. ROLL CALL - AYES - 6, PATRICIA HANEK, NICHOLAS HANEK, ALEX JOHNSON, MICHAEL ABELLA, ANTHONY CAPRETTA AND JOSEPH SALZGEBER. NAYS - 0. MOTION CARRIED.

CORRESPONDENCE: THERE WAS NONE.

APPROVAL OF REGULAR COUNCIL MEETING MINUTES DATED JULY 10, 2017 AND SPECIAL COUNCIL MEETING MINUTES DATED JULY 11, 2017.

PATRICIA HANEK MOVED TO APPROVE THE COUNCIL MEETING MINUTES DATED JULY 10, 2017 AND SPECIAL COUNCIL MEETING MINUTES DATED JULY 11, 2017 AS WRITTEN, SECONDED BY ALEX JOHNSON. ROLL CALL - AYES - 6, MICHAEL ABELLA JR., PATRICIA HANEK, NICHOLAS HANEK, JOSEPH SALZGEBER, ALEX JOHNSON, ANTHONY CAPRETTA. NONE. NAYS - 0. MOTION CARRIED.

MAYOR'S REPORT:

Proclamation to Burt Young, owner of Gale's Garden Center.

Mayor Falconi presented a proclamation to Burt Young the owner and manager of Gale's Garden Center for three decades in the City of Brunswick.

Proclamation for the American Legion Post 234 Poppy Drive Sept. 1&2, 2017.

A proclamation was presented to the American Legion Post 234 in recognition of their Poppy Drive on September 1 & 2, 2017.

Recognition of the Mihacevich Sisters on World of Dance Competition.

The Mayor presented proclamations to the Mihacevich sisters for competing on nationwide television on the World of Dance Competition produced by Jennifer Lopez.

Proclamation to proclaim August 12 as "Toastmaster Day" in the City of Brunswick.

A proclamation was presented to the Toastmaster group to proclaim August 12 as "Toastmaster Day" in the City of Brunswick.

CLERK OF COUNCIL'S REPORT: MRS. ORTIZ ANNOUNCED THE CITY OF BRUNSWICK WAS LOOKING FOR A BRUNSWICK REPRESENTATIVE FOR THE MEDINA COUNTY HEALTH BOARD. IT WAS A SIX-YEAR TERM. HOWEVER, THE VACANCY WAS TO FILL A CURRENT TERM UNTIL JANUARY 2021. IF ANYONE WAS INTERESTED, PLEASE CONTACT HER.

COUNCIL COMMITTEE REPORTS:

Economic Development.....Mr. Johnson:

Alex Johnson had no formal report tonight.

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

Joseph Salzgeber moved to approve the formal report dated June 26, 2017 as written, seconded by Nicholas Hanek. Roll Call - Ayes - 5, Anthony Capretta, Alex Johnson, Joseph Salzgeber, Patricia Hanek and Michael Abella Jr. Abstain - 1, Nicholas Hanek. Nays - 0. Motion Carried.

Finance Committee.....Mrs. Hanek:

Patricia Hanek had no formal report this evening.

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

Nicholas Hanek had no formal report tonight.

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

In Brian Ousley's absence, Patricia Hanek moved to approve the formal minutes dated June 15, 2017 as written, seconded by Nicholas Hanek. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

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

Michael Abella Jr. moved to approve the formal report dated June 20, 2017 as written, seconded by Anthony Capretta. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

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

Anthony Capretta moved to approve the formal report dated July 3, 2017 as written, seconded by Alex Johnson. Roll Call - Ayes - 6, 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 JUNE 20 AND JUNE 26, 2017 AS WRITTEN, SECONDED BY JOSEPH SALZGEBER. ROLL CALL - AYES - 5, ALEX JOHNSON, MICHAEL ABELLA JR., ANTHONY CAPRETTA, PATRICIA HANEK, JOSEPH SALZGEBER. ABSTAIN - 1, NICHOLAS HANEK. NAYS - 0. MOTION CARRIED.

PETITIONS FROM THE PUBLIC ON LEGISLATION : THERE WERE NONE.

READING OF LEGISLATION AND ACTION ON LEGISLATION:

3RD READING(S)

RES. NO. 45-17 - A resolution authorizing the City Manager to purchase a new F550 4WD Truck Dump Cab and Chassis from Liberty Ford in an amount no to exceed \$36,398.62 - **3rd Reading** (Services, Utilities, Technology & Cable Committee, Revised 7-13-17, *Administration/Paul Barnett*):

RES. NO. 45-17 - Joseph Salzgeber moved to adopt, seconded by Nicholas Hanek. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Barnett advised this was a replacement of an existing F550. It was being purchased from Liberty Ford which is in the City of Brunswick.

RES. NO. 46-17 - A resolution authorizing the City Manager to purchase a new F550 4WD Truck Dump Body from Henderson Products in an amount not to exceed \$24,320.00 - **3rd Reading** (Services, Utilities, Technology & Cable Committee,*Administration/Paul Barnett*):

RES. NO. 46-17 - Joseph Salzgeber moved to adopt, seconded by Nicholas Hanek. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Barnett stated this was the dump body that will go on that F550 that we spoke about a moment ago.

RES. NO. 47-17 - A resolution authorizing the City Manager to purchase a new 8-ton truck body and snow/ice package from Henderson Products in an amount not to exceed \$59,515.00 - **3rd Reading** (Services,

Utilities, Technology & Cable Committee, *Administration/Paul Barnett*):

RES. NO. 47-17 - Joseph Salzgeber moved to adopt, seconded by Nicholas Hanek. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Barnett explained that this was for a new 8-ton truck body and snow package. The piece of legislation to follow this one was the chassis. This was to replace an existing 8-ton truck that has served its useful life.

RES. NO. 48-17 - A resolution authorizing the City Manager to purchase a new 8-ton cab and chassis from Allstate Peterbilt of Cleveland in an amount not to exceed \$89,230.00 - **3rd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/ Paul Barnett*):

RES. NO. 48-17 - Joseph Salzgeber moved to adopt, seconded by Nicholas Hanek. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Barnett this was the 8-ton cab and chassis that went along with the dump body that we just spoke on.

RES. NO. 51-17 - A resolution authorizing the City Manager to purchase a new F350 4WD Pickup Truck from Liberty Ford in an amount not to exceed \$28,526.62 - **3rd Reading** (Services, Utilities, Technology & Cable Committee, Revised 7-13-17, *Administration/Paul Barnett*):

RES. NO. 51-17 - Joseph Salzgeber moved to adopt, seconded by Nicholas Hanek. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Barnett stated this was for an F350 and once again it was being purchased from Liberty Ford. This was to replace an old truck that served its useful life.

RES. NO. 56-17 - A resolution authorizing the City Manager to purchase a new 25 Cubic Yard Trailer Mounted Leaf Vacuum without engine from Old Dominion Brush Co. Inc. in an amount not to exceed \$39,702.50 - **3rd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*):

RES. NO. 56-17 - Joseph Salzgeber moved to adopt, seconded by Alex Johnson. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Barnett noted this was to purchase a new trailer mounted leaf vacuum. This was unusual as the City was not buying the motor with it. The City had an existing leaf vacuum that the chassis was completely gone. However, it had a John Deere engine and still ran well. The City will take the old John Deere and put it onto the new chassis and get another ten years out of that.

RES. NO. 57-17 - A resolution authorizing the City Manager to enter into an agreement with Wilson Electronic Displays, LLC for the purchase and installation of an outdoor electronic message center in an amount not to exceed \$19,480.00 - **3rd Reading** (Services, Utilities, Technology & Cable Committee,

Administration/Jeff Neidert):

RES. NO. 57-17 - Joseph Salzgeber moved to adopt, seconded by Nicholas Hanek. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Neidert explained that this will replace the community information sign that was located at the intersection of S.R. 303 and U.S. 42. Color capabilities will be added to the sign with higher resolution. This will provide for more wording for community groups to put their messages on. Also, it will be a two-faced sign which meant now they will be able to do independent messages on each sign.

ORD. NO. 59-17 - An Ordinance accepting the Collective Bargaining Agreement with the Fraternal Order of Police Lodge #15 (Sergeants) for a period of three (3) years effective January 1, 2017 through December 31, 2019 -3rd Reading (Committee-of-the-Whole, *Administration/Carl DeForest*):

ORD. NO. 59-17 - Patricia Hanek moved to adopt, seconded by Joseph Salzgeber. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. DeForest stated Ordinances No. 58-17 through 64-17 represented three-year agreements with the six various bargaining units we have in the City. Negotiations was started in October and concluded in May. This was the third reading on all of them and they will be adopted this evening and be effective thirty days from this evening.

ORD. NO. 60-17 - An Ordinance accepting the Collective Bargaining Agreement with the Fraternal Order of Police, Ohio Labor Council, Inc. (Communication Specialists) for a period of there (3) years effective January 1, 2017 through December 31, 2019 -3rd Reading (Committee-of-the-Whole, *Administration/Carl DeForest*):

ORD. NO. 60-17 - Patricia Hanek moved to adopt, seconded by Joseph Salzgeber. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

ORD. NO. 61-17 - An Ordinance accepting the collective bargaining agreement with the Fraternal Order of Police Lodge #15 (Patrol Officers) for a period of three (3) years effective January 1, 2017 through December 31, 2019 -3rd Reading (Committee-of-the-Whole, *Administration/Carl DeForest*):

ORD. NO. 61-17 - Patricia Hanek moved to adopt, seconded by Anthony Capretta. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

ORD. NO. 62-17 - An Ordinance accepting the Collective Bargaining Agreement with the International Brotherhood of Teamsters Local 52 (Division of Streets) for a period of three (3) years effective January 1, 2017 through December 31, 2019 - 3rd Reading (Committee-of-the-Whole, *Administration/Carl DeForest*):

ORD. NO. 62-17 - Patricia Hanek moved to adopt, seconded by Alex Johnson. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

ORD. NO. 63-17 - An Ordinance accepting the Collective Bargaining Agreement with the International Brotherhood of Teamsters Local 52 (Employees of the Division of Finance, Parks and Recreation, Permits and Inspections and Clerical employees of the Division of Fire) for a period of three (3) years effective January 1, 2017 through December 31, 2019- **3rd Reading** (Committee-of-the-Whole, *Administration/Carl DeForest*):

ORD. NO. 63-17 - Patricia Hanek moved to adopt, seconded by Joseph Salzgeber. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

ORD. NO. 64-17- An Ordinance accepting the Collective Bargaining Agreement with the International Association of Firefighters 3568 for a period of three (3) years effective January 1, 2017 through December 31, 2019 -**3rd Reading** (Committee-of-the-Whole, *Administration/Carl DeForest*):

ORD. NO. 64-17 - Patricia Hanek moved to adopt, seconded by Alex Johnson. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

ORD. NO. 67-17 - An emergency ordinance providing for submission to the electors of the City of Brunswick, Ohio, at the November 7, 2017 General Election, the proposed amendment to Charter Section 3.08 - **3rd Reading** (Committee-of-the-Whole, *Administration/Ken Fisher*):

ORD. NO. 67-17 - Patricia Hanek moved to adopt, seconded by Nicholas Hanek. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Fisher stated that the proposed Charter Amendment will remove the requirement that the appointed Clerk of City Council be a resident of the City of Brunswick. The reason it was being placed on the agenda on an emergency basis was because certifications to the Medina County Board of Elections was required by this coming August 9, 2017 at 4:00 p.m.

2ND READING(S)

1ST READING(S)

RES. NO. 68-17 - A resolution authorizing the City Manager to purchase a new Ford F550 4WD Truck Dump Cab and Chassis and for the Department of Parks and Recreation from Liberty Ford in an amount not to exceed \$36,198.62 **1st Reading** (To be brought from Parks, Recreation & Community Committee, *Administration/John Piepsny*):

RES. NO. 68-17 - Michael Abella Jr. moved this resolution to a second reading.

RES. NO. 69-17 - A resolution authorizing the City Manager to purchase a new Ford F550 4WD Truck Dump Body from Henderson Products for the Department of Parks & Recreation in an amount not to exceed \$24,320.00 - **1st Reading** (To be brought from Parks, Recreation & Community Committee, *Administration/John Piepsny*):

RES. NO. 69-17 - Michael Abella Jr. moved this resolution to a second reading.

ORD. NO. 70-17 - An ordinance establishing Chapter 864 of the City of Brunswick Codified Ordinances to regulate massage establishments - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Chief Ohlin*):

ORD. NO. 70-17 - Patricia Hanek moved this ordinance to a second reading.

ORD. NO. 71-17 - An ordinance establishing Section 1262.04(g) of the Codified Ordinances of the City of Brunswick by including massage establishments as a conditionally permitted use in the C-O Office Commercial Zoning District - **1st Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*):

ORD. NO. 71-17 - Patricia Hanek moved this ordinance to a second reading.

ORD. NO. 72-17 - An ordinance establishing Section 1260.04(t) of the Codified Ordinances of the City of Brunswick by including massage establishments as a conditionally permitted use in the C-G General Commercial Zoning District - **1st Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*):

ORD. NO. 72-17 - Patricia Hanek moved this ordinance to a second reading.

ORD. NO. 73-17 - An ordinance amending the Design Guidelines for the Main Street District of the Brunswick Town Center Special Planning District No. 2 by permitting massage establishments as a conditionally permitted use - **1st Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*):

ORD. NO. 73-17 - Patricia Hanek moved this ordinance to a second reading.

RES. NO. 74-17 - An emergency resolution authorizing the City Manager and City Engineer to submit grant and loan applications to the Ohio Public Works Commission Issue 1 Program - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*):

RES. NO. 74-17 - Joseph Salzgeber moved to suspend the rules, seconded by Nicholas Hanek. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Jones noted this will allow the City to apply for OPWC funding for next year for reconstruction of portions of Beverly Hills Drive, Magnolia Drive and Junior Parkway. They were looking for suspension and an emergency due to the fact that the application was due on September 1, 2017.

Joseph Salzgeber moved to adopt, seconded by Nicholas Hanek. Roll Call - Ayes - 6, Michael Abella Jr., Patricia Hanek, Nicholas Hanek, Joseph Salzgeber, Alex Johnson and Anthony Capretta. Nays - 0. Motion Carried.

RES. NO. 75-17 - An emergency resolution authorizing the City Manager to enter into an agreement with Catt's Construction, Inc. for the construction of the Grafton Road Reconstruction Project, Phase 4, in an amount not to exceed \$1,584,097.50 - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*):

RES. NO. 75-17 - Joseph Salzgeber moved to suspend the rules, seconded by Alex Johnson. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber.

Nays - 0. Motion Carried.

Mr. Jones informed this will allow the City to award a contract to Catt's Construction the lowest and best bidder for the Grafton Road Reconstruction Phase 4 Project. It will reconstruct Grafton Road from just west of Hadcock Road to Pearl Road. It is an emergency with suspension so that the City can get the construction underway and have it completed in 2017.

Mr. Salzgeber expressed that he was happy to see this project go forward.

Mr. Salzgeber moved to adopt, seconded by Nicholas Hanek. Roll Call - Ayes - 6, Alex Johnson, Joseph Salzgeber, Nicholas Hanek, Patricia Hanek, Michael Abella Jr., and Anthony Capretta. Nays - 0. Motion Carried.

ORD. NO. 76-17 - An emergency Ordinance amending Ordinances #84-16, #15-17 and #37-17 to include amendments to the appropriations budget for the year ending December 31, 2017 as incorporated in Exhibit "A" attached hereto- 1st Reading (To be brought from the Finance Committee, *Administration/Todd Fischer*):

ORD. NO. 76-17 - Patricia Hanek moved to suspend the rules, seconded by Joseph Salzgeber. Roll Call - Ayes - 6, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Ms. Ozanich related that this legislation was to amend the budget which was necessary for time to time to bring the budget in line with current operations. The details were discussed at the Finance Committee this evening. The total financial impact of this legislation was a net increase of the overall City budget of \$98,235.55. This legislation only had budgetary impact and actual expenditures and transfers of City funds were subject to State and local laws. It was an emergency to remain in compliance with the Ohio Revised Code.

Patricia Hanek moved to adopt, seconded by Joseph Salzgeber. Roll Call - Ayes - 6, Nicholas Hanek, Michael Abella Jr., Joseph Salzgeber, Anthony Capretta, Alex Johnson and Patricia Hanek. Nays - 0. Motion Carried.

CITY MANAGER'S REPORT: MR. DEFOREST HAD A REMINDER TO THE MOTORING PUBLIC THAT SATURDAY, AUGUST 5 AT 6:30 A.M. THE MS RIDE KNOWN AS THE BUCKEYE BREAKAWAY WILL LEAVE THE BRUNSWICK RECREATION CENTER AND PROCEED WESTBOUND ON S.R. 303. THERE WILL BE APPROXIMATELY 2,000 RIDERS RAISING MONEY FOR MULTIPLE SCLEROSIS. THEY WILL LEAVE BRUNSWICK AND HEAD TO ASHLAND UNIVERSITY. THEY WILL MOSTLY BE OUT OF BRUNSWICK BY 7:00 A.M. HOWEVER, MOST OF THEM WILL ALSO COME BACK ON SUNDAY. THEY WILL TRICKLE INTO TOWN BETWEEN 11:30 A.M. AND AS LATE AS 5:00 P.M. HE ASKED FOR EVERYONE TO BE COGNIZANT OF THEME AND LOOK OUT FOR THEIR SAFETY. HE ALSO REMINDED EVERYONE THAT THERE WILL BE SOME ROAD WORK PROJECTS STARTING IN THE NEXT FIVE TO SIX WEEKS. HE ASKED FOR EVERYONE TO BE PATIENT. THEY APOLOGIZED FOR THE DETOURS AND INCONVENIENCE. THIS WILL BE DONE IN A TIMELY MANNER AND IT NORMALLY STARTED JUST BEFORE SCHOOL STARTED AS A RESULT OF THE FUNDING CYCLES. IN ADDITION, HE MENTIONED THAT THE NEXT REGULARLY SCHEDULED COUNCIL MEETING WILL BE ON MONDAY EVENING, SEPTEMBER 11, 2017.

ADMINISTRATIVE DEPARTMENTS: MS. OZANICH ANNOUNCED THAT THE JUNE BANK STATEMENTS HAVE BEEN RECONCILED TO THE LEDGERS. THE 2018 BUDGET PROCESS WILL BEGIN IN EARLY AUGUST.

LT. HOOVER CONGRATULATED OFFICER JOE WHO WAS GIVEN AN AWARD FOR HIS EFFORTS IN OVI ENFORCEMENT. HE WAS PRESENTED AT THE 2017 LAW ENFORCEMENT RECOGNITION EVENT CALLED HONORING OUR HEROES. IT WAS A LUNCHEON PRESENTED BY MOTHERS AGAINST DRUNK DRIVING. HE MENTIONED THE SKYVIEW PROJECT WILL BEGIN ON WEDNESDAY. THE TRAFFIC UNIT AND OTHER OFFICERS WILL BE OUT IN THE AREA. THEY WERE ALREADY AWARE OF THE CONCERNS FROM THE RESIDENTS OF THAT AREA REGARDING SPEED AND INCREASED TRAFFIC FLOW. THEY WILL CONDUCT THEIR ENFORCEMENT APPROPRIATELY. AS THE CITY MANAGER MENTIONED THE BUCKEYE BREAKAWAY. HE WANTED TO REMIND EVERYONE THAT THERE WAS AN OHIO REVISED CODE UPDATE UNDER 4511.27 WHICH STATED THAT WHEN MOTOR VEHICLES OVERTOOK OR PASS A BICYCLE, THREE FEET OR GREATER WAS CONSIDERED A SAFE DISTANCE. WITH THE WARM WEATHER HE ASKED EVERYONE TO REMEMBER TO LOCK THEIR HOUSE DOORS, CAR DOORS AND CLOSE YOUR WINDOWS AT NIGHT. ALSO, MAKE SURE YOUR GARAGE DOOR WAS CLOSED AS IT WAS THE BEST WAY TO PREVENT THEFT. ALSO, IF YOU SAW SOMETHING SUSPICIOUS TO CONTACT THE BRUNSWICK POLICE DEPARTMENT. OFTEN TIMES THEY HEARD AFTER THE FACT THAT PEOPLE SAW SOMETHING AND THOUGHT IT WAS UNUSUAL. THE DEPARTMENT CAN BE REACHED AT THEIR NON-EMERGENCY NUMBER OF 330-225-9111. THEY WERE ALSO AVAILABLE ON TWITTER AND FACEBOOK AT BRUNSWICK POLICE. ON AUGUST 16 RUNNING THROUGH SEPTEMBER 4 WILL BE THE NATIONAL "DRIVE SOBER OR GET PULLED OVER CAMPAIGN". THIS HAD ZERO TOLERANCE FOR OVI OFFENDERS. TO DATE THERE HAVE BEEN 521 FATAL CRASHES IN OHIO, WITH SEVEN OF WHICH WERE IN MEDINA COUNTY.

MR. BARNETT RELATED THE CITY WAS IN FULL SWING WITH CONSTRUCTION SEASON. THE ASPHALT RESURFACING PROGRAM WAS NEARING COMPLETION. THE ROCKLYN DRIVE PROJECT WAS COMPLETE. ON JEFFERSON, GANYARD AND CHARLES THEY HAD A TOP SEAL TO DO. THE CONCRETE PROGRAM REPAIR WAS ABOUT 25% COMPLETE THROUGHOUT THE CITY. HE ANTICIPATED BY THE END OF AUGUST IT WILL BE COMPLETED. THEY DID ADD SOME MORE MONEY TO THAT PROGRAM. THIS WAS CAPITAL ROADWAY MONEY NOT LEVY ROADWAY MONEY. THE CAPITAL ROADWAY MONEY WILL BE USED ON LAUREL AND USED IN THE INDUSTRIAL PARK. THOSE AREAS HAD SOME SEVERE PROBLEMS THAT THEY WERE ATTEMPTING TO TAKE CARE OF. THEY TALKED ABOUT SKYVIEW DRIVE EARLY. IT WILL BE REBUILT BETWEEN U.S. 42 AND WOODHOLLOW. THIS WAS SCHEDULED FOR WEDNESDAY TO START. THEY WILL BE CLOSING THE WESTBOUND TRAFFIC ON SKYVIEW. THE CATCH BASIN PROGRAM WILL START VERY SOON. THE CONTRACT HAS BEEN AWARDED FOR GRAFTON ROAD, THIS WILL PROBABLY TAKE TWO TO THREE WEEKS TO ORDER THE MATERIALS. HOPEFULLY BY THE TIME THE SNOW FLIES THEY WILL BE DONE WITH GRAFTON, SKYVIEW AND ALL THE OTHER PROGRAMS.

MR. NEIDERT CALLED EVERYONE'S ATTENTION TO THE "ON CENTER PROGRAM". THIS PROGRAM HIGHLIGHTED CITY DEPARTMENTS. ONE NOTE OF INTEREST WAS A PROGRAM JUST FINISHED WITH CLIFF CALLOWAY. CLIFF TOOK THEM INSIDE THE NEW SCENE 75. IF YOU WOULD LIKE TO SEE WHAT THE INSIDE LOOKED AT BEFORE YOU WERE ALLOWED IN THE DOORS, YOU CAN WATCH THIS PROGRAM. HE WAS THERE ABOUT A MONTH AND A HALF AGO WHEN IT WAS NOT NEARLY AS FANCY AS IT WAS NOW. IT WILL BE A NICE ASSET TO THE COMMUNITY. IT WAS A GOOD WAY TO GET A SNEAK PREVIEW. THOSE SHOWS WERE AVAILABLE ON THE CABLE CHANNELS AS WELL. THEY CAN BE SEEN THROUGH THE CITY'S WEBSITE AT WWW.BRUNSWICK.OH.US.

OPEN FORUM: TIM WOLL OF 1659 EL CAMINO - MR. WOLL WAS PRESENT TONIGHT CONCERNED ABOUT THE ZEPPE'S TAVERN BEING BUILT AT LAUREL SQUARE. HE EXPLAINED THAT HE WAS A CAR

ENTHUSIAST. ON SATURDAY EVENINGS A CAR CRUISE TOOK PLACE IN BRUNSWICK AT LAUREL SQUARE. IT WAS A MONEY MAKER FOR THE AREA. HIS CONCERN WAS WITH THE ZEPPE'S THAT WAS BEING BUILT NOT ONLY WILL IT IMPACT FAT BOB'S DIRECTLY BUT THE CAR CRUISE. THE CAR CRUISE BROUGHT FAMILIES, MOMS AND DADS AND THEY ALL COME AROUND TO LOOK AT THE CARS. IT WAS A NICE THING FOR BRUNSWICK TO HAVE. HE WAS CONCERNED THAT WHEN ZEPPE'S GETS BUILT IT MAY NOT STAY THERE. THEY WOULD LOOSE ABOUT 100 PARKING SPACES IF NOT MORE. THE CAR CRUISE WAS A PRETTY BIG SHOW. HE WOULD LIKE TO INVITE COUNCIL TO GO TO HIS PAGE THAT HE CREATED CALLED TIM'S BRUNSWICK CAR CRUISE PAGE ON FACEBOOK. HE HAS TAKEN PICTURES OF THE CARS AND THE WHOLE THING FOR ABOUT THREE YEARS. MANY PEOPLE COME FROM OTHER CITIES TO ATTEND THE CRUISE. HE PERSONALLY KNEW PEOPLE THAT CAME FROM MENTOR JUST TO COME TO THE BRUNSWICK CRUISE BECAUSE THEY SAW HIS PAGE. IT WAS AN ASSET TO THE CITY. HE WOULD HATE TO SEE IT MOVE SOMEWHERE ELSE. ALL THE BUSINESSES AT LAUREL SQUARE MAKE MONEY FROM IT FROM DAIRY QUEEN TO FAT BOB'S, MR. HERO, MCDONALDS, AND BRUNSWICK FAMILY RESTAURANT (WHICH HE THOUGHT WAS HANGING ON BY A THREAD). WHEN THEY HAVE THEIR CRUISE THEY PROVIDED THE MUSIC AND THEY SELL HAMBURGERS OUTSIDE TO THE CAR CRUISE PEOPLE. ONE OF THE CONCERNS WAS IF THE CRUISE MOVED THEY WOULD LOSE SOME OF THEIR INCOME. IF ANOTHER PIZZA PLACE MOVED IN NEXT TO ANOTHER PIZZA PLACE, HE ASKED HOW FAIR THAT WAS TO FAT BOB'S PIZZA. THE CITY COULD LOSE TWO OF THOSE BUSINESSES RIGHT OFF THE BAT. HE WOULD HATE TO SEE THAT HAPPEN. HE WOULD HATE TO SEE THE CITY LOSE SOMETHING AS A LONG TIME RESIDENT. IT WAS A GOOD ACTIVITY THAT DID NOT COST ANYTHING AND IT DREW PEOPLE FROM ALL OVER TO VISIT BRUNSWICK. IT WAS A GOOD THING FOR OUR CITY.

ALAN AMTSBERG OF 3533 MONTE VISTA DRIVE - MR. AMTSBERG WAS A THIRTY-FOUR YEAR RESIDENT OF BRUNSWICK AND A CRUISER. HE DID NOT UNDERSTAND WHY THE CITY WOULD PUT ANOTHER EATERY FIFTY FEET AWAY FROM THREE MORE. HE MENTIONED FAT BOB'S, MR. HERO AND THE BRUNSWICK FAMILY RESTAURANT WERE NOT BIG TIME PEOPLE. NOW THE CITY WAS PUTTING A RESTAURANT RIGHT IN BETWEEN WITH MCDONALD'S ON THE OTHER SIDE. THIS DID NOT MAKE SENSE TO HIM. HE REALIZED \$2 MILLION FROM ZEPPE'S TO BUILD WAS A GOOD SUM OF MONEY FOR THE CITY OF BRUNSWICK. HOWEVER, THERE WAS A WHOLE BUNCH OF PROPERTIES HERE AND THERE AND THE SAME PLACE COULD BE DONE AT K MART PLAZA. IT WOULD BE CLOSE TO I-71 AND SR 303 WHICH WOULD HAVE MORE TRAFFIC THAN US 42. THERE WERE EMPTY PLACES ALL AROUND THE CITY OF BRUNSWICK. HE COULD NOT SEE PUTTING IT IN THAT CLOSE TO THESE OTHER RESTAURANTS JUST HANGING ON. AGAIN, MANY OF THEM DEPEND ON THEM COMING UP THERE WITH THEIR CARS ON SATURDAY EVENINGS. SOME OF THEIR PEOPLE WENT TO THESE PLACES IN THE WINTER JUST TO SUPPORT THEM. THE CRUISE WILL HAVE TO GO SOMEWHERE ELSE IF THAT WAS THE CASE. IT WAS NOT A THREAT, IT WAS A FACT AS IT WAS DONE BEFORE. HE INVITED COUNCIL TO COME DOWN ON A SATURDAY NIGHT AS THIS PLACE WAS FANTASTIC. THIS WAS A FREE EVENT WHICH BROUGHT IN MANY PEOPLE.

MIKE SCHMIDT OF 7920 BALLASH ROAD, MEDINA - MR. SCHMIDT WAS WITH THE MEDINA COUNTY BOARD OF REALTORS. HE WISHED TO SPEAK ABOUT A COMMENT HE MADE AT THE JUNE 12, 2017 COUNCIL MEETING. HE EXPRESSED SINCERE APOLOGIES TO MR. DEFOREST FOR A COMMENT HE MADE THAT HE LIED TO THE BOARD OF REALTORS. IT WAS AN INAPPROPRIATE COMMENT AND WAS NOT THE RIGHT CHOICE OF WORDS. HE APOLOGIZED. THERE WAS SOME MISCOMMUNICATION ABOUT THINGS GOING BACK AND FORTH BETWEEN THE BOARD OF REALTORS AND SOME THINGS COMING BACK FROM COUNCIL. HE KNOWS THERE WAS NO DECEPTION FROM MR. DEFOREST. AGAIN, HE APOLOGIZED.

MR. DEFOREST REELATED TO CONSIDER THE APOLOGY ACCEPTED.

MARTIN KRIST OF 4154 BLOSSOM COURT - MR. KRIST STATED ON JULY 10 HE PRESENTED A SITUATION OF FLOODING DUE TO THE CREATION OF AN APARTMENT COMPLEX ON PEARL ROAD CALLED THE SHIRE APARTMENTS. THERE WAS SOME PEOPLE HERE THIS EVENING THAT WERE RESIDENTS ON BRUCE DRIVE AND HE WOULD LIKE TO RECOGNIZE THEM FOR BEING HERE AND BEING CONCERNED WITH VARIOUS QUESTIONS REGARDING THE FLOODING ISSUE. HE MENTION MIKE CREAGER AND THE HANDOUTS THAT HE GAVE SHOWED A PICTURE OF HIS BACKYARD. HIS NEIGHBOR, JEN KRUPA AND HER HUSBAND, AS WELL AS MARTY GINLEY PROVIDED A VIDEO. HE HAS NOT HAD A CHANCE TO LOOK AT THE VIDEO YET. THE PICTURE AND THE VIDEO SHOWED THE MUDDY WATER REFERENCED ON JULY 10 WITH THE FLOODING CONDITION IN HIS BACKYARD AND AT 400 JUDITA. THERE WAS ALSO A SWALE IN THE BACKYARD OF THE HOMEOWNERS ON BRUCE DRIVE. HIS PROPERTY BORDERED THEIR PROPERTIES AND THE WATER CAME DOWNHILL FROM PEARL. A GENTLEMAN BY THE NAME OF JASON RESIDED AT 3070 BRUCE DRIVE SHARED SOME INFORMATION. HE HAS SEEN A LOT OF FLOODING OVER TIME. THIS SWALE WAS SUPPOSED TO TAKE THE WATER AND DIRECT IT. THERE WERE TWO METAL DOMES WITH SLOTS WHERE THE WATER WAS SUPPOSED TO EXIT FROM THEIR PROPERTIES. IT WAS INTERESTING THAT SOMETIMES AT 2:00 A.M. HE WAS CLEANING LEAVES AND DEBRIS FROM THESE TWO PLATES. HE WAS NOT SURE IF MATT JONES WAS AWARE OF THIS FACT. HE WAS A RESPONSIBLE NEIGHBOR THAT HE RESPECTED. ALSO, FOX HOLLOW WAS ANOTHER DEVELOPMENT OF HARSAX THAT OWNED THE SHIRE THAT WAS BEING BUILT. THERE WAS A MISSING OVERFLOW DEVICE THAT WAS NEVER INSTALLED ON THAT PARTICULAR RETENTION POND. THIS WAS THE REASON WHY AN EXCESSIVE AMOUNT OF WATER SHOOTS OUT TO THE NEIGHBORS BELOW. THE FINAL THING HE WISHED TO MENTION WAS THE QUESTION AS TO WHAT COULD BE DONE AS THERE WAS A REASON THIS WATER WAS FLOODING THE PROPERTIES. HE ASKED WHAT COULD BE DONE TO PREVENT THIS TYPE OF FLOODING IN THE FUTURE. RETENTION PONDS CAN BE DEVELOPED. HE WONDERED IF THE OTHER NEIGHBORS AND HE CAN GET SOME QUESTIONS ANSWERED. IF THE CITY COULD BE MORE PROACTIVE IN NOT CREATING HARD SERVICES SIMILAR TO HOWE ROAD IN STRONGSVILLE, OR SAM'S CLUB WHERE PEOPLE HAD TO BE RESCUED OUT OF THEIR CARS DUE TO A SWAMP STRUCTURAL FAILURE. AT THIS POINT THEY WOULD LIKE TO BE MORE PROACTIVE AND THE NEIGHBORS WOULD LIKE TO KNOW WHAT WAS BEING DONE TO SAFEGUARD FROM THIS FLOODING.

RUTHIE LOWREY OF 2031 YORKSHIRE – MS. LOWREY WAS HERE TONIGHT REPRESENTING THE MEDINA COUNTY BOARD OF REALTORS AS THE 2017 PRESIDENT. SHE WOULD LIKE TO ALSO EXTEND THEIR APOLOGY TO MR. DEFOREST. THERE WERE MORE THAN 800 REALTORS IN MEDINA COUNTY. ALL OF THEM ADVOCATE FOR RESPONSIBLE HOMEOWNERSHIP AND THEY ALWAYS ADVOCATE FOR HOMEOWNERS' RIGHTS. SHE DID WANT EVERYONE TO KNOW AS A BOARD OF REALTORS THEY ONLY HOPED TO WORK WITH THE CITY OFFICIALS. SHE WAS A RESIDENT OF BRUNSWICK. SHE ALSO NOTED THAT THEY VOLUNTEERED ON THEIR BOARD. IT WAS UP TO THEM TO TAKE BACK TO THE OTHER REALTORS WHAT HAS HAPPENED IN EACH COMMUNITY. WITH THAT BEING SAID, AGAIN, SHE WOULD LIKE TO EXTEND AN APOLOGY TO MR. DEFOREST ON BEHALF ON MEDINA COUNTY BOARD OF REALTORS. SHE HOPED HE WOULD ACCEPT THE APOLOGY.

MR. DEFOREST ANSWERED THAT HE DID ACCEPT IT.

UNFINISHED BUSINESS THERE WAS NONE.

NEW BUSINESS

Motion to recess for the month of August with the exception of being called back for a meeting if needed.:

Patricia Hanek moved to recess for the month of August with the exception of being called back for a meeting if needed, seconded by Alex Johnson. Roll Call - Ayes - 6, Patricia Hanek, Alex Johnson, Michael Abella, Anthony Capretta, Joseph Salzgeber and Nicholas Hanek. Nays - 0. Motion Carried.

ADJOURNMENT PATRICIA HANEK MOVED TO ADJOURN, SECONDED BY JOSEPH SALZGEBER. ROLL CALL - AYES - 6, ALEX JOHNSON, MICHAEL ABELLA JR., ANTHONY CAPRETTA, PATRICIA HANEK, NICHOLAS HANEK, JOSEPH SALZGEBER. NAYS - 0. MOTION CARRIED.

THERE BEING NO FURTHER BUSINESS, THE COUNCIL MEETING ADJOURNED AT 8:25 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

August 1, 2017

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

WAIVERS/COURT/BONDS

DEPOSITS (July 43,618.23

DEBITS (July) (44,233.23)

Checks to be written in July:

Treasurer State of Ohio	\$ 7,580.50
City of Medina MIATF	\$ 100.00
City of Medina IDATF	\$ 218.50
City of Brunswick Finance Dept/Police Fund *	\$ 33,214.90
Misc Checks (bond refunds & transfers/restitution)	<u>\$ 3,119.33</u>
TOTAL for the month	\$ 44,233.23

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

Service Charges/Fees for prior month \$400.10

MAYOR RONALD FALCONI



TERESA BENO, CLERK OF COURTS

September 1, 2017

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

WAIVERS/COURT/BONDS

DEPOSITS (August) 49,024.32

DEBITS (August) (48,563.32)

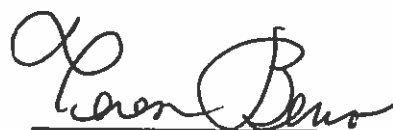
Checks to be written in August:

Treasurer State of Ohio	\$ 7,717.00
City of Medina MIATF	\$ 150.00
City of Medina IDATF	\$ 201.00
City of Brunswick Finance Dept/Police Fund *	\$ 38,890.32
Misc Checks (bond refunds & transfers/restitution)	\$ <u>1,605.00</u>
TOTAL for the month	\$ 48,563.32

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

Service Charges/Fees for prior month \$384.68

MAYOR RONALD FALCONI



TERESA BENO, CLERK OF COURTS

ECONOMIC DEVELOPMENT

July 18, 2017

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

The meeting convened at 6:30 p.m.

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

ECONOMIC DEVELOPMENT UPDATE:

Mr. Aungst reported he has been going out on inspections on both commercial and housing with the inspectors. He met with staff and representatives from Cuyahoga Community College on the Lean Six Sigma program on projects and green belts. He also met with a young man that is an Eagle Scout and he is working with the Administration on the potential of doing some projects. Mr. Aungst also helped coordinate a meeting between the City and School Administration; he noted it helps with economic development and community development. He commented that the City and Schools are the two largest governmental bodies in Northern Medina County.

Mr. Aungst also attended a fan tour; it is a familiarization tour of how site selectors look at sites, it was an interesting event. He also noted he has been having discussions with site selectors and there is a new company in play that is looking to develop a 50,000 square foot operation with room to expand, it is a very competitive situation where they are looking for incentives which are very competitive. Mr. Aungst mentioned the property tax abatement through the CRA for new facilities that are built, and also incentive packages through Medina County Economic Development Corporation and financial capital programs.

Mr. Johnson asked about the incentives offered through the City to attract businesses.

To that Mr. Aungst noted the biggest incentive package is the CRA tax incentive for site improvements at 100% for fifteen years, the City is pre - 94 and he stressed how critical it is that the language does not change, tax incentives are a huge draw for commercial businesses. He mentioned there are a number of businesses that have expanded in the City specifically because of incentives. There are other incentives offered, he mentioned the payroll grant incentive which a couple of businesses have, that incentive is based on new payroll for the City, they are not as lucrative as tax incentives but they offer an opportunity and appreciation to the businesses. Mr. Aungst noted there are possibilities in the future for other types of incentives.

Mr. Aungst noted the problem is land is limited for development in the City.

Continuing, Mr. Aungst advised a new company moved into the City; Pavle Tich Manufacturing, they are an aerospace manufacturing company on W. 130th Street; he mentioned they will be hosting an open house on Tuesday July 25.

Mr. Aungst has been working with workforce development; he mentioned getting qualified people to show up for work is a huge issue throughout the region and the United States. Additionally the Building Department is looking for new software and through the Six Sigma Program they have been able to narrow down their needs. Mr. Aungst has met with consultants to discuss funding operations and opportunities for the City which includes land development in commercial areas and how to maximize the uses. Additionally, Mr. Aungst has met many times with regard to the shopping plaza on Pearl Road; there are challenges both with ownership and legal representation, some mild progress is being made however he noted they have a ways to go.

Mr. Aungst indicated he is been in close contact with Scene 75; they are very close to opening, and are targeting some point in August. Additionally he has been working with a hospital executive on some projects; he attended the opening of U S Bank, he met and discussed plans for a future grand opening for the Brunswick Pointe the new skilled nursing facility, and he consistently met with the management of Town Center regarding what potentially could go be going in there, and met with a number of the current businesses.

Mr. Aungst commented that land was the next biggest step for the City, he mentioned with the approval of Council there is the Corridor Plan that hopefully will come to fruition and continue to be worked on, and other avenues as to how to consistently improve the community.

Mr. Johnson asked how the City can become more attractive for businesses to come here versus going to Medina or Strongsville; he also brought up the concern for available land.

Mr. Aungst noted there are multiple layers of site development and site management, he commented on the community not being that old. There is new development going on, there was a major recession, and there are still lingering effects of that; however he noted that businesses are starting to reinvest. He noted the City is a very friendly to do business in, however the City does not have the spend dollars, it is just now starting to get to the point where the incomes are getting higher and people are spending money. Demographics show pay ranges of \$64,000 to \$72,000 per household, and that is what developers look at and know what the people can afford and those are the market places that are here, however it will change over time.

There was some discussion about K-Mart closings, and the Brunswick K-Mart, Mr. Aungst mentioned they have a building lease and land lease on the property, which could be extended, currently the Brunswick K-Mart is not in a negative situation, however Sears holdings own K-Mart properties and looking at the bigger picture, he thinks it is inevitably Sears holdings will conclude and will fold. However, he noted if that happens K-Mart can continue to lease an empty space. Additionally, he noted when a large mass retailer closes it can take up to three years for redevelopment.

Mr. Johnson asked what responsibility or role Mr. Aungst has if K-Mart closes; and Mr. Aungst pointed out the City does not own nor do they control that space. The City is not in a position to require or force anybody to put something in the space. The City works with the owners as to what their strategies and concepts are; the City can offer ideas and suggestions. Currently, Mr. Aungst noted the City does not have a financial position in the K-Mart development. Acreage is available behind that development and is currently listed at \$300,000.00 an acre, and if the City was interested in buying some land, then the City

may have a little bit of a say. He noted it is a desirable location, he also pointed out Medina County is the fastest growing county in northern Ohio from Columbus north.

Also, Mr. Aungst expressed as nice as retail facilities are, there is a cost associated to operate them and a cost for cities because of safety. He noted it is good to have a certain mix and not have everything into retail operations. He noted cities that have large retail mixes are extraordinarily concerned now. Mr. Aungst noted developers look for a major anchor before they build a building.

Mr. Johnson heard that Applebee's as a chain was not doing well; and Mr. Aungst noted retailers struggle at times. Some restaurants grow too fast and too big, he mentioned retailers are going through some major shifts now; and mentioned retail stores that are closing.

He noted the retail that the City has is fairly stable, and other communities that rely very heavily on retail could potentially be quite a challenge.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mrs. Hanek moved to adjourn at 7:07 p.m. Vote – 2 Ayes, 0 Nays.

Respectfully submitted,

Alex Johnson
Chairman

SERVICES, UTILITIES, TECHNOLOGY & CABLE COMMITTEE

July 10, 2017

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

The meeting convened at 6:29 p.m.

APPROVED ROAD PROJECTS UPDATE:

Mr. Barnett distributed a handout summarizing the construction season; a copy was attached to these minutes.

Mr. Barnett explained a new process that will be done on Jefferson, Ganyard, and Charles Drive, a material called Onyx will be applied after the chip and seal is applied. It will look like a normal asphalt roadway at a reduced cost and it should last between five and six years on Ganyard and Charles, and up to ten years on Jefferson.

The concrete repair program started July 5, there is an expected completion date of August 24. Mr. Barnett noted there is a pre-construction meeting for the Skyview project on July 12, the projected start for that project is the end of July. That project will go from Pearl Road through the intersection of Woodhollow. The bid opening for the Grafton Road Phase 4 project is scheduled for July 18; and legislation should come before Council July 24. There is a pre-construction meeting for the Citywide Catch Basin repair program scheduled for July 11, the contractor for that project is Set In Stone and should begin shortly.

Mr. Barnett included the North Carpenter Road project on the summary even though it is not a 2017 project; however it is a 12.6 million dollar project and he wanted to update Council on that. There should be a spring or summer 2018 start of construction, it will be a two season project, and it is a design build. ODOT should be awarding the contract sometime this year, and once awarded an engineering firm will do the design work and work with both ODOT and the City to get an approved set of plans, and then construction will begin.

The Reserve at Autumn Creek continues. Specialized Construction was awarded the contract for the parking lot repaving program; the anticipated start date is July/August. Mr. Barnett noted the recreation center parking lot will be done first due to be done before the start of school.

Mr. Barnett mentioned last year the City did urethane injection on storm sewers, at two locations the drive approaches sunk; the soil was stabilized the leaks fixed and the drive approaches have been reconstructed.

In conclusion, Mr. Barnett advised the committee on the City Street Staff projects; they will be doing catch basin repairs throughout the City, they will also be doing storm water repairs, last year they did the urethane injections; this year they will be doing banding; with this program stainless steel bands with

rubber seals are installed inside the storm sewers. The men actually go down into the storm sewer to install the bands. The City staff will also be doing drive culverts and ditching.

Mr. Abella asked about storm sewer projects.

Mr. Barnett advised the Kent Drive storm sewer project is scheduled for next year. Mr. Barnett advised he was going to be meeting with the streets department, and building department inspectors to get their feedback on the major problems in the City, and then he will be meeting with Matt Jones, Ryan Cummins, and Ryan Lutz to get their suggestions and develop projects from that, and he will bring all that information to Council.

GENERAL DISCUSSION:

Mr. Salzgeber asked if there was an update on trash specifically at the county level.

Mr. Barnett indicated everything was status quo at the county level; there has not been any change.

Mr. Barnett noted the next thought process is where the City goes from here, if there is enough information for Council to make a decision. His perspective from the two public meetings was the first meeting about 50% of the people wanted things to remain the way they were, and at the second meeting about 70% wanted curb side recycling, however some wanted the trash to remain the same, and others wanted the two cart system.

Mr. Hanek asked about the possibility of bidding out more than one option.

Mr. Barnett indicated that was a possibility; however it was a long process to write the bids, he does not recommend writing bids for more than two options.

ADJOURNMENT:

Being no further business, Mr. Hanek moved to adjourn at 6:40 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

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

Joseph Salzgeber
Chairman

SERVICES, UTILITIES, TECHNOLOGY & CABLE COMMITTEE

July 24, 2017

IN ATTENDANCE: Chairman Joseph Salzgeber, Committee Member Nicholas Hanek, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Alex Johnson, Service Director Paul Barnett, City Manager/Safety Director Carl DeForest, Law Director Kenneth Fisher, Finance Director Todd Fischer, Parks & Recreation Director John Piepsny, Assistant Finance Director Lynnette Ozanich, Engineer Matt Jones, Cable Manager Jeff Neidert, Council Clerk Barbara Ortiz, News Media.

The meeting convened at: 6:45p.m.

Mr. Hanek moved to excuse Mr. Ousley for just cause. Vote – 2 Ayes, 0 Nays.

REVIEW LEGISLATION:

RES. NO. 74-17 – An emergency resolution authorizing the City Manager and City Engineer to submit grant and loan applications to the Ohio Public Works commission Issue 1 Program

This piece of legislation will authorize the Administration to apply for an Issue 1 grant and loan to reconstruct parts of Beverly Hills Drive from Pearl to Judita, Magnolia Driver from Pearl to Judita and Junior Parkway, from Briarleigh to Bettie Lane.

This is approximately a 1.1 million dollar project.

Mr. Jones noted the money for Issue 1 projects become available on July 1, of each year, and the projects are scheduled soon after the money becomes available.

Mr. Hanek moved this resolution to tonight's Council Agenda of July 24, 2017 as an emergency with suspension of the rules. Vote – 2 Ayes, 0 Nays.

RES. NO. 75-17 – An emergency resolution authorizing the City Manager to enter into an agreement with Catt's Construction, Inc. for the construction of the Grafton Road Reconstruction Project, Phase 4, in an amount not to exceed \$1,584,097.50

Mr. Jones advised this project will reconstruct Grafton from west of Hadcock Road westward to Pearl Road, the scope of work is similar to that of what was done on other parts of Grafton and Hadcock. This is going to be a large project and it will be a challenge to get in completed this year. The plan is to start the project the end of August and have it completed before the snow flies.

Mr. Hanek moved this resolution to tonight's Council Agenda of July 24, 2017 as an emergency with suspension of the rules. Vote – 2 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mr. Hanek moved to adjourn at 6:50 p.m. Vote – 2 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Salzgeber", with a large circular flourish on the left side.

Joseph Salzgeber
Chairman

FINANCE COMMITTEE MEETING

July 24, 2017

IN ATTENDANCE: Chairwoman Patricia Hanek, Committee Member Joseph Salzgeber, Michael Abella Jr., Anthony Capretta, Nicholas Hanek, Finance Director Todd Fischer, Assistant Finance Director Lynnette Ozanich, City Manager/Safety Director Carl DeForest, Parks & Recreation Director John Piepsny, Law Director Kenneth Fisher, Service Director Paul Barnett, Engineer Matt Jones, Cable Manager Jeff Neidert, Council Clerk Barbara Ortiz, News Media.

The meeting convened at 6:37 p.m.

Committee Member Alex Johnson seated during meeting.

REVIEW LEGISLATION:

ORD. NO. 76-17- An emergency ordinance amending Ordinances #84-16, #15-17 and #37-17 to include amendments to the appropriation budget for the year ending December 31, 2017 as incorporated in Exhibit "A" attached hereto

Mr. Fischer advised a large majority of the items in the legislation relate to updating the budget to reflect the changes related to the Collective Bargaining Agreements (CBA). He also went over the non related CBA amendments. One of the larger increases relates to the Division of Police; they are considering expediting the ordering of three police vehicles in 2017 to get them in early 2018 versus later 2018. In total the budget amendments are an increase of \$98,235.55.

Mr. Salzgeber moved this ordinance to tonight's Council Agenda of July 24, 2017 as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Fischer advised there are Then and Now certificates for Council's consideration. One is associated with the Division of Fire; engine #2 was taken in for annual maintenance and resulted in needing repairs in the amount of \$13,844.05.

Also, the June reports were sent out, if any questions or comments contact the Finance Department, there was a mistake in the June reports which was corrected and will be reflected in the July report.

ADJOURNMENT:

Being no further business, Mr. Salzgeber moved to adjourn at 6:45 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,



Patricia Hanek
Chairwoman

SAFETY & ENVIRONMENT COMMITTEE MEETING

July 11, 2017

IN ATTENDANCE: Chairman Nicholas Hanek, Committee Member Alex Johnson, Committee Member Anthony Capretta, Brian Ousley, Patricia Hanek, Michael Abella Jr., City Manager/Safety Director Carl DeForest, Chief Brian Ohlin, Chief Jim Baird, Community & Economic Development Director Grant Aungst, Council Clerk Barbara Ortiz.

The meeting convened at 6:05 p.m.

DISCUSSION MASSAGE PARLOR LEGISLATION:

Chief Ohlin distributed a copy of the massage parlor legislation which was drafted by the law department.

Mr. Hanek mentioned the draft legislation was reviewed by the Building & Building Code committee, and he asked if any changes came out of that meeting regarding the massage parlor legislation, and Mr. Capretta answered in the negative.

Mr. Johnson had concern about the businesses being informed about what was happening, he gave one of the businesses a copy of the legislation a few weeks ago and he wanted to know if they have reached out to anyone.

Mr. Aungst indicated he has not reached out to any of the businesses; however he had discussion with the Chief Building Official from the City of Strongsville and he indicated the legitimate businesses in that field had no issues and welcomed their legislation.

Chief Ohlin also spoke with a Police Officer from the City of Strongsville that was in charge of that element of regulations and works with the Building Department and Fire Department with the various inspections that are referenced in the ordinance.

Mr. Aungst mentioned Mr. Hanek brought up some questions with regard to zoning, and license and fees.

Mr. Aungst spoke with the legal department regarding zoning; massage establishments will be set up as a conditionally permitted use and limited to C-G and C-O zoning districts and the main street district of SPD 2. He noted there are some exemptions in the legislation that are spelled out. Additionally there is a provision in the legislation for license and fees.

Mr. Hanek noted the only ward applicable to C-O is Ward 2, he noted there are already some businesses in Ward 2. He noted as the legislation is written it would not have to go to the Planning Commission for anything. He also asked how the committee felt about making massage establishments a conditional use.

Mr. Capretta was looking for an opinion from the law department, and Mr. Aungst interjected that was the opinion of the law department.

Mr. Aungst indicated being conditional would raise it to a higher level of standard and protects the City and its constituents.

Mr. Hanek was in agreement with the law department on conditional use.

Mr. Johnson moved to refer to the law department to draft legislation for the purpose of having massage establishments as a conditionally permitted use in the Main Street District, C-O District, and C-G District, for the next Committee of the Whole Agenda of July 24. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

Chief Ohlin updated the committee on the bank robbery suspect arrest; he was incarcerated in the Medina County jail. He also commented on the summer celebration event, from a safety aspect all went well.

Mr. Hanek brought up the heroin opioid crisis; he mentioned the City of Lakewood received a number of grants for resources they need.

Chief Ohlin mentioned one of the Police Department staff members runs the Family Assistance Coalition Team program which is funded by a MCDAC grant and she is working with service providers in connection with Southwest Hospital to try and bring a program locally for those that need assistance to be referred to a variety of resources.

Chief Ohlin also mentioned there are a few grant requests that are currently pending at the state for review; one being a community engagement grant.

Mr. Hanek asked about the number relating to overdoses, and Chief Ohlin indicated the numbers although not necessarily good were similar to last year's numbers, the Division of Police continue to work very close with the drug task force.

Chief Baird gave an update on the orange fire hydrants; he explained all the hydrants that were replaced are orange, and there was money in the budget to paint them however with a change in regulations hiring a seasonal person through parks and recreation department as they did last time that position was now eliminated. Chief Baird indicated a contractor will now be painting about 320 of the 400 hydrants in the City. Next year the Administration will be coming to Council with a job description and pay range for an actual hydrant painter, and added to the budget on a regular basis.

Additionally, Chief Baird advised all the finances were in place for the upgrade to Station 2, windows, doors, and apparatus doors will be replaced, the station will be painted, a new sign, and cement work.

There will also be concrete and asphalt work on the problem areas at Station 1.

Mr. Johnson asked if there were any mishaps on July 4.

In response, Chief Baird noted there were no incidents with the fireworks, other than one unexploded shell in the tube and was fired off. The parade went without incident, there was an emergency vehicle that needed to get through to the Cleveland Clinic, and the parade route was opened for them.

ADJOURNMENT:

Being no further business, Mr. Capretta moved to adjourn at 6:26 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Hanek', with a stylized flourish at the end.

Nicholas Hanek
Chairman

PLANNING AND ZONING COMMITTEE

July 20, 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, Engineer Matt Jones.

The meeting convened at 6:00p.m.

REVIEW LEGISLATION:

ORD. NO. 71-17 – An ordinance establishing Section 1262.04(g) of the Codified Ordinances of the City of Brunswick by including massage establishments as a conditionally permitted use in the C-O Office Commercial Zoning District

ORD. NO. 72-17 – An ordinance establishing Section 1260.04(t) of the Codified Ordinances of the City of Brunswick by including massage establishments as a conditionally permitted use in the C-G General Commercial Zoning District

ORD. NO. 73-17 – An ordinance amending the Design Guidelines for the Main Street District of the Brunswick Town Center Special Planning District No. 2 by permitting massage establishments as a conditionally permitted use

Mr. Aungst noted the concerning areas for Planning & Zoning are zoning districts for massage establishments. He noted massage establishments will be a conditionally permitted use the C-O District, C-G District, and Brunswick Town Center Special Planning District 2. Currently in the Main Street District of Town Center massage establishments are prohibited, Ordinance No. 73-17 amends those guidelines permitting conditionally permitted use for higher end spa establishments in Town Center.

Mr. Ousley mentioned some hotels have spa facilities.

Mr. Hanek mentioned a salon in Town Center that could potentially offer these services, and do well, and Mr. Aungst concurred, noting the salon is in a great position to increase their business being in a location that faces the new hotel.

Mr. Hanek reiterated that is the kind of business that could do well in that area, and this legislation amends to more of a logical permissibility based upon how Town Center developers originally designed Special Planning District 2.

Mr. Aungst advised Chief Ohlin worked diligently on the other part of the massage establishment legislation, and he also acknowledged Mrs. Plavecski for diligently working on the legislation, and stated the knowledge she has is unreplaceable.

Mrs. Hanek moved Ordinance 71-17, 72-17, and 73-17 to the next Council Agenda of July 24, 2017 for three readings. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Aungst mentioned the committee discussed legislation for the ground feeding of wild, or domestic stray animals at the Safety Committee; he noted legislation has been drafted, and will be forward to Mr. Hanek.

The intent of Mr. Hanek is to put the legislation on the Safety Committee Agenda for September.

Mr. Aungst mentioned he gets addressed on this on a regular basis from community members, and based on what he is aware of the legislation will be a positive direction to go.

Mr. Ousley recently spoke to a lady that told him of a resident that feeds deer during the winter months.

Mr. Aungst commented on the safety concerns with feeding not only the deer population, but wild animals, and the farrow cat population, Mr. Hanek concurred; he stated feeding those types of animals incorrectly can cause complications to the animals.

Mr. Aungst brought up a past discussion when the committee discussed looking at the definition of financial institutions; the Administration continues to work with the legal department on this issue noting it is still in the developmental stages. The law department has come back with some definitions and different groups that would take into consideration under a conditional zoning certificate and specific areas where they could take place which would be the C-O and C-G districts.

Mrs. Hanek commented currently these types of businesses can move into the C-G district without any oversight.

Mr. Aungst reiterated the law department continues working on legislation and it will come back to this committee for review.

Mr. Aungst had one last item that he wanted to address along with Mrs. Plavecki; it is from a discussion that was brought up a few meetings ago about Planning Commission and the process for modifications by variances, and possibly moving to a text amendment focus. While reviewing the idea with the law director and assistant law director, the law director came back with a ruling that modifications are no different as compared to a variance. Mr. Aungst and Mrs. Plavecki did not agree with that statement, and noted the current process has been used for some time.

Mr. Aungst stated it was important to note that the Administration will carry out any tasks that City Council or the law director deem necessary. However, this could potentially put a strong burden upon the City in development and in the process of getting things through Planning Commission and how things are built and not having the ability to give a modification for example to lighting, landscaping, or parking places, he noted those three alone would cause a delay a project anywhere from two to four months.

Mrs. Hanek asked for sections to reference; Mrs. Plavecki advised sections 1276.15 (b), 1282.10(a) and 1260.07 (c).

Mr. Aungst also referenced section 1244.04; responsibilities of the Planning Commission which the committee previously discussed and the committee came to the conclusion that one of the main points of modifications as stated in section 1244.04 (b) (1); such a variance or exception will not violate the spirit of intent of the chapter and (b) (2); that a more harmonious and compatible development will result. To

Mr. Aungst that states what modifications are driving towards; he asked Mrs. Plavecski how long modifications have been in place.

To that Mrs. Plavecski advised it was passed by City Council April 2005. Mrs. Plavecski expressed that she finds it hard to believe that the Law Director, City Council, and Planning Commission have gotten this wrong for all these years, and nowhere in the ordinances does it say that this is required to be dealt with as a variance. This process was put in place to provide relief to keep projects moving, she noted to do a modification like a variance would involve a thirty day wait time before the meeting to have a public hearing notice, all the property owners have to be notified within a specified radius, and with the applicant having to submit to Planning twenty days before a meeting, and a thirty day wait time that could add two months onto a project.

Mr. Ousley asked how this came about, and Mr. Aungst explained the Administration was having an internal discussions on potential modifications with the assistant law director and he thought it should be geared towards a variance, and as he started looking into it more he asked the Administration to send a note to the law director for a ruling, and ask if variances could be moved from 1244.04 more to a text amendment to keep the process moving mostly in the commercial districts, and the law director came back with modifications are pretty much the same as variances.

Mrs. Plavecski interjected that the Administration begged to differ.

Mr. Hanek asked if what currently was coming before Planning Commission would be variances.

Mrs. Plavecski noted Planning Commission would still hear them but now public hearing notices have to be done and there has to be a thirty day wait time, it would be handled like a text amendment and it has never been handled that way, she read and reread the code sections and nowhere does it say modifications have to be handled like variances, and noted the Administration was taken aback with the ruling from Mr. Fisher. She reiterated the ruling from the law director cannot be backed up in code.

Mr. Aungst noted there are areas of the code that constantly need to be refined and tweaked, but as a blanket direction it becomes difficult to do their jobs effectively for the benefit of the community with this ruling, because it will cause delays. Further, there will have to be retraining for the Planning Commission members for something that needs a modification, there has to be a wait period which could be up to two months, and it is going to slow progress.

Mr. Ousley has heard this before how difficult it is to get things done in the City of Brunswick.

Mrs. Hanek asked what definition of modification did Mr. Fisher based his opinion on; she did not think it was section 1276.15.

To that Mr. Aungst, noted Mr. Fisher has not clarified the specific code that he was referencing other than looking at modifications based on his opinion should be considered variances, so that others regionally can be notified in case there is a change, and comments may affect the outcome one way or another.

Mrs. Plavecski stated this was going to tie up Planning Commission; she mentioned a recent instance where an applicant needed three separate modifications. She further noted most of the applicants at the discussion stage do not know if they need modifications, since the applicants are not spending the money

on lighting and landscaping until they know their concept plan is going to be approved by Planning Commission and moved onto a detailed site plan.

Mr. Jones interjected another potential issue with lighting and landscaping is not known until the applicants come in for their detailed site plan, and that is going to add a third meeting to the process which has to follow the second meeting by two months, because of the twenty day application period and the thirty day notice.

Mr. Ousley asked how other communities are handling this.

From his experience in the City of Westlake, Mr. Jones advised their Planning Commission grants modifications without this type of process.

Mrs. Hanek referred to section 1224.04; which indicates Planning Commission can grant variances.

Mr. Aungst clarified; the Planning Commission can grant variances, he advised there has to be a clear delineation between a modification and a variance.

Mr. Hanek interjected the definition of modification may need to be cleaned up.

Mr. Aungst noted the Administration will be meeting with Attorney Fisher to have a greater detailed discussion. He noted these changes will not only affect Planning Commission, it will also affect the Board of Zoning Appeals (BZA), and with BZA meeting once a month, with a full agenda they may need to add additional meetings in the month, or additional cases to their agenda.

Mrs. Plavecski referenced Section 1278.03; procedures for site plan review the Planning Commission is on a time deadline unless the applicant agrees to a longer time, Planning Commission has thirty days to make a decision on a discussion plan, and on a detailed site plan they have twenty-one days, if they need a modification that will not happen unless the applicant agrees to a longer time period.

Looking at this differently, Mr. Hanek noted what the law department is saying is they believe our code is difficult in practice right now, so there is clearly an opportunity to make some revisions. He noted it might be a good time for the Administration to look at some other communities to see what they are doing and look to make some improvements to the code.

Mr. Aungst noted there is always room for improvement, given that looking at the areas as a totality this is going to be a great struggle in the long run if changes are not looked at. His preference would be to study this more before going in a different direction. Mr. Aungst does not want to make changes internally before knowing the right decision is being made, noting you always want to improve and find the best practices.

Mr. Ousley noted maybe there can be some tweaking.

Mrs. Plavecski reiterated she finds it hard to believe that Council, the Law Director, and Planning Commission all got this wrong for the last twelve years.

Mr. Hanek noted there was a lot of comprehensive planning and thought process about the City that did not apply in 2005. However, he finds it baffling that this was just coming up now, and he understands the frustration of the Administration.

Mrs. Plavecski stated this process was to provide relief for businesses for a quicker and easier process, so the applicants did not have to go to the Board of Zoning Appeals.

Mr. Aungst commented that Brunswick is a young city in the sense of incorporation and growth; and the City is seeing growth and continues moving in a positive direction.

Mrs. Hanek asked for clarification as to how this all came about, and Mr. Aungst advised this came about during an Administrative Review Meeting, the Administration was reviewing processes of how things are moved forward, and how certain developments need modifications and how could the City make things more affective, and the Assistant Law Director Mr. Incorvaia was looking through documents and a case where he thought a variance should have been called for as opposed to a modification, and he asked about addressing it as a text amendment as opposed to a variance, and move it into a modification, because a Charter change would not take place until 2020.

Mrs. Plavecski explained currently to grant a setback which is a variance, it goes to Council during the course of site plan review the Planning Commission can grant a variance on a setback, subject to Council approval by motion, and that was instituted by former Mayor Werner to keep the process going. She noted that was done because if someone wanted a setback variance the process stopped until it went to BZA. So it was changed that during the course of the Planning Commission review and a site plan they were given the power to grant a variance for a setback as long as it was approved by Council. For lighting and landscaping and parking those have always been modifications, Council deemed it was appropriate to keep the project moving to let Planning Commission grant modifications, for lighting and landscaping. Mrs. Plavecski stated the Administration will do what the law director says however it was just a shock that after 12 years, they found out they were not doing it right, and she cannot find anywhere in the code where it says it has to be done like a variance.

Mrs. Plavecski noted if a project comes in for the September meeting she will have to do it per the law directors ruling.

Mr. Aungst noted there is nothing to reference in the code.

Mr. Hanek suggested looking at the minutes from 2005, where the intent should be written.

Mrs. Plavecski indicated this section was not singled out, the entire chapter of 1276 was amended, however she will request the minutes.

Mr. Aungst noted if the discussion has to come back to this committee he suggests inviting Mr. Incorvaia to a meeting to get his take on what some options would be.

Mr. Ousley suggested doing some research on what other communities are doing.

Mrs. Plavecski commented the current process has been working all this time.

Mr. Hanek noted it seems to be an internal issue which hopefully can be resolved.

Mrs. Hanek had an issue to bring before the committee; she noted there is a huge garage that has been built on a residential property on Boston Road; it is three times as tall as the house.

Mr. Aungst noted it is part of the principal structure, because it is attached by a solid breezeway. He advised the structure has been inspected by the Building Department on multiple occasions. He stated it is a garage storing a personal vehicle.

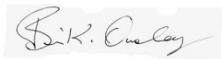
Mrs. Hanek expressed she has received complaints about the structure and asked the other committee members to take a look at the structure and the height variation.

Mr. Aungst noted when the homes were built in the 40's and 50's they never imagined the size of transportation vehicles people would be driving.

ADJOURNMENT:

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

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Brian Ousley", is written on a light-colored rectangular background.

Brian Ousley
Chairman

PARKS, RECREATION & COMMUNITY COMMITTEE

July 24, 2017

IN ATTENDANCE: Chairman Michael Abella Jr., Committee Member Anthony Capretta, Committee Member Joseph Salzgeber, Patricia Hanek, Nicholas Hanek, Parks & Recreation Director John Piepsny, City Manager/Safety Director Carl DeForest, Law Director Kenneth Fisher, Service Director Paul Barnett, Finance Director Todd Fischer, Assistant Finance Director Lynnette Ozanich, Engineer Matt Jones, Cable Manager Jeff Neidert, Council Clerk Barbara Ortiz, News Media.

The meeting convened at 6:32 p.m.

REVIEW LEGISLATION:

RES. NO. 68-17 – A resolution authorizing the City Manager to purchase a new Ford F 550 4WD Truck Dump Cab and Chassis for the Department of Parks and Recreation from Liberty Ford in an amount not to exceed \$36,198.62

Mr. Piepsny advised this legislation will replace a one ton dump; the vehicle being replaced is more than twenty five years old and has outlived its useful life. He noted for safety reasons it was taken out of the fleet this past spring. Pictures of that truck are attached to these minutes.

The replacement is part of the 2017 approved capital equipment budget.

RES. NO. 69-17 – A resolution authorizing the City Manager to purchase a new Ford F 550 4WD Truck Dump Body from Henderson Products for the Department of Parks & Recreation in an amount not to exceed \$24,320.00

Mr. Salzgeber moved Resolution Nos. 68-17 and 69-17 to tonight's Council Agenda of July 24, 2017 for three readings. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mr. Capretta moved to adjourn at 6:35 p. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,



Michael Abella Jr.
Chairman

BUILDING AND BUILDING CODE COMMITTEE

July 10, 2017

IN ATTENDANCE: Chairman Anthony Capretta, Committee Member Brian Ousley, Patricia Hanek, Joseph Salzgeber, Nicholas Hanek, Alex Johnson, City Manager/Safety Director Carl DeForest, Law Director Kenneth Fisher, Community & Economic Development Director Grant Aungst, Finance Director Todd Fischer, Engineer Matt Jones, Service Director Paul Barnett, Council Clerk Barbara Ortiz, News Media.

The meeting convened at 6:20 p.m.

Mr. Ousley moved to excuse Mr. Abella for just cause. Vote – 2 Ayes, 0 Nays

BUILDING & BUILDING CODE UPDATE:

Mr. Aungst noted the department was busy with general property maintenance issues, to date 103 grass postings have been reported, new family home builds are at 45, which is slower than last year which was a record year. Scene 75 was moving along doing a lot of the final detail work.

Mr. Aungst noted an area showing some progress in building maintenance is Hickory Ridge Plaza; he noted part of the parking lot was asphalted; they are also working on the east building roof to eliminate leakage, and the Administration consistently meets with Hickory Ridge legal counsel to move the progress along. Mr. Aungst mentioned the property owner still has a pending court date in Mayors Court.

Mr. Capretta commented on calls he has received complimenting the asphalt job.

Also, Mr. Aungst mentioned about a year ago the Building Department started the Lean Six Sigma process and that was coming to a conclusion. He advised four projects came out of the program; two out of building, one in services, and one in parks and recreation. They are preparing to present to the state and locally. It all deals with process improvements within the City, in different areas in building, recreation, and service. The give back to the state was based on time and effort and it was a state grant that allowed them to go through the process, it was an intense program, the final test is open book, and there will be a number of people that will be yellow belts, green belts, and champions.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mr. Ousley moved to adjourn at 6:29 p.m. Vote – 2 Ayes, 0Nays.

Respectfully submitted,

Anthony P. Capretta

Anthony Capretta
Chairman

COMMITTEE OF THE WHOLE MEETING

July 10, 2017

IN ATTENDANCE: Vice Mayor Patricia Hanek, Joseph Salzgeber, Brian Ousley, Alex Johnson, Anthony Capretta, Michael Abella Jr., Nicholas Hanek, City Manager/Safety Director Carl DeForest, Law Director Kenneth Fisher, Engineer Matt Jones, Finance Director Todd Fischer, Service Director Paul Barnett, Community & Economic Development Director Grant Aungst, Council Clerk Barbara Ortiz, News Media.

The meeting convened at 6:40 p.m.

REVIEW LEGISLATION:

ORD. NO. 59-17 – An Ordinance accepting the Collective Bargaining Agreement with the Fraternal Order of Police Lodge #15(Sergeants) for a period of three (3) years effective January 1, 2017 through December 31, 2019

ORD. NO. 60-17 – An Ordinance accepting the Collective Bargaining Agreement with the Fraternal Order of Police, Ohio Labor Council, Inc. (Communication Specialists) for a period of three (3) years effective January 1, 2017 through December 31, 2019

ORD. NO. 61-17 – An Ordinance accepting the Collective Bargaining Agreement with the Fraternal Order of Police Lodge #15 (Patrol Officers) for a period of three (3) years effective January 1, 2017 through December 31, 2019

ORD. NO. 62-17 – An Ordinance accepting the Collective Bargaining Agreement with the International Brotherhood of Teamsters Local 52 (Division of Streets) for a period of three (3) years effective January 1, 2017 through December 31, 2019

ORD. NO. 63-17 – An Ordinance accepting the Collective bargaining Agreement with the International brotherhood of Teamsters Local 52 (employees of the Division of Finance, Parks and Recreation, Permits and Inspections and Clerical employees of the Division of Fire) for a period of three (3) years effective January 1, 2017 through December 31, 2019

ORD. NO. 64-17 - An Ordinance accepting the Collective bargaining Agreement with the International Association of Firefighters 3568 for a period of three (3) years effective January 1 2017 through December 31, 2019

Mr. DeForest indicated these pieces of legislation represent the Collective Bargaining Agreements for the six units which have been negotiating for several months.

Mr. DeForest advised a member of the media was unable to attend tonight's meeting she had some questions and he answered what he could earlier today.

The request is for three readings; with the legislation going into effect August 23, 2017.

Mr. Salzgeber moved Ordinance Nos. 59-17, 60-17, 61-17, 62-17, 63-17, and 64-17 to tonight's Council Agenda of July 10, 2017 for three readings. Vote – 7 Ayes, 0 Nays.

ORD. NO. 67-17 – An emergency Ordinance providing for submission to the electors of the City of Brunswick, Ohio, as the November 7, 2017 General Election, the proposed amendment to Charter Section 3.08

Mr. Fisher advised this legislation is for a proposed Charter Amendment, no longer requiring the appointed Clerk of Council be an elector of the City, meaning a resident of the City. This will be for placement on the November 7, 2017 General Election Ballot. This legislation is scheduled for three readings as an emergency to meet the August 9, deadline for submission to the Medina County Board of Elections.

Mr. Hanek moved this ordinance to tonight's Council Agenda of July 10, 2017 as an emergency for three readings. Vote – 7 Ayes, 0 Nays.

GENERAL DISCUSSION:

It was brought to the attention of Mr. Salzgeber that the law department would like to further review the legislation pertaining to the truck purchases; resolution 45-17, 46-17, 47-17, 48-17, and 51-17.

Mr. Barnett requested a hold on those pieces of legislation; he noted the law department was reviewing the purchasing contracts.

Mr. Salzgeber indicated a motion will be made on the Council Floor to table the legislation.

EXECUTIVE SESSION:

Mr. Hanek moved to go into Executive Session for the purpose to discuss collective bargaining negotiations as well as, the appointment, employment, dismissal, discipline, or compensation of a public employee, seconded by Mr. Salzgeber. Roll Call – Ayes – 7, Mr. Hanek, Mr. Salzgeber, Mr. Abella, Mr. Capretta, Mr. Johnson, Mrs. Hanek, Mr. Ousley. Nays – 0. Motion Carried.

Mr. Capretta moved to adjourn out of Executive Session, seconded by Mr. Ousley. Roll Call – Ayes – 7, Mrs. Hanek, Mr. Hanek, Mr. Ousley, Mr. Johnson, Mr. Abella, Mr. Capretta, Mr. Salzgeber. Nays – 0. Motion Carried.

ADJOURNMENT:

Being no further business, Mr. Hanek moved to adjourn the Committee of the Whole meeting at 7:12 p.m. Vote – 7 Ayes, 0 Nays.

Respectfully submitted,

Valerie Zak

Valerie Zak
Assistant Clerk of Council

COMMITTEE OF THE WHOLE MEETING

July 24, 2017

IN ATTENDANCE: Vice Mayor Patricia Hanek, Joseph Salzgeber, Alex Johnson, Anthony Capretta, Michael Abella Jr., Nicholas Hanek, City Manager/Safety Director Carl DeForest, Law Director Kenneth Fisher, Parks & Recreation Director John Piepsny, Finance Director Todd Fischer, Service Director Paul Barnett, Assistant Finance Director Lynnette Ozanich, Cable Manager Jeff Neidert, Council Clerk Barbara Ortiz, News Media.

The meeting convened at 6:50 p.m.

Mr. Salzgeber moved to excuse Mr. Ousley for just cause. Vote – 6 Ayes, 0 Nays.

MOTION TO INCREASE THE 2017 CONCRETE REPAIR PROGRAM WITH KONSTRUCTION KING BY \$150,000:

Mr. Barnett noted these are not neighborhood improvements therefore the funding will come out of the road improvement fund not the neighborhood road levy monies, the repairs will be done on Laurel Road and the North Industrial Park.

Mr. Hanek moved to increase the 2017 concrete repair program with Konstruction King by \$150,000. 00. Vote – 6 Ayes, 0 Nays.

REVIEW LEGISLATION:

ORD. NO. 70-17 – An ordinance establishing Chapter 864 of the City of Brunswick Codified Ordinances to regulate massage establishments

Mr. DeForest advised this legislation has been in development for the past six months and vetted by the Safety Committee and the Building & Building Code Committee. Going through the two committees it was determined massage establishments would be a conditionally permitted use in the C-G, C-O, and Brunswick Town Center Special Planning District, and incorporated in the ordinance. The legislation is being proposed for three readings. This legislation was drafted in part as a result of having issues in the past year with a massage establishment. Mr. DeForest noted this ordinance is similar to the ordinance adopted in the City of Strongsville a number of years ago.

Both Mr. Capretta and Mr. Hanek reiterated this discussion has been before their committees, they were familiar and comfortable with the legislation.

Mr. Capretta moved this ordinance to tonight's Council Agenda of July 24, 2017 for three readings. Vote – 6 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. DeForest advised within the next couple of weeks the Administration will be getting estimates for the replacement of the sidewalks in front of City Hall and leading up to building. There are available funds in the budget as a result of the low bids for the parking lot resurfacing projects.

Mr. Barnett mentioned the legislation for equipment purchases are on tonight's Council Agenda for third reading, there were some changes to the language in resolution 45-17, and resolution 51-17, the legislation was amended to say the price from Liberty Ford was lower than the price from the National Joint Powers Alliance.

Additionally, in regard to the trash and recycle program Mr. Barnett indicated if Council was still considering a cart program, during the month of August he will meet with all the homeowners associations and condominium associations to find out their specific issues. Council was alright with Mr. Barnett meeting with them.

ADJOURNMENT:

Being no further business, Mr. Hanek moved to adjourn at 6:58 p.m. Vote – 6 Ayes, 0 Nays.

Respectfully submitted,



Valerie Zak
Assistant Clerk of Council

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 09/11/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 68-17** - A resolution authorizing the City Manager to purchase a new Ford F550 4WD Truck Dump Cab and Chassis and for the Department of Parks and Recreation from Liberty Ford in an amount not to exceed \$36,198.62 **2nd Reading** (Parks, Recreation & Community Committee, Administration/John Piepsny)

BACKGROUND: The Parks Department would like to replace their 1991 Chevy Dump that has outlived its useful life and is now posing a safety issue. The truck overheats, the suspension is terrible, the windshield is cracked, the bed is rusted out, and finally the truck shakes violently when it is driven close to 30mph. For these reasons, we have taken this truck out of our fleet and will not use. As was discussed and Parks and Rec mtg. the new truck would be used to replace the old truck and to allow for a continued smooth operation of the parks dept. responsibilities.

The pricing of this truck is lower than the \$36,300.00 pricing quote that was received from the National Auto Fleet Group under the National Joint Powers Alliance Bid Number 120716.

PURPOSE AND EXPLANATION: Three readings would be asked for the purchase of this truck.

IMPLEMENTATION SCHEDULE: Once all approvals have taken place, the department would place the order.

FINANCIAL INFORMATION: - - - 960-0810-56252 - - 36198.62

FINANCIAL SUMMARY: The order for the truck would not exceed \$36,198.62.

RECOMMENDED ACTION:

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

If emergency or suspension of the rules, why the request?
It would be recommended that the resolution be adopted.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A NEW FORD F550 4WD TRUCK DUMP CAB AND CHASSIS FOR THE DEPARTMENT OF PARKS AND RECREATION FROM LIBERTY FORD IN AN AMOUNT NOT TO EXCEED \$36,198.62.

WHEREAS: The City of Brunswick is a member of the National Joint Powers Alliance joint purchasing program;

WHEREAS: Ohio Revised Code Section 9.48 permits the City to purchase supplies or services from another party without competitive bidding and outside the joint purchasing program if such supplies or services can be purchased under equivalent terms, conditions and specifications, but at a lower price than through the joint purchasing program; and

WHEREAS: The proposed purchase of a new Ford F550 4WD truck dump cab and chassis for the Department of Parks and Recreation from Liberty Ford in the amount of \$36,198.62, is upon equivalent terms, conditions and specifications and at a lower price than through the National Joint Powers Alliance joint purchasing program.

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

SECTION 1: That the City Manager is hereby authorized to purchase a new Ford F550 4WD truck dump cab and chassis for the Department of Parks and Recreation from Liberty Ford in an amount not to exceed \$36,198.62.

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. 68-17

BY: Mr. Abella, Mr. Capretta and Mr. Salzgeber

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A
NEW FORD F550 4WD TRUCK DUMP CAB AND CHASSIS FOR THE
DEPARTMENT OF PARKS AND RECREATION FROM LIBERTY FORD IN
AN AMOUNT NOT TO EXCEED \$36,198.62.

WHEREAS: The City of Brunswick is a member of the National Joint Powers Alliance joint purchasing program;

WHEREAS: Ohio Revised Code Section 9.48 permits the City to purchase supplies or services from another party without competitive bidding and outside the joint purchasing program if such supplies or services can be purchased under equivalent terms, conditions and specifications, but at a lower price than through the joint purchasing program; and

WHEREAS: The proposed purchase of a new Ford F550 4WD truck dump cab and chassis for the Department of Parks and Recreation from Liberty Ford in the amount of \$36,198.62, is upon equivalent terms, conditions and specifications and at a lower price than through the National Joint Powers Alliance joint purchasing program.

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

SECTION 1: That the City Manager is hereby authorized to purchase a new Ford F550 4WD truck dump cab and chassis for the Department of Parks and Recreation from Liberty Ford in an amount not to exceed \$36,198.62.

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
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 09/11/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
John Piepsny

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 69-17** - A resolution authorizing the City Manager to purchase a new Ford F550 4WD Truck Dump Body from Henderson Products for the Department of Parks & Recreation in an amount not to exceed \$24,320.00 - **2nd Reading** (Parks, Recreation & Community Committee, Administration/John Piepsny)

BACKGROUND: The Department is looking to purchase a Henderson Mark 3 Dump Body and Central Hydraulic System to along with the purchase of a F550 from Liberty Ford. The current truck used by the parks department has outlived it useful life.

PURPOSE AND EXPLANATION: The resolution asks for the three readings and 30 days.

IMPLEMENTATION SCHEDULE: Once all approval have been fully executed, the purchase will be ordered.

FINANCIAL INFORMATION: - - - 960-0810-56252 - - 24320

FINANCIAL SUMMARY: Purchase not to exceed \$24,320.00.

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?
The recommendation would be to adopt the resolution.

ADDITIONAL

INFORMATION:

The price information is from the National Joint Powers Alliance BID 120716.

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A NEW FORD F550 4WD TRUCK DUMP BODY FROM HENDERSON PRODUCTS FOR THE DEPARTMENT OF PARKS AND RECREATION IN AN AMOUNT NOT TO EXCEED \$24,320.00.

WHEREAS: The City of Brunswick is a member of the National Joint Powers Alliance buying consortium; and

WHEREAS: The proposed purchase of a new Ford F550 4WD truck dump body for the Department of Parks and Recreation is through the National Joint Powers Alliance pricing program.

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

SECTION 1: That the City Manager is hereby authorized to purchase a new Ford F550 4WD truck dump body for the Department of Parks and Recreation from Henderson Products through the National Joint Powers Alliance in an amount not to exceed \$24,320.00.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 69-17

BY: Mr. Abella, Mr. Capretta and Mr. Salzgeber

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A NEW FORD F550 4WD TRUCK DUMP BODY FROM HENDERSON PRODUCTS FOR THE DEPARTMENT OF PARKS AND RECREATION IN AN AMOUNT NOT TO EXCEED \$24,320.00.

WHEREAS: The City of Brunswick is a member of the National Joint Powers Alliance buying consortium; and

WHEREAS: The proposed purchase of a new Ford F550 4WD truck dump body for the Department of Parks and Recreation is through the National Joint Powers Alliance pricing program.

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

SECTION 1: That the City Manager is hereby authorized to purchase a new Ford F550 4WD truck dump body for the Department of Parks and Recreation from Henderson Products through the National Joint Powers Alliance in an amount not to exceed \$24,320.00.

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

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 09/11/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 70-17** - An ordinance establishing Chapter 864 of the City of Brunswick Codified Ordinances to regulate massage establishments - **2nd Reading** (Committee-of-the-Whole, *Administration/Chief Ohlin*)

BACKGROUND: An ordinance establishing chapter 864 of the City of Brunswick codified ordinances to regulate massage establishments

PURPOSE AND EXPLANATION: Define Massage Establishments, describe license(s) required, define exemptions, registration of employees, revocation of suspensions of business license, facilities required, operating requirements, establish alcoholic beverages prohibited, define employment of certain unlicensed massagists, inspection required, define sex offenses, violations and penalties.

IMPLEMENTATION SCHEDULE: Effective 30 days after adoption.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

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

ADDITIONAL INFORMATION:

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING CHAPTER 864 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES TO REGULATE MASSAGE
ESTABLISHMENTS.

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

SECTION 1: That Chapter 864 of the Codified Ordinances, titled “Massage Establishments”, is hereby established to read as follows:

864.01 DEFINITIONS.

As used in this chapter:

- (a) “Employee” means any person over eighteen years of age, other than a massagist, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.
- (b) “Licensee” means the person to whom a license has been issued by the City who owns or operates a massage establishment, as defined herein.
- (c) “Massage” means any method of pressure or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electronic apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.
- (d) “Massage establishment” means any establishment having a source of income or compensation derived from the practice of massage, as defined in Subsection (c) above, and which has a fixed place of business where any person engages in or carries on any of the activities as defined in Subsection (c) above.
- (e) “Massagist,” “masseur” or “masseuse” means any person who, for any consideration whatsoever, engages in the practice of massage, as defined in Subsection (c) above, which may include, without limitation:
 - (1) A Licensed Massage Therapist (LMT) who has at least 600 hours of classroom training in basic anatomy and physiology, advanced pathophysiology, massage theory and hands-on practice in a clinical

setting, and is licensed by the State Medical Board of Ohio.

(2) A Massage Technician (MT) or Ethical Massage (EMT) practitioner who is not licensed by the State, and cannot perform therapeutic massage as defined by the State Medical Board of Ohio.

- (f) “Outcall massage service” means any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment, as defined in Subsection(d) above.
- (g) “Patron” means any person eighteen years of age or older or a minor with written parental or legal guardian consent, who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.
- (h) “Person” means any individual, partnership, firm, association, joint stock company, corporation or combination of individuals in whatever form or character.
- (i) “Sexual or genital area” means the genitals, pubic hair, buttocks, anus or perineum of any person, including the vulva or breasts of a female.

864.02 LICENSES REQUIRED.

- (a) Business License. No person shall engage in or carry on the business of massage unless such person has a valid massage license issued by the City pursuant to this Chapter for each and every establishment, office or place of business conducted by such person in the City.
- (b) Licensed Massage Therapist. No person shall practice massage as a Licensed Massage Therapist unless such person has a valid and subsisting license issued by the State pursuant to the provisions of the Ohio Revised Code governing the limited practice of medicine.
- (c) Certificate of Occupancy. No person shall engage in or carry on the business of massage unless such person has a valid Certificate of Occupancy issued by the City pursuant to these Codified Ordinances.
- (d) Conditional Use Permit. No person shall engage in or carry on the business of massage unless such person has a valid Conditional Use Permit issued by the Planning Commission pursuant to these Codified Ordinances. Massage establishments are conditionally permitted uses in the Main Street District of the Brunswick Town Center Special Planning District No. 2, the C-G General Commercial District and the C-O Office Commercial District.

864.03 EXEMPTIONS.

This Chapter shall not apply to the following individuals while engaged in the personal performance of the duties of their respective professions:

- (a) Physicians, surgeons, chiropractors, osteopaths or physical therapists who are duly licensed to practice their respective profession in the State;
- (b) Nurses who are registered under the laws of the State; and

- (c) Barbers and beauticians who are duly licensed under the laws of the State, except that this exemption shall solely apply to the massaging of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes.

864.04 BUSINESS LICENSE APPLICATION; FEE; INVESTIGATION.

Every applicant for a license to maintain, operate or conduct a massage establishment shall file an application under oath with the City, upon a form provided by the Chief Building Official, and pay a non-refundable annual license fee of One Hundred Dollars (\$100.00) per year or any part thereof. Once accepted, the application shall be investigated by the Police Department, which investigation shall include criminal record checks of the applicant, any person with an interest in the massage establishment and any person employed or to be employed as massagists. Copies of the application shall, within five days of receipt, be referred to the Division of Building and Division of Fire and Rescue, who shall, within thirty days, make written verification to the Chief Building Official concerning compliance of the massage establishment with applicable law.

864.05 BUSINESS LICENSE ISSUANCE.

The City shall issue a license for a massage establishment if all requirements for a massage establishment described in the Chapter have been met.

864.06 APPROVAL OR DENIAL OF BUSINESS LICENSE APPLICATION.

The City shall act to approve or deny an application for a license under this Chapter within a reasonable period of time and in no event shall the City act to approve or deny such license later than ninety days from the date the fully completed application was filed with the City. Every license issued pursuant to this Chapter shall terminate at the expiration of one year from the date of issuance unless sooner suspended or revoked.

864.07 MULTIPLE MASSAGE ESTABLISHMENTS.

Should any massage establishment have more than one location in the City where the business of massage is provided, then the issued license shall state the address of the principal place of business and each other location, which license shall issue upon compliance with the requirements of this Chapter, including payment of the One Hundred Dollar (\$100.00) annual fee. Licenses for all other locations shall terminate on the same date as that of the principal place of business, regardless of the date of issuance.

864.08 DISPLAY OF LICENSES.

- (a) Every massagist shall post any license issued by the State in his or her work area along with a front-faced portrait with a minimum size of two inches by two inches.
- (b) Every person to whom a license to engage in the business of massage is

issued under this Chapter shall display such license in a prominent place in or on the licensee's premises.

864.09 REGISTER OF EMPLOYEES.

Every massage establishment shall maintain a register of all persons employed at any time as massagists, masseurs or masseuses and their license numbers and/or certifications, if any. Such register shall be available at the massage establishment to representatives of the City during regular business hours and shall be maintained for a period not less than five years.

864.10 REVOCATION OF SUSPENSION OF BUSINESS LICENSE.

Any license issued for a massage establishment may be revoked or suspended by the City Manager, after notice and hearing, for good cause or in any case where any provision of this Chapter is violated or where any employee of the licensee, including a masseur or masseuse, is engaged in any conduct at the licensed premises which violates any applicable law and licensee has or should have, upon the exercise of reasonable care, knowledge thereof. Such license may also be revoked or suspended by the City Manager, after notice and hearing, upon the recommendations of the Chief Building Official, Police Chief or Fire Chief. Such revocation/suspension proceedings shall occur before the City Manager.

864.11 FACILITIES REQUIRED.

No massage establishment shall conduct business in the City unless an inspection by the City reveals that the massage establishment complies with each of the following minimum requirements:

- (a) Rooms used for toilets, tubs, steam baths and showers shall be made waterproof with waterproofed materials and shall be installed in accordance with all applicable Codes. Plumbing fixtures shall be installed in accordance with all applicable Codes.
- (b) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after each use.
- (c) Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas.
- (d) Toilet facilities shall be provided and maintained in compliance with all applicable Codes.
- (e) Lavatories or washbasins shall be provided with soap and a dispenser with sanitary towels.
- (f) All electrical equipment shall be installed in compliance with all applicable Codes.

864.12 OPERATING REQUIREMENTS.

- (a) Every portion of a massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- (b) Price rates for all services shall be prominently posted in the reception area in a location observable to all prospective customers.
- (c) All employees, including masseurs and masseuses, shall be clean and wear clean, non-transient outer garments covering the sexual and genital areas, the use of which garments is restricted to the massage establishment. A separate dressing room for each sex must be available on the license premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and be self-closing.
- (d) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.
- (e) No massage establishment licensee under this Chapter shall place, publish or distribute, or cause to be placed, published or distributed, any advertisement, picture or statement which he knows, or through the exercise of reasonable care should have known, to be false, deceptive or misleading in order to induce any person to purchase or utilize any massage service.

864.13 MINORS PROHIBITED ON PREMISES.

No person shall permit any person under the age of eighteen years to come or remain on the premises of any massage establishment as a massagist, masseur, masseuse or employee. No person shall permit any person under the age of eighteen years to remain on the premises of any massage establishment as a patron without the express written consent of the parent or legal guardian of the minor child.

864.14 ALCOHOLIC BEVERAGES PROHIBITED.

No person shall sell, give away, dispense, provide or keep, or caused to be sold, given away, dispensed, provided or kept, any alcoholic beverages on the premises of any massage establishment.

864.15 HOURS.

No massage establishment shall be kept open for any purpose between the hours of 10:00 p.m. and 8:00 a.m. of the following day.

864.16 EMPLOYMENT OF CERTAIN UNLICENSED MASSAGISTS.

No person shall employ as a massagist any person who is required to have a license issued

pursuant to the requirements of the Ohio Revised Code and/or the State Medical Board of Ohio governing the limited practice of medicine, unless such person has first obtained and has in effect such license.

864.17 INSPECTION REQUIRED.

The Chief Building Official, or his or her designee, shall from time to time and during regular business hours make inspection of each massage establishment for the purpose of determining that such massage establishment is in full compliance with the provisions of this Chapter. No licensee shall fail to allow such inspection to occur, refuse access to the premises or otherwise hinder the inspection in any manner.

864.18 SEX OFFENSES; OUTCALL MESSAGE; DOORS AND CURTAINS.

- (a) No person in a massage establishment shall place his or her hand or hands upon, touch with any part of his or her body, fondle in any manner, or massage, a sexual or genital area of any other person.
- (b) No person in a massage establishment shall expose his or her sexual or genital area, or any portion thereof, to any other person. No person in a massage establishment shall expose the sexual or genital area, or any portion thereof, of any other person.
- (c) No person, while in the presence of any other person in a massage establishment, shall fail to conceal with a fully opaque covering the sexual or genital area of his or her body.
- (d) No person owning, operating or managing a massage establishment shall knowingly cause, allow or permit in or about such massage establishment, any agent, employee or other person under his or her control or supervision to perform acts prohibited by this Chapter or applicable law.
- (e) No licensee under this Chapter shall administer massage on an outcall basis as defined in this Chapter. Such licensee shall administer massage solely within an establishment licensed to carry on such business under this Chapter. The restriction on outcall massage shall not apply to a licensee who performs outcall massage upon a customer or client who, because of physical defects or incapacities or due to illness, is physically unable to travel to the massage establishment, including, but not limited to, residents of nursing homes, assisted living facilities and/or where specifically prescribed in writing by a licensed physician. If any outcall massage is performed under this exception, a record of the date and hour of each treatment and the name and address of the customer or client, as well as the nature of the physical defect, incapacity, exception or illness shall be kept by the licensee of the massage establishment. Such records shall be open for inspection by the City, which shall remain confidential and not subject to disclosure pursuant to applicable public record laws.
- (f) Nothing contained in this Chapter shall be construed to eliminate other

requirements of applicable law concerning maintenance of the premises or otherwise preclude authorized inspection thereof.

864.19 NAME AND PLACE OF BUSINESS.

No licensee under this Chapter shall operate a massage establishment under a name not specified in its license or otherwise conduct business under any designation or location not specified in the license.

864.20 LICENSE TRANSFER.

No license issued under this Chapter shall be transferrable except upon the consent of the City Manager. An application for such transfer shall be in writing and shall be accompanied by the fee prescribed herein.

864.21 VIOLATIONS.

No person who is not specifically exempted by this Chapter shall, whether acting as an individual owner, employee of the owner, operator or employee of the operator, agent or independent contractor of the owner, employee or operator, or as a participant or worker, give massages or operate a massage establishment or any of the services defined in this Chapter without first obtaining a license from the City for the massage establishment, including any other licenses required by applicable law, or otherwise violate or fail to comply with any of the provisions of this Chapter.

864.22 PENALTY.

Whoever violates or fails to comply with any of the provisions of this Chapter shall be guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation or non-compliance occurs or continues.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST:

Clerk of Council
Barbara J. Ortiz

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 70-17

BY: Committee-of-the-Whole

AN ORDINANCE ESTABLISHING CHAPTER 864 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES TO REGULATE MASSAGE
ESTABLISHMENTS.

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

SECTION 1: That Chapter 864 of the Codified Ordinances, titled “Massage Establishments”, is hereby established to read as follows:

864.01 DEFINITIONS.

As used in this chapter:

- (a) “Employee” means any person over eighteen years of age, other than a massagist, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.
- (b) “Licensee” means the person to whom a license has been issued by the City who owns or operates a massage establishment, as defined herein.
- (c) “Massage” means any method of pressure or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electronic apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.
- (d) “Massage establishment” means any establishment having a source of income or compensation derived from the practice of massage, as defined in Subsection (c) above, and which has a fixed place of business where any person engages in or carries on any of the activities as defined in Subsection (c) above.
- (e) “Massagist,” “masseur” or “masseuse” means any person who, for any consideration whatsoever, engages in the practice of massage, as defined in Subsection (c) above, which may include, without limitation:
 - (1) A Licensed Massage Therapist (LMT) who has at least 600 hours of classroom training in basic anatomy and physiology, advanced pathophysiology, massage theory and hands-on practice in a clinical

setting, and is licensed by the State Medical Board of Ohio.

(2) A Massage Technician (MT) or Ethical Massage (EMT) practitioner who is not licensed by the State, and cannot perform therapeutic massage as defined by the State Medical Board of Ohio.

- (f) “Outcall massage service” means any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment, as defined in Subsection(d) above.
- (g) “Patron” means any person eighteen years of age or older or a minor with written parental or legal guardian consent, who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.
- (h) “Person” means any individual, partnership, firm, association, joint stock company, corporation or combination of individuals in whatever form or character.
- (i) “Sexual or genital area” means the genitals, pubic hair, buttocks, anus or perineum of any person, including the vulva or breasts of a female.

864.02 LICENSES REQUIRED.

- (a) Business License. No person shall engage in or carry on the business of massage unless such person has a valid massage license issued by the City pursuant to this Chapter for each and every establishment, office or place of business conducted by such person in the City.
- (b) Licensed Massage Therapist. No person shall practice massage as a Licensed Massage Therapist unless such person has a valid and subsisting license issued by the State pursuant to the provisions of the Ohio Revised Code governing the limited practice of medicine.
- (c) Certificate of Occupancy. No person shall engage in or carry on the business of massage unless such person has a valid Certificate of Occupancy issued by the City pursuant to these Codified Ordinances.
- (d) Conditional Use Permit. No person shall engage in or carry on the business of massage unless such person has a valid Conditional Use Permit issued by the Planning Commission pursuant to these Codified Ordinances. Massage establishments are conditionally permitted uses in the Main Street District of the Brunswick Town Center Special Planning District No. 2, the C-G General Commercial District and the C-O Office Commercial District.

864.03 EXEMPTIONS.

This Chapter shall not apply to the following individuals while engaged in the personal performance of the duties of their respective professions:

- (a) Physicians, surgeons, chiropractors, osteopaths or physical therapists who are duly licensed to practice their respective profession in the State;
- (b) Nurses who are registered under the laws of the State; and

- (c) Barbers and beauticians who are duly licensed under the laws of the State, except that this exemption shall solely apply to the massaging of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes.

864.04 BUSINESS LICENSE APPLICATION; FEE; INVESTIGATION.

Every applicant for a license to maintain, operate or conduct a massage establishment shall file an application under oath with the City, upon a form provided by the Chief Building Official, and pay a non-refundable annual license fee of One Hundred Dollars (\$100.00) per year or any part thereof. Once accepted, the application shall be investigated by the Police Department, which investigation shall include criminal record checks of the applicant, any person with an interest in the massage establishment and any person employed or to be employed as massagists. Copies of the application shall, within five days of receipt, be referred to the Division of Building and Division of Fire and Rescue, who shall, within thirty days, make written verification to the Chief Building Official concerning compliance of the massage establishment with applicable law.

864.05 BUSINESS LICENSE ISSUANCE.

The City shall issue a license for a massage establishment if all requirements for a massage establishment described in the Chapter have been met.

864.06 APPROVAL OR DENIAL OF BUSINESS LICENSE APPLICATION.

The City shall act to approve or deny an application for a license under this Chapter within a reasonable period of time and in no event shall the City act to approve or deny such license later than ninety days from the date the fully completed application was filed with the City. Every license issued pursuant to this Chapter shall terminate at the expiration of one year from the date of issuance unless sooner suspended or revoked.

864.07 MULTIPLE MASSAGE ESTABLISHMENTS.

Should any massage establishment have more than one location in the City where the business of massage is provided, then the issued license shall state the address of the principal place of business and each other location, which license shall issue upon compliance with the requirements of this Chapter, including payment of the One Hundred Dollar (\$100.00) annual fee. Licenses for all other locations shall terminate on the same date as that of the principal place of business, regardless of the date of issuance.

864.08 DISPLAY OF LICENSES.

- (a) Every massagist shall post any license issued by the State in his or her work area along with a front-faced portrait with a minimum size of two inches by two inches.
- (b) Every person to whom a license to engage in the business of massage is

issued under this Chapter shall display such license in a prominent place in or on the licensee's premises.

864.09 REGISTER OF EMPLOYEES.

Every massage establishment shall maintain a register of all persons employed at any time as massagists, masseurs or masseuses and their license numbers and/or certifications, if any. Such register shall be available at the massage establishment to representatives of the City during regular business hours and shall be maintained for a period not less than five years.

864.10 REVOCATION OF SUSPENSION OF BUSINESS LICENSE.

Any license issued for a massage establishment may be revoked or suspended by the City Manager, after notice and hearing, for good cause or in any case where any provision of this Chapter is violated or where any employee of the licensee, including a masseur or masseuse, is engaged in any conduct at the licensed premises which violates any applicable law and licensee has or should have, upon the exercise of reasonable care, knowledge thereof. Such license may also be revoked or suspended by the City Manager, after notice and hearing, upon the recommendations of the Chief Building Official, Police Chief or Fire Chief. Such revocation/suspension proceedings shall occur before the City Manager.

864.11 FACILITIES REQUIRED.

No massage establishment shall conduct business in the City unless an inspection by the City reveals that the massage establishment complies with each of the following minimum requirements:

- (a) Rooms used for toilets, tubs, steam baths and showers shall be made waterproof with waterproofed materials and shall be installed in accordance with all applicable Codes. Plumbing fixtures shall be installed in accordance with all applicable Codes.
- (b) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after each use.
- (c) Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas.
- (d) Toilet facilities shall be provided and maintained in compliance with all applicable Codes.
- (e) Lavatories or washbasins shall be provided with soap and a dispenser with sanitary towels.
- (f) All electrical equipment shall be installed in compliance with all applicable Codes.

864.12 OPERATING REQUIREMENTS.

- (a) Every portion of a massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- (b) Price rates for all services shall be prominently posted in the reception area in a location observable to all prospective customers.
- (c) All employees, including masseurs and masseuses, shall be clean and wear clean, non-transient outer garments covering the sexual and genital areas, the use of which garments is restricted to the massage establishment. A separate dressing room for each sex must be available on the license premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and be self-closing.
- (d) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.
- (e) No massage establishment licensee under this Chapter shall place, publish or distribute, or cause to be placed, published or distributed, any advertisement, picture or statement which he knows, or through the exercise of reasonable care should have known, to be false, deceptive or misleading in order to induce any person to purchase or utilize any massage service.

864.13 MINORS PROHIBITED ON PREMISES.

No person shall permit any person under the age of eighteen years to come or remain on the premises of any massage establishment as a massagist, masseur, masseuse or employee. No person shall permit any person under the age of eighteen years to remain on the premises of any massage establishment as a patron without the express written consent of the parent or legal guardian of the minor child.

864.14 ALCOHOLIC BEVERAGES PROHIBITED.

No person shall sell, give away, dispense, provide or keep, or caused to be sold, given away, dispensed, provided or kept, any alcoholic beverages on the premises of any massage establishment.

864.15 HOURS.

No massage establishment shall be kept open for any purpose between the hours of 10:00 p.m. and 8:00 a.m. of the following day.

864.16 EMPLOYMENT OF CERTAIN UNLICENSED MASSAGISTS.

No person shall employ as a massagist any person who is required to have a license issued

pursuant to the requirements of the Ohio Revised Code and/or the State Medical Board of Ohio governing the limited practice of medicine, unless such person has first obtained and has in effect such license.

864.17 INSPECTION REQUIRED.

The Chief Building Official, or his or her designee, shall from time to time and during regular business hours make inspection of each massage establishment for the purpose of determining that such massage establishment is in full compliance with the provisions of this Chapter. No licensee shall fail to allow such inspection to occur, refuse access to the premises or otherwise hinder the inspection in any manner.

864.18 SEX OFFENSES; OUTCALL MESSAGE; DOORS AND CURTAINS.

- (a) No person in a massage establishment shall place his or her hand or hands upon, touch with any part of his or her body, fondle in any manner, or massage, a sexual or genital area of any other person.
- (b) No person in a massage establishment shall expose his or her sexual or genital area, or any portion thereof, to any other person. No person in a massage establishment shall expose the sexual or genital area, or any portion thereof, of any other person.
- (c) No person, while in the presence of any other person in a massage establishment, shall fail to conceal with a fully opaque covering the sexual or genital area of his or her body.
- (d) No person owning, operating or managing a massage establishment shall knowingly cause, allow or permit in or about such massage establishment, any agent, employee or other person under his or her control or supervision to perform acts prohibited by this Chapter or applicable law.
- (e) No licensee under this Chapter shall administer massage on an outcall basis as defined in this Chapter. Such licensee shall administer massage solely within an establishment licensed to carry on such business under this Chapter. The restriction on outcall massage shall not apply to a licensee who performs outcall massage upon a customer or client who, because of physical defects or incapacities or due to illness, is physically unable to travel to the massage establishment, including, but not limited to, residents of nursing homes, assisted living facilities and/or where specifically prescribed in writing by a licensed physician. If any outcall massage is performed under this exception, a record of the date and hour of each treatment and the name and address of the customer or client, as well as the nature of the physical defect, incapacity, exception or illness shall be kept by the licensee of the massage establishment. Such records shall be open for inspection by the City, which shall remain confidential and not subject to disclosure pursuant to applicable public record laws.
- (f) Nothing contained in this Chapter shall be construed to eliminate other

requirements of applicable law concerning maintenance of the premises or otherwise preclude authorized inspection thereof.

864.19 NAME AND PLACE OF BUSINESS.

No licensee under this Chapter shall operate a massage establishment under a name not specified in its license or otherwise conduct business under any designation or location not specified in the license.

864.20 LICENSE TRANSFER.

No license issued under this Chapter shall be transferrable except upon the consent of the City Manager. An application for such transfer shall be in writing and shall be accompanied by the fee prescribed herein.

864.21 VIOLATIONS.

No person who is not specifically exempted by this Chapter shall, whether acting as an individual owner, employee of the owner, operator or employee of the operator, agent or independent contractor of the owner, employee or operator, or as a participant or worker, give massages or operate a massage establishment or any of the services defined in this Chapter without first obtaining a license from the City for the massage establishment, including any other licenses required by applicable law, or otherwise violate or fail to comply with any of the provisions of this Chapter.

864.22 PENALTY.

Whoever violates or fails to comply with any of the provisions of this Chapter shall be guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation or non-compliance occurs or continues.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST:

Clerk of Council
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 09/11/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 71-17** - An ordinance establishing Section 1262.04(g) of the Codified Ordinances of the City of Brunswick by including massage establishments as a conditionally permitted use in the C-O Office Commercial Zoning District - **2nd Reading** (Planning & Zoning Committee, Approved by Planning Commission 9-7-17, *Administration/Grant Aungst*)

BACKGROUND: Establish Section 1262.04(g) of the Codified Ordinances of the City of Brunswick by including massage establishments as a conditionally permitted use in the C-O Office Commercial Zoning District

PURPOSE AND EXPLANATION: To establish Section 1262.04(g) of the Codified Ordinances.

IMPLEMENTATION SCHEDULE: Effective 30 days after 3 readings and adoption.

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?
Three Readings.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING SECTION 1262.04(g) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY INCLUDING MASSAGE ESTABLISHMENTS AS A CONDITIONALLY PERMITTED USE IN THE C-O OFFICE COMMERCIAL ZONING DISTRICT.

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

SECTION 1: That Section 1262.04(g) of the Codified Ordinances is hereby established to read as follows:

“(g) Massage establishment, as defined in and subject to the requirements of Chapter 864.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 71-17

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

AN ORDINANCE ESTABLISHING SECTION 1262.04(g) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY INCLUDING MASSAGE ESTABLISHMENTS AS A CONDITIONALLY PERMITTED USE IN THE C-O OFFICE COMMERCIAL ZONING DISTRICT.

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

SECTION 1: That Section 1262.04(g) of the Codified Ordinances is hereby established to read as follows:

“(g) Massage establishment, as defined in and subject to the requirements of Chapter 864.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 09/11/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 72-17** - An ordinance establishing Section 1260.04(t) of the Codified Ordinances of the City of Brunswick by including massage establishments as a conditionally permitted use in the C-G General Commercial Zoning District - **2nd Reading** (Planning & Zoning Committee, Approved by Planning Commission 9-7-17, *Administration/Grant Aungst*)

BACKGROUND: Establish Section 1260.04(t) of the Codified Ordinances of the City of Brunswick by including massage establishments as a conditionally permitted use in the C-G Commercial Zoning District.

PURPOSE AND EXPLANATION: Establish Section 1260.04(t)

IMPLEMENTATION SCHEDULE: Effective 30 days after three readings and adoption.

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?
Three Readings

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING SECTION 1260.04(t) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY INCLUDING MASSAGE ESTABLISHMENTS AS A CONDITIONALLY PERMITTED USE IN THE C-G GENERAL COMMERCIAL ZONING DISTRICT.

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

SECTION 1: That Section 1260.04(t) of the Codified Ordinances is hereby established to read as follows:

“(t) Massage establishment, as defined in and subject to the requirements of Chapter 864.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 72-17

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

AN ORDINANCE ESTABLISHING SECTION 1260.04(t) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY INCLUDING MASSAGE ESTABLISHMENTS AS A CONDITIONALLY PERMITTED USE IN THE C-G GENERAL COMMERCIAL ZONING DISTRICT.

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

SECTION 1: That Section 1260.04(t) of the Codified Ordinances is hereby established to read as follows:

“(t) Massage establishment, as defined in and subject to the requirements of Chapter 864.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 09/11/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 73-17** - An ordinance amending the Design Guidelines for the Main Street District of the Brunswick Town Center Special Planning District No. 2 by permitting massage establishments as a conditionally permitted use - **2nd Reading** (Planning & Zoning Committee, Approved by Planning Commission 9-7-17, *Administration/Grant Aungst*)

BACKGROUND: Amend the Design Guidelines for the Main Street District of the Brunswick Town Center Special Planning District No. 2 by permitting massage establishments as a conditionally permitted use

PURPOSE AND EXPLANATION: Amend Design Guidelines for the Main Street District of Brunswick Town Center Special Planning District No. 2.

IMPLEMENTATION SCHEDULE: Effective 30 days after three readings and adoption.

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?
Three readings.

ADDITIONAL INFORMATION:

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE AMENDING THE DESIGN GUIDELINES FOR THE MAIN STREET DISTRICT OF THE BRUNSWICK TOWN CENTER SPECIAL PLANNING DISTRICT NO. 2 BY PERMITTING MASSAGE ESTABLISHMENTS AS A CONDITIONALLY PERMITTED USE.

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

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

“Uses Permitted: Permitted uses (or conditionally permitted uses as indicated) in the Main Street District shall be as listed below, with the exception of the prohibited uses listed in division B below:

1. ***
2. ***
3. ***
4. ***
5. ***
6. ***
7. ***
8. ***
9. ***
10. ***
11. ***
12. ***
13. ***
14. ***
15. ***
16. ***
17. Massage establishments, as defined in Chapter 864, shall be permitted as a conditionally permitted use, subject to the provisions of Chapter 864 and 1274.”

SECTION 2: That Section B of the General Requirements shall be amended to read as follows:

“Uses Prohibited.

1. ***
2. ***
3. ~~Massage parlor;~~
3. ***

4. ***
5. ***
6. ***
7. ***
8. ***
9. ***
10. ***
11. ***
12. ***

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

CITY OF BRUNSWICK, OHIO

ORDINANCE NO. 73-17

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

AN ORDINANCE AMENDING THE DESIGN GUIDELINES FOR THE MAIN STREET DISTRICT OF THE BRUNSWICK TOWN CENTER SPECIAL PLANNING DISTRICT NO. 2 BY PERMITTING MASSAGE ESTABLISHMENTS AS A CONDITIONALLY PERMITTED USE.

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

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

“Uses Permitted: Permitted uses (or conditionally permitted uses as indicated) in the Main Street District shall be as listed below, with the exception of the prohibited uses listed in division B below:

1. ***
2. ***
3. ***
4. ***
5. ***
6. ***
7. ***
8. ***
9. ***
10. ***
11. ***
12. ***
13. ***
14. ***
15. ***
16. ***
17. Massage establishments, as defined in Chapter 864, shall be permitted as a conditionally permitted use, subject to the provisions of Chapter 864 and 1274.”

SECTION 2: That Section B of the General Requirements shall be amended to read as follows:

“Uses Prohibited.

1. ***
2. ***
3. ~~Massage parlor;~~
3. ***
4. ***

- 5. ***
- 6. ***
- 7. ***
- 8. ***
- 9. ***
- 10. ***
- 11. ***
- 12. ***

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: 09/11/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 77-17** - An ordinance amending Section 1280.01(h) of the City of Brunswick Codified Ordinances by prohibiting medical marijuana cultivators and retail dispensaries in the City - **1st Reading** (To be brought from Planning & Zoning Committee, Administration/ Ken Fisher)

BACKGROUND: ORC Section 3796.29 permits the legislative authority of a municipality to adopt an Ordinance to prohibit or limit the number of medical marijuana cultivators, processors or retail dispensaries licensed under ORC 3796 within their municipality.

PURPOSE AND EXPLANATION: Amend Section 1280.01(h) of the Codified Ordinances to prohibit medical marijuana cultivators and retail dispensaries, as licensed under ORC Chapter 3796, are prohibited in all Zoning Districts of the City of Brunswick.

IMPLEMENTATION SCHEDULE:

Adopt upon third reading.

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?
Three Readings.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE AMENDING SECTION 1280.01(h) OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES BY PROHIBITING MEDICAL MARIJUANA CULTIVATORS AND RETAIL DISPENSARIES IN THE CITY.

WHEREAS: Ohio Revised Code Section 3796.29 permits the legislative authority of a municipal corporation to adopt an Ordinance to prohibit or limit the number of medical marijuanacultivators, processors or retail dispensaries licensed under Ohio Revised Code Chapter 3796 within the municipal corporation.

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

SECTION 1: That Section 1280.01(h) of the Codified Ordinances is hereby amended to read as follows:

“(h) Prohibited Uses. No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Zoning Code and any additional conditions or requirements prescribed, is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters or water-carried waste. Trailers, basement homes, tents and other temporary living quarters shall be prohibited. Additionally, medical marijuana cultivators and retail dispensaries, as licensed under Ohio Revised Code Chapter 3796, are prohibited in all Zoning Districts of the City.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 77-17

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

AN ORDINANCE AMENDING SECTION 1280.01(h) OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES BY PROHIBITING MEDICAL MARIJUANA CULTIVATORS AND RETAIL DISPENSARIES IN THE CITY.

WHEREAS: Ohio Revised Code Section 3796.29 permits the legislative authority of a municipal corporation to adopt an Ordinance to prohibit or limit the number of medical marijuanacultivators, processors or retail dispensaries licensed under Ohio Revised Code Chapter 3796 within the municipal corporation.

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

SECTION 1: That Section 1280.01(h) of the Codified Ordinances is hereby amended to read as follows:

“(h) Prohibited Uses. No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Zoning Code and any additional conditions or requirements prescribed, is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters or water-carried waste. Trailers, basement homes, tents and other temporary living quarters shall be prohibited. Additionally, medical marijuana cultivators and retail dispensaries, as licensed under Ohio Revised Code Chapter 3796, are prohibited in all Zoning Districts of the City.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barb Ortiz

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 09/11/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Ken Fisher

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 78-17** - An ordinance establishing Section 1266.04(g) of the Codified Ordinances of the City of Brunswick by including medical marijuana processors as a conditionally permitted use in the I-L Light Industrial District - **1st Reading** (To be brought from Planning & Zoning Committee, Administration/Ken Fisher)

BACKGROUND: To establish Section 1266.04(g) of the Codified Ordinances of the City of Brunswick.

PURPOSE AND EXPLANATION: To establish Section 1266.04(g) of the Codified Ordinances by including medical marijuana processors as a conditionally permitted use in the I-L Light Industrial District.

IMPLEMENTATION SCHEDULE:

Adopt upon third reading.

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?
Three Readings.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING SECTION 1266.04(g) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY INCLUDING MEDICAL MARIJUANA PROCESSORS AS A CONDITIONALLY PERMITTED USE IN THE I-L LIGHT INDUSTRIAL DISTRICT.

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

SECTION 1: That Section 1266.04(g) of the Codified Ordinances is hereby established to read as follows:

“(f) Medical marijuana processors, as licensed under Ohio Revised Code Chapter 3796.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 78-17

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

AN ORDINANCE ESTABLISHING SECTION 1266.04(g) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY INCLUDING MEDICAL MARIJUANA PROCESSORS AS A CONDITIONALLY PERMITTED USE IN THE I-L LIGHT INDUSTRIAL DISTRICT.

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

SECTION 1: That Section 1266.04(g) of the Codified Ordinances is hereby established to read as follows:

“(f) Medical marijuana processors, as licensed under Ohio Revised Code Chapter 3796.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barb Ortiz

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 09/11/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Barb Ortiz

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 79-17** - An emergency ordinance to approve the editing and inclusion of certain ordinances as components of the Codified Ordinances; to provide for the adoption of new legislation in the updated revised codified ordinances; and to repeal ordinances in conflict therewith - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Barb Ortiz*)

BACKGROUND: This Is the annual codification updates.

PURPOSE AND EXPLANATION: To approve the editing and inclusion of ordinances as components of the codified ordinances; to provide for the adoption of new legislation in the updated revised codified ordinances; and to repeal ordinances in conflict therewith.

IMPLEMENTATION

SCHEDULE: To adopt as an emergency with suspension of the rules on September 11, 2017 to allow for the updates to be effective immediately.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

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

Recommended to adopt as emergency with suspension of rules so they may be effective immediately.

**ADDITIONAL
INFORMATION:**

ORDINANCE NUMBER _____

By Committee of the Whole

AN EMERGENCY ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS COMPONENTS OF THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION OF NEW LEGISLATION IN THE UPDATED REVISED CODIFIED ORDINANCES; AND TO REPEAL ORDINANCES IN CONFLICT THEREWITH.

WHEREAS: Section 3.18b. of the City Charter provides for the general codification of all City ordinances and resolutions having the force and effect of law and requires that such codification be kept current; and

WHEREAS: The Walter H. Drane Co. has completed its updating and revision of the Codified Ordinances of the City; and

WHEREAS: Various ordinances of a general and permanent nature that have been enacted by Council since the date of the last updating and revision of the Codified Ordinances need to be include in the Codified Ordinances of the City; and

WHEREAS: Certain changes made in the Codified Ordinances to bring City law into conformity with State law.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the editing, arrangement and numbering or renumbering of the ordinances and parts of ordinances attached hereto as "Exhibit "A" as though fully herein written, are hereby approved as parts of the various component codes of the Codified Ordinances of the City of Brunswick, Ohio, so as to conform to the classification and numbering system of the Codified Ordinances.

SECTION 2: That the sections of the Traffic and General Offenses Codes, as amended and attached hereto as Exhibit "B" as though fully herein written, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly.

SECTION 3: That all ordinances and resolutions and parts thereof that are in conflict with any of the provisions of the new matter approved, adopted and listed on Exhibit "A" and in Section 1 are hereby repealed, except as follows:

- (a) The enactment of such matter shall not be construed to affect a right of liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or any action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision or to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purposes of revision and recodification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to August 1, 2017.

SECTION 4: That a copy of this ordinance shall be posted in the five public places set forth in Section 222.01 of the Codified Ordinances, together with notice as to where copies of the 2017 Replacement Pages for the Codified Ordinances of the City, hereby approved, adopted and enacted, may be viewed and inspected by the public. A copy shall also be furnished to City Officers, Medina County Law Library and the Brunswick Public Library.

SECTION 5: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare and for the additional reason that it is immediately necessary to have an up-to-date codification of the laws of the City, pursuant to Section 3.18b. of the City Charter, that is in conformity with State Law, where such conformity is required by Article XVIII, Section 3, of the Ohio Constitution, with which to administer the affairs of the City and to preserve law and order of the City. Therefore, this Ordinance and the August 2016 Replacement Pages for the Codified Ordinances, hereby approved, adopted and enacted, shall be in full force and effect from and after its passage by the required number of votes, as set forth in Section 3.16 of the City Charter.

PASSED: _____

Rules Suspended: AYES_____NAYS_____

ADOPTED: _____ AYES_____NAYS_____

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

EXHIBIT "A"

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
57-16	9-12-16	August 2016 Replacement Pages
58-16	9-12-16	880.07(b)
65-16	10-10-16	624.121
85-16	11-28-16	880.01
100-16	1-23-17	618.29
3-17	2-13-17	257.03
5-17	3-17-17	P. & Z. Appendix
8-17	6-12-17	880.005, 880.01, 880.04
10-17	2-27-17	618.24
23-17	4-10-17	1234.01 to 1234.15, 1234.99
24-17	4-10-17	1236.01 to 1236.18, 1236.99
32-17	6-12-17	1440.27
Res.		
40-17	5-22-17	234.06

EXHIBIT "B"

Traffic Code

402.04	Bicycle; Motorized Bicycle; Moped. (Amended)
402.19	Motorcycle. (Amended)
402.04	Road Workers, Motor Vehicles and Equipment Excepted. (Amended)
404.081	Impounding Vehicles on Private Residential Property. (Amended)
404.082	Tow Away Zones. (Amended)
414.09	Driver's Duties Upon Approaching Ambiguous Traffic Signal. (Amended)
432.03	Overtaking, Passing to Left; Driver's Duties. (Amended)
432.21	Right of Way of Public Safety or Coroner's Vehicle. (Amended)
432.211	Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Added)
434.01	Driving Under the Influence. (Amended)
436.09	Display of License Plates. (Amended)
436.111	Registration Within Thirty Days of Residency. (Added)
452.07	Unattended Vehicles: Duties. (Amended)
474.02	Riding Upon Seats; Handlebars; Helmets and Glasses. (Amended)

General Offenses Code

606.01	General Definitions. (Amended)
606.06	Limitation of Criminal Prosecution. (Amended)
618.051	Cruelty to Companion Animals. (Amended)
624.02	Gift of Marihuana. (Amended)
624.03	Drug Abuse; Controlled Substance Possession or Use. (Amended)
624.04	Possessing Drug Abuse Instruments. (Amended)
624.05	Permitting Drug Abuse. (Amended)
624.07	Possessing or Using Harmful Intoxicants. (Amended)
624.08	Illegally Dispensing Drug Samples. (Amended)
624.11	Possessing Nitrous Oxide in Motor Vehicle. (Amended)
624.12	Drug Paraphernalia. (Amended)
624.13	Counterfeit Controlled Substances. (Amended)
606.12	Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
612.01	Liquor Control Definitions. (Amended)
612.07	Open Container Prohibited. (Amended)
636.075	Criminal Child Enticement. (Amended)
636.12	Contributing to Child Delinquency. (Amended)
642.09	Arson. (Amended)
642.11	Criminal Mischief. (Amended)
642.10	Vehicular Vandalism. (Amended)
672.01	Weapons Definitions. (Amended)
672.02	Carrying Concealed Weapons. (Amended)
672.04	Improperly Handling a Firearm in a Motor Vehicle. (Amended)

CITY OF BRUNSWICK
ORDINANCE NUMBER 79-17

By Committee of the Whole

AN EMERGENCY ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS COMPONENTS OF THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION OF NEW LEGISLATION IN THE UPDATED REVISED CODIFIED ORDINANCES; AND TO REPEAL ORDINANCES IN CONFLICT THEREWITH.

- WHEREAS:** Section 3.18b. of the City Charter provides for the general codification of all City ordinances and resolutions having the force and effect of law and requires that such codification be kept current; and
- WHEREAS:** The Walter H. Drane Co. has completed its updating and revision of the Codified Ordinances of the City; and
- WHEREAS:** Various ordinances of a general and permanent nature that have been enacted by Council since the date of the last updating and revision of the Codified Ordinances need to be include in the Codified Ordinances of the City; and
- WHEREAS:** Certain changes made in the Codified Ordinances to bring City law into conformity with State law.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

- SECTION 1:** That the editing, arrangement and numbering or renumbering of the ordinances and parts of ordinances attached hereto as "Exhibit "A" as though fully herein written, are hereby approved as parts of the various component codes of the Codified Ordinances of the City of Brunswick, Ohio, so as to conform to the classification and numbering system of the Codified Ordinances.
- SECTION 2:** That the sections of the Traffic and General Offenses Codes, as amended and attached hereto as Exhibit "B" as though fully herein written, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly.
- SECTION 3:** That all ordinances and resolutions and parts thereof that are in conflict with any of the provisions of the new matter approved, adopted and listed on Exhibit "A" and in Section 1 are hereby repealed, except as follows:

- (a) The enactment of such matter shall not be construed to affect a right of liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or any action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision or to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purposes of revision and recodification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to August 1, 2017.

SECTION 4: That a copy of this ordinance shall be posted in the five public places set forth in Section 222.01 of the Codified Ordinances, together with notice as to where copies of the 2017 Replacement Pages for the Codified Ordinances of the City, hereby approved, adopted and enacted, may be viewed and inspected by the public. A copy shall also be furnished to City Officers, Medina County Law Library and the Brunswick Public Library.

SECTION 5: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare and for the additional reason that it is immediately necessary to have an up-to-date codification of the laws of the City, pursuant to Section 3.18b. of the City Charter, that is in conformity with State Law, where such conformity is required by Article XVIII, Section 3, of the Ohio Constitution, with which to administer the affairs of the City and to preserve law and order of the City. Therefore, this Ordinance and the August 2016 Replacement Pages for the Codified Ordinances, hereby approved, adopted and enacted, shall be in full force and effect from and after its passage by the required number of votes, as set forth in Section 3.16 of the City Charter.

PASSED: _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

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

EXHIBIT "A"

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
57-16	9-12-16	August 2016 Replacement Pages
58-16	9-12-16	880.07(b)
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Res.		
40-17	5-22-17	234.06

EXHIBIT "B"

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432.03	Overtaking, Passing to Left; Driver's Duties. (Amended)
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432.211	Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Added)
434.01	Driving Under the Influence. (Amended)
436.09	Display of License Plates. (Amended)
436.111	Registration Within Thirty Days of Residency. (Added)
452.07	Unattended Vehicles; Duties. (Amended)
474.02	Riding Upon Seats; Handlebars; Helmets and Glasses. (Amended)

General Offenses Code

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624.08	Illegally Dispensing Drug Samples. (Amended)
624.11	Possessing Nitrous Oxide in Motor Vehicle. (Amended)
624.12	Drug Paraphernalia. (Amended)
624.13	Counterfeit Controlled Substances. (Amended)
606.12	Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
612.01	Liquor Control Definitions. (Amended)
612.07	Open Container Prohibited. (Amended)
636.075	Criminal Child Enticement. (Amended)
636.12	Contributing to Child Delinquency. (Amended)
642.09	Arson. (Amended)
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642.10	Vehicular Vandalism. (Amended)
672.01	Weapons Definitions. (Amended)
672.02	Carrying Concealed Weapons. (Amended)
672.04	Improperly Handling a Firearm in a Motor Vehicle. (Amended)

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 09/11/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
John Piepsny

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 80-17** - A resolution authorizing the City Manager to enter into an agreement with Interfinish, LLC for the design and installation of a new track at the Brunswick Community Recreation and Fitness Center in an amount not to exceed \$43,395.00 - **1st Reading** (To be brought from Parks, Recreation & Community Committee, *Administration/John Piepsny*)

BACKGROUND: This resolution would allow the City Manager to enter into an agreement with Interfinish to the design and construction of the new track at the Brunswick Community Recreation and Fitness Center. The track at the Brunswick Community Recreation and Fitness Center is 25 years old and needs to be repaired. Many of the transitions have become trip hazards for some of our members. By installing a new track, we can eliminate the trip hazards and also add more cushion to the track thus giving our members a more comfortable and safer experience.

PURPOSE AND EXPLANATION:

IMPLEMENTATION SCHEDULE: Once adopted, the department would work to schedule the job during a normal slow time at the recreation center.

FINANCIAL INFORMATION: -- Capital Projects Improvement Fund #300 - 300-0522-56250 -- 43395

FINANCIAL SUMMARY: Interfinish would complete the work in an amount not to exceed \$43,395.00. The work would be done under State Contract #800314.

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?

It would be the Parks and Recreation Directors recommendation that the resolution be adopted.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH INTERFINISH, LLC FOR THE DESIGN AND INSTALLATION OF A NEW TRACK AT THE BRUNSWICK COMMUNITY RECREATION AND FITNESS CENTER IN AN AMOUNT NOT TO EXCEED \$43,395.00.

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

WHEREAS: The State contract under the State Procurement Program has been awarded to Interfinish, LLC.

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

SECTION 1: That the City Manager is hereby authorized to enter into an Agreement with Interfinish, LLC for the design and installation of a new track at the Brunswick Community Recreation and Fitness Center in an amount not to exceed \$43,395.00.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 80-27

BY: Mr. Abella, Mr. Capretta and Mr. Salzgeber

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH INTERFINISH, LLC FOR THE DESIGN AND INSTALLATION OF A NEW TRACK AT THE BRUNSWICK COMMUNITY RECREATION AND FITNESS CENTER IN AN AMOUNT NOT TO EXCEED \$43,395.00.

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

WHEREAS: The State contract under the State Procurement Program has been awarded to Interfinish, LLC.

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

SECTION 1: That the City Manager is hereby authorized to enter into an Agreement with Interfinish, LLC for the design and installation of a new track at the Brunswick Community Recreation and Fitness Center in an amount not to exceed \$43,395.00.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

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

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 09/11/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 81-17** - An emergency resolution authorizing the City Manager to purchase three (3) marked police cruisers for the Division of Police from Statewide Ford in an amount not to exceed \$125,000.00 - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Chief Ohlin*)

BACKGROUND: We are requesting council approval to purchase 3 marked 2018 police cruisers in an amount not to exceed \$125,000 at or below state bid contract pricing from Statewide Ford. These vehicles will replace 3 current cruisers with high mileage and increasing maintenance costs. The capital funds are available and budgeted in the 2017 police capital budget.

**PURPOSE AND
EXPLANATION:**

**IMPLEMENTATION
SCHEDULE:**

**FINANCIAL
INFORMATION:** - - Police Fund #114 (Capital Sub Fund #961) - 961-0520-56252 - - 125000

**FINANCIAL
SUMMARY:**

**RECOMMENDED
ACTION:**

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

If emergency or suspension of the rules, why the request?
3 readings and pass as an emergency

ADDITIONAL

INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE THREE (3) MARKED POLICE CRUISERS FOR THE DIVISION OF POLICE FROM STATEWIDE FORD IN AN AMOUNT NOT TO EXCEED \$125,000.00.

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

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

WHEREAS: The proposed purchase of three (3) marked police cruisers from Statewide Ford in an amount not to exceed \$125,000.00, is upon equivalent terms, conditions and specifications and at a lower price than through the State Purchasing Program.

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

SECTION 1: That the City Manager is hereby authorized to purchase three (3) marked police cruisers for the Division of Police from Statewide Ford in an amount not to exceed \$125,000.00.

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 the Division of Police is in need of these vehicles 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
Barbara J. Ortiz, CMC

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 81-17

BY: Mr. Hanek, Mr. Capretta and Mr. Johnson

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE THREE (3) MARKED POLICE CRUISERS FOR THE DIVISION OF POLICE FROM STATEWIDE FORD IN AN AMOUNT NOT TO EXCEED \$125,000.00.

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

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

WHEREAS: The proposed purchase of three (3) marked police cruisers from Statewide Ford in an amount not to exceed \$125,000.00, is upon equivalent terms, conditions and specifications and at a lower price than through the State Purchasing Program.

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

SECTION 1: That the City Manager is hereby authorized to purchase three (3) marked police cruisers for the Division of Police from Statewide Ford in an amount not to exceed \$125,000.00.

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 the Division of Police is in need of these vehicles 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
Barbara J. Ortiz, CMC

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

6552275	NEW	1733 PEARL ROAD ZEPPEs LLC DBA ZEPPEs TAVERN AND PIZZERIA BRUNSWICK 1733 PEARL RD BRUNSWICK OH 44212
PERMIT NUMBER		
TYPE		
ISSUE DATE		
08 02 2017		
FILING DATE		
D5		
PERMIT CLASSES		
52	022 C	B65214
TAX DISTRICT		RECEIPT NO.

FROM 08/09/2017

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



MAILED 08/09/2017

RESPONSES MUST BE POSTMARKED NO LATER THAN. 09/11/2017

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES C NEW 6552275

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING. ☒

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

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

Barbara J. Ortiz

(Signature)

(Title) ☐ Clerk of County Commissioner

☒ Clerk of City Council

☐ Township Fiscal Officer

August 28, 2017

(Date)

CLERK OF BRUNSWICK CITY COUNCIL
4095 CENTER RD
BRUNSWICK OHIO 44212

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. For best results, search only ONE criteria at a time. If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

SEARCH CRITERIA

Permit Number

6552275

Permit Name / DBA

Member / Officer Name

[Search](#)[Reset](#)[Main Menu](#)

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 6552275; Name: 1733 PEARL ROAD ZEPPE LLC; DBA: DBA ZEPPE TAVERN AND PIZZERIA BRUNSWICK; Address: 1733 PEARL RD BRUNSWICK 44212		
JOSEPH T CIRESI	5% VOTING	

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- [Ohio Department of Commerce](#)

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