



City of Ashtabula

Ashtabula City Council

Community Development/Economic Development/Parks & Recreation Committee Meeting

Tuesday, November 9, 2021 at 4:00 PM

Council Chambers

4717 Main Avenue

Agenda

- 1. Opening of Committee Meeting**
 - a. Call to Order
 - b. Roll Call
 - c. Sunshine Law Certification
- 2. Welcome and Acknowledgement of Visitors**
- 3. Special Guest Presentation**
 - a. Mrs. Stacy Gancos - Stacy's Club and youth Opportunities! presentation
- 4. City Manager's Report**
- 5. Parks & Recreation Committee Report**
 - a. November 3, 2021 Minutes
- 6. Unfinished Business**
 - a. Moratorium on discount retail stores discussion - sample legislation for review
- 7. New Business**
- 8. Next Meeting**
 - a. Tuesday, December 14, 2021, at 4:00 p.m. in Council Chambers
- 9. Adjournment**

PARKS AND RECREATION BOARD MEETING
Wednesday, November 3, 2021

Board members present: Earl Tucker, Mary Kiehl, Margaret Distler

Absent: Trevor Sprague, Mary Graves, Ken Vanyo

Minutes: minutes of the October meeting were read, motion to accept the minutes by Maggie, second by Earl, motion carried.

Discussion of a new basketball court and pickleball court at Nappi Field. Can we get a quote for a pickle ball court?

Walnut Beach: new sign donated by Mr. Morrison is being created.

When are the bids for a concessionaire going out?

Parks & Rec board would like tour the concession stand to see what improvements inside could possibly be made.

Concerts and movie night for summer of 2022.

There was a request for benches at South Park.

Wayfinding signage. Parks & Rec would like to see signs at West 9th & Lake Avenue and at Bridge Street & Lake Ave. for Walnut Beach, Point Park, Hubbard House, Maritime Museum

Our next meeting will be Tuesday, December 7, 2021.

Meeting adjourned 6: 35 pm.

Mary Kiehl

Mary Kiehl, Secretary

ORD. 166-20

Declaring a Moratorium until December 31, 2020, on the review and issuance of any zoning permits, building permits, certificates of occupancy, or other licenses or permits for Small Box Discount Stores along Dorr St. between Collingwood and Parkside; and declaring an emergency.

SUMMARY & BACKGROUND:

There has been a significant increase in the number of Small Box Discount Stores throughout the City of Toledo. A “Small Box Discount Store” is considered and defined as a store with a floor area less than 15,000 square feet that offers food or beverages for off-premise consumption, household products, personal grooming and health products, and other consumer goods. It does not include stores that contain a prescription pharmacy, sell gasoline or diesel, primarily sell specialty food items or dedicate at least 15% of their floor area to fresh foods and vegetables.

Toledo City Council wishes to study the impact of the proliferation of Small Box Discount Stores on the public health and safety of surrounding neighborhoods. Many Small Box Discount Stores dedicate less than 15% of the available shelf space to the sale of fresh produce and offer a limited amount of processed foods. Studies in other cities have shown that the saturation of certain areas with Small Box Discount Stores results in reduced access to healthy food options. Additionally, studies have raised concerns about safety and security in areas surrounding Small Box Discount Stores due to a high incidence of crime and theft in and around them. Toledo City Council has determined that it is in the best interest of the City to study the impact of Small Box Discount Stores on the public health and safety of the surrounding neighborhoods. NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. For the reasons stated in the Summary & Background, this Council establishes a moratorium on the review and issuance of zoning permits, building permits, certificates of occupancy, and other licenses or permits for Small Box Discount Stores along Dorr St. between Collingwood and Parkside, as defined in the Summary and Background, on applications filed after the effective date of this moratorium. This moratorium shall be in effect until December 31, 2020, or such time as the City has established regulations regarding the review and issuance of same for Small Box Discount Stores, whichever is earlier.

SECTION 2. That Toledo City Council instructs the City Plan Commission and the Division of Building Inspection to conduct a study on the impact of the proliferation of Small Box Discount Stores on the public health and safety of surrounding neighborhoods, and report its findings to Toledo City Council on or before December 31, 2020.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal

action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason being that a moratorium is necessary to allow time to study the public health and safety impact of Small Box Discount Stores in the City of Toledo.

Vote on emergency clause: yeas 12, nays 0.

Passed: May 20, 2020, as an emergency measure: yeas 8, nays 4.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

May 21, 2020
Wade Kapszukiewicz
Mayor

ORD. 60-21

Declaring a Moratorium until June 1, 2021, on the review and issuance of any zoning permits, building permits, certificates of occupancy, or other licenses or permits for Small Box Discount Stores in the City of Toledo; and declaring an emergency.

SUMMARY AND BACKGROUND:

Ordinance 166-20 establishing a moratorium on the review and issuance of zoning permits, building permits, certificates of occupancy and other licenses or permits for Small Box Discount Stores along Dorr St. between Collingwood and Parkside expired on December 31, 2020. A “Small Box Discount Store” is considered and defined as a store with a floor area less than 15,000 square feet that offers food or beverages for off-premises consumption, household products, personal grooming and health products, and other consumer goods. It does not include stores that contain a prescription pharmacy, sell gasoline or diesel, primarily sell specialty food items or dedicate at least 15% of their floor area to fresh foods and vegetables.

Toledo City Council initiated a study by the Toledo City Plan Commission to research the history of Small Box Discount Stores in Toledo, to examine the secondary effects that they have on city residents and city neighborhoods, and evaluate best practices for their regulation in other cities.

The study looked into the impact of the proliferation of Small Box Discount Stores on the public health and safety of surrounding neighborhoods. The study concluded that there are multiple secondary effects of small box discount stores, the best-documented being their contribution to food deserts, leading to poor diets and higher levels of obesity, diabetes, and heart disease. The prevalence of small box discount stores leads to closures of neighborhood grocery stores, further limiting the availability of healthy food options.

Additionally, it was determined that Small Box Discount Stores pose site development, site maintenance, and nuisance concerns. Existing Small Box Discount Stores have often become code enforcement problems in the City of Toledo. The shopping center at the corner of Dorr and Collingwood currently hosts two Small Box Discount Stores, and has played host to six code enforcement cases in the past seven years.

Based on the study, the City’s Plan Commission proposed a text amendment to better regulate Small Box Discount Stores in Toledo. The amendment would require a Special Use Permit to open Small Box Discount Stores which would allow for review and revocation if conditions of approval are not met. The Toledo City Council Zoning and Planning Committee hearing on the amendment is not scheduled until March 17, 2021. In the meantime, Small Box Discount Stores continue to announce plans to expand in urban areas, virtually unregulated. A moratorium on the issuance of zoning permits, building permits, certificates of occupancy, or other licenses or permits for Small Box Discount Stores in the City of Toledo is necessary to allow time for Council to review the Plan Commission report and hold appropriate hearings regarding the proposed legislation. NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. For the reasons stated in the Summary & Background, this Council establishes a moratorium on the review and issuance of zoning permits, building permits, certificates of occupancy, and other licenses or permits for Small Box Discount Stores as defined in the Summary and Background, in the City of Toledo on applications filed after the effective date of this moratorium. This moratorium shall be in effect until June 1, 2021, or such time as the City has established regulations regarding the review and issuance of same for Small Box Discount Stores, whichever is earlier.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason being that a moratorium is necessary to allow additional time to study the report and recommendations of the Plan Commission and the public health and safety impact of Small Box Discount Stores in the City of Toledo.

Vote on emergency clause: yeas 12, nays 0.

Passed: February 17, 2021, as an emergency measure: yeas 9, nays 3.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

February 18, 2021
Wade Kapszukiewicz
Mayor

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 58-2020

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

AN EMERGENCY ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING, OCCUPANCY, CONDITIONAL USE AND/OR BUILDING PERMIT APPROVALS FOR SMALL BOX DISCOUNT STORES IN ALL ZONING DISTRICTS AND SPECIAL PLANNING DISTRICTS IN THE CITY, AND THE ISSUANCE OF SUCH APPROVALS.

WHEREAS: The City of Brunswick may legitimately regulate the location and approval of Small Box Discount Stores, which are defined as a retail store between 3,000 and 15,000 square feet that sells directly to consumers a limited assortment of physical goods, products, or merchandise, personal grooming and health products, household goods, and other consumer products, including food or beverages for -off premises consumption, most of which are sold for \$10.00 or less, and that does not dedicate at least 15% of shelf space to fresh food and produce; and

WHEREAS: This Council believes that a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for Small Box Discount Stores in any Zoning District and Special Planning District in the City, and on the issuance of such approvals, will not deny property owners economically viable use of their property and will permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof relative to the location and approval process for Small Box Discount Stores.

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

SECTION 1: For a period of six (6) months from the effective date of this Ordinance, the City shall not accept or process any applications for zoning, occupancy, conditional use and/or building permit approvals for Small Box Discount Stores in any Zoning District and Special Planning District in the City, and further shall not issue any such approvals during said period.

SECTION 2: Whenever the provisions of this Ordinance conflict with any other Ordinance or any provision of the Codified Ordinances of the City, the provisions of this Ordinance shall control.

SECTION 3: It is found and determined that all formal actions of this Council concerning and

relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City and its residents and property owners and for the additional reason that it is required to permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof relative to the location and approval process for Small Box Discount Stores. 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 July 27, 2020

Rules Suspended: AYES 6 NAYS 0

ADOPTED: July 27, 2020 AYES 6 NAYS 0

ATTEST:


Clerk of Council
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 7/27/2020

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 58-2020** - An emergency ordinance establishing a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for small box discount stores in all zoning districts and special planning districts in the city, and the issuance of such approvals. - **1st Reading** (To be brought from Economic Development Committee, *Administration/Nicholas Hanek*)

BACKGROUND: The City of Brunswick currently has multiple small box discount stores, defined as retail stores between 3,000 and 15,000 square feet that sell directly to consumers a limited assortment of physical goods, products or merchandise, personal grooming and health products, household goods and other consumer products, including food or beverages for off premises consumption, most of which are sold for \$10.00 or less, and that does not dedicate at least 15% of shelf space to fresh food and produce. As we examine all areas of the City, wanting to ensure the highest and best use along with any practical difficulties that may affect the delivery of City services to such facilities.

PURPOSE AND EXPLANATION: After discussions at Council's Economic Development committee meeting, it has been determined to place this request for legislation on the agenda for the July 27, 2020 meeting of Council. Approval of this ordinance will allow the City Administration time to review the current Zoning Code and the newly adopted Update to the Comprehensive Plan in terms of acceptance of small box discount stores in various zoning districts throughout the City. In addition, the City's Planning Commission will have ample time to determine if revisions to the Zoning Code are necessary moving forward.

IMPLEMENTATION SCHEDULE: It is requested that City Council pass this as an emergency measure with suspension of the rules to permit Administration and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and Update to the Comprehensive Plan.

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?

It is requested that City Council pass this on an emergency measure with suspension of the rules.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 74-2021

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

AN EMERGENCY ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING, OCCUPANCY, CONDITIONAL USE AND/OR BUILDING PERMIT APPROVALS FOR SMALL BOX DISCOUNT STORES IN ALL ZONING DISTRICTS AND SPECIAL PLANNING DISTRICTS IN THE CITY, AND THE ISSUANCE OF SUCH APPROVALS.

WHEREAS: The City of Brunswick may legitimately regulate the location and approval of Small Box Discount Stores, which are defined as a retail store between 3,000 and 15,000 square feet that sells directly to consumers a limited assortment of physical goods, products, or merchandise, personal grooming and health products, household goods, and other consumer products, including food or beverages for off premises consumption, most of which are sold for \$10.00 or less, and that does not dedicate at least 15% of shelf space to fresh food and produce;

WHEREAS: On July 27, 2020, City Council adopted Ordinance No. 58-2020, establishing a six (6) month temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for Small Box Discount Stores in any Zoning District and Special Planning District in the City effective up to and including January 27, 2021;

WHEREAS: On January 25, 2021, City Council adopted Ordinance No. 8-2021, extending the temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for Small Box Discount Stores in any Zoning District and Special Planning District in the City for an additional six (6) months up to and including July 27, 2021;

WHEREAS: This Council believes that a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for Small Box Discount Stores in any Zoning District and Special Planning District in the City, and on the issuance of such approvals, will not deny property owners economically viable use of their property and will permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof relative to the location and approval process for Small Box Discount Stores.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY

ORDAINS:

SECTION 1: The six (6) month temporary moratorium extension established by Ordinance No. 8-2021 shall be extended for a period of six (6) months up to and including January 27, 2022, wherein the City shall not accept or process any applications for zoning, occupancy, conditional use and/or building permit approvals for Small Box Discount Stores in any Zoning District or Special Planning District in the City, and further shall not issue any such approvals during said period.

SECTION 2: Whenever the provisions of this Ordinance conflict with any other Ordinance or any provision of the Codified Ordinances of the City, the provisions of this Ordinance shall control.

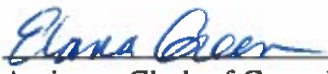
SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City and its residents and property owners and for the additional reason that it is required to permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof relative to the location and approval process for Small Box Discount Stores. 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 7-12-2021

Rules Suspended: AYES 6 NAYS 0

ADOPTED: 7-12-2021 AYES 6 NAYS 0

ATTEST: 
Assistant Clerk of Council
Elana Green

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 7/12/2021

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 74-2021** - An emergency ordinance establishing a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for small box discount stores in all zoning districts and special planning districts in the city, and the issuance of such approvals. - **1st Reading** (To be brought from Planning and Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: On January 25, 2021, City Council adopted Ordinance No. 8-2021, a continued temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for small box discount stores in all zoning districts and special planning districts in the city, and the issuance of such approvals, effective at the conclusion of the current, July 27, 2021.

PURPOSE AND EXPLANATION: The members of the Economic Development Committee, the Planning & Zoning Committee and Administration would like to continue to the review of the update to the comprehensive plan, and would like to extend the moratorium for an additional six-month period.

IMPLEMENTATION SCHEDULE: It is requested that City Council pass this as an emergency measure with suspension of the rules to permit Administration and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and Update the Comprehensive Plan.

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?

It is requested that City Council pass this on an emergency measure with suspension of the rules.

**ADDITIONAL
INFORMATION:**

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 20-120

INTRODUCED BY: Barath, Fenos, Krejci
Co-Sponsor: Marnecheck

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING, OCCUPANCY, CONDITIONAL USE AND/OR BUILDING PERMIT APPROVALS FOR SMALL BOX DISCOUNT STORES IN ALL ZONING DISTRICTS IN THE CITY OF NORTH ROYALTON, THE ISSUANCE OF SUCH APPROVALS, AND DECLARING AN EMERGENCY

WHEREAS: The City of North Royalton may legitimately regulate the location and approval of Small Box Discount Stores, which are defined as a retail store between 3,000 and 15,000 square feet in size, that sell direct to consumers a limited assortment of physical goods, products, or merchandise, personal grooming and health products, household goods, and other consumer products, including food or beverages for off premises consumption, most individual items being sold for \$10.00 or less, and having less than 15% of shelf space dedicated to fresh food and produce; and

WHEREAS: The City Charter requires that at regular intervals a review be made of the city's Master Plan for development and that review is to be undertaken in the coming months and all recommendations be presented to Council and the electorate next year, 2021, and that such review will include the questions and concerns regarding Small Box Discount Stores; and

WHEREAS: This Council believes that a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for Small Box Discount Stores in any Zoning District in the city, and on the issuance of such approvals, will not deny property owners the economically viable use of their property and will permit the City Administration, Council and Planning Commission necessary time to undertake a review of the North Royalton Zoning Code in conjunction with the Master Plan review and possible amendment thereof relative to the location and approval process for Small Box Discount Stores.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. The Council of the City of North Royalton hereby imposes a moratorium for a period of twelve (12) months from the effective date of this Ordinance or until the adoption of the Master Plan amendments whichever comes first, the city shall not accept or process any applications for zoning, occupancy, conditional use and/or building permit approvals for Small Box Discount Stores in any Zoning District in the city, and further shall not issue any such approvals during said period.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to permit the City Administration, Council and Planning Commission necessary time to undertake a review of the North Royalton Zoning Code in conjunction with the Master Plan review and possible amendment thereof relative to the location and approval process for Small Box Discount Stores.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Paul F. Marnecheck
PRESIDENT OF COUNCIL

APPROVED: /s/ Larry Antoskiewicz
MAYOR

DATE PASSED: October 6, 2020

DATE APPROVED: October 8, 2020

ATTEST: /s/ Dana A. Schroeder
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading October 6, 2020

YEAS: Marnecheck, Fenos, Barath, Krejci
Dietrich, Weimer, Vos

NAYS: none