



BRUNSWICK CITY COUNCIL AGENDA

Valerie Zak Ward 3	Nicholas Hanek Ward 2	Patricia Hanek At-Large	Kenneth Fisher Law Director	Carl S. DeForest City Manager	Ron Falconi Mayor	Fijabi Julien-Gallam Council Clerk	Michael Abella Jr. Ward 1	Brian Ousley At-Large	Joseph Delsanter At-Large	Anthony Capretta Ward 4
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Administration Representatives

**MAY 10, 2021
In Council Chambers
At 7:00 PM**

REVISED

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of Minutes
 - (a) Regular Council Meeting Minutes dated April 26, 2021
5. Mayor's Report:
 - (a) Proclamation to Designate May 21, 2021 and May 22, 2021 as Buddy Poppy Days;
 - (b) Motion to approve the Mayor's recommendation to appoint Howard Elko to fulfill an unexpired term on the Medina County Advisory Council on Aging and Disability expiring March 31, 2023;
 - (c) Mayor's Court Financial Report for the month ending April 2021 will be posted on the website and added to the minutes for the record;
 - (d) Mayor's Update
6. Clerk of Council's Report
7. Council Committee Reports:

Economic Development Committee.....Mr. Hanek

Services, Utilities, Technology & Cable Committee.....Mr. Abella Jr.

Services, Utilities, Technology & Cable Committee Meeting Minutes dated November 16, 2020

Finance Committee.....Mrs. Hanek

Safety & Environment Committee.....Mr. Capretta
Planning & Zoning Committee.....Mr. Delsanter
Parks, Recreation & Community Committee.....Mrs. Zak
Building & Building Code Committee.....Mr. Ousley

8. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

RES. NO. 38-2021 - An emergency resolution authorizing the City Manager to enter into a three (3) year agreement with Total Performance Service, Inc. for the provision of vehicle maintenance for the Division of Police. - **3rd Reading** (Safety & Environment Committee, *Administration/Brian Ohlin*)

b. 2nd Reading(s)

ORD. NO. 27-2021 - An ordinance establishing Section 1242.02(76.1) of the Codified Ordinances of the City of Brunswick by defining small box discount store. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 28-2021 - An ordinance amending Section 1266.04 of the Codified Ordinances of the City of Brunswick deleting subsections (e) and (f) in their entirety. - **2nd Reading** (Planning and Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 29-2021 - An ordinance amending the Design Guidelines for the Southeast Neighborhood of the Brunswick Town Center Special Planning District No. 2. - **2nd Reading** (Planning and Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 43-2021 - An ordinance authorizing the City Manager to forward a petition for detachment to the Medina County Commissioner's office for the purpose of adjusting the city boundary lines to include an annexation into the City of Brunswick. - **2nd Reading** (Committee-of-the-Whole, *Administration/Ken Fisher*)

c. 1st Reading(s)

ORD. NO. 47-2021 - An ordinance amending Section 220.01(a) of the Codified Ordinances of the City of Brunswick. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Fijabi Gallam*)

RES. NO. 48-2021 - An emergency resolution approving a petition for special assessments for Special Energy Improvement Projects and a project plan for the Medina County Energy Improvement District under Chapter 1710 of the Ohio Revised Code; to authorize and levy special assessments for the purpose of acquiring, constructing, and improving certain public improvements in the City of Brunswick in cooperation with the Medina County Energy Improvement District; and to approve an Energy Project

Agreement in connection with such improvements and special assessments. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)

RES. NO. 49-2021 - An emergency resolution authorizing the City Manager to enter into an Energy Project Agreement with City of Medina Energy Special Improvement District, INC. DBA County of Medina Energy Improvement District, INC. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)

RES. NO. 50-2021 - An emergency resolution declaring it necessary to make certain energy improvements at property in the city by replacing and installing LED lighting, together with all necessary appurtenances thereto. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)

ORD. NO. 51-2021 - An emergency ordinance amending section 836.12 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

RES. NO. 52-2021 - An emergency resolution amending Resolution NO. 38-19 to reflect that Zimmerman Paint Contractors, CO. has been purchased by and is now known as Griffin Pavement Striping, LLC. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

RES. NO. 53-2021 - A resolution declaring use of E-Cigarettes and Vaping products by our youth as a Public Health Crisis; declaring the month of May 2021 as Youth Tobacco Prevention Month in the City of Brunswick; and declaring May 28, 2021 as Youth Tobacco Prevention Day in the City of Brunswick. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Michael Abella*)

9. City Manager's Report
10. Unfinished Business
11. New Business
 - (a) Consideration of a new liquor permit for Meijer Stores LP, DBA Meijer Store 323, Brunswick, at 3800 Center Road;
 - (b) Consideration of a new liquor permit for Meijer Stores LP, DBA Meijer Express 323, Brunswick, at 3750 Center Road.
12. Adjournment

CITY OF BRUNSWICK, OHIO

MINUTES OF COUNCIL

MONDAY, APRIL 26, 2021

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

Roll Call of Members showed the following Council Members present: Nicholas Hanek, Valerie Zak, Michael Abella Jr., Anthony Capretta, Joseph Delsanter, Patricia Hanek, Brian Ousley.

Others Present: Mayor Ron Falconi, Clerk of Council Fijabi Gallam, City Manager Carl DeForest, and Law Director Ken Fisher.

Correspondence: There was none.

Approval of Minutes:

Michael Abella Jr. moved to approve the Regular Council Meeting Minutes dated April 12, 2021, as written, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Patricia Hanek, Joseph Delsanter, Brian Ousley, Nicholas Hanek, Michael Abella Jr., Anthony Capretta, Valerie Zak. Nays - 0. Motion Carried.

Mayor's Report:

Mayor Ron Falconi read the proclamation designating April 27, 2021, as First Responder Day.

Joseph Delsanter moved to approve the Mayor's recommendation to appoint Howard J Gross to fulfill an unexpired term on the Financial Audit, Review & Advisory Committee expiring March 9, 2023, seconded by Anthony Capretta. Roll Call - Ayes - 7, Michael Abella Jr., Patricia Hanek, Brian Ousley, Nicholas Hanek, Valerie Zak, Joseph Delsanter, Anthony Capretta. Nays - 0. Motion Carried.

Mayor's recommendation to appoint Howard Elko to fulfill an unexpired term on the Medina County Advisory Council on Aging and Disability expiring March 31, 2023.

Clerk of Council's Report: There was none.

Council Committee Reports:

Economic Development Committee.....Mr. Hanek:

Councilman Nicholas Hanek had no formal reports this evening.

Services, Utilities, Technology & Cable Committee.....Mr. Abella Jr.:

Michael Abella Jr. moved to approve the Services, Utilities, Technology & Cable Committee Formal Report dated January 11, 2021, as written, seconded by Brian Ousley. Roll Call - Ayes - 7, Anthony Capretta, Nicholas Hanek, Valerie Zak, Joseph Delsanter, Patricia Hanek, Brian Ousley, Michael Abella Jr. Nays - 0. Motion Carried.

Services, Utilities, Technology & Cable Committee Meeting Minutes dated January 11, 2021:

Finance Committee.....Mrs. Hanek :

Patricia Hanek moved to approve the Finance Committee Formal Report dated November 2, 2020, December 14, 2020, and February 8, 2021, as written, seconded by Valerie Zak. Roll Call - Ayes - 7, Nicholas Hanek, Valerie Zak, Joseph Delsanter, Patricia Hanek, Michael Abella Jr., Brian Ousley, Anthony Capretta. Nays - 0. Motion Carried.

Safety & Environment Committee.....Mr. Capretta:

Anthony Capretta moved to approve the Safety & Environment Committee Formal Report Dated January 25, 2021, as written, seconded by Valerie Zak. Roll Call - Ayes - 7, Valerie Zak, Brian Ousley, Nicholas Hanek, Joseph Delsanter, Anthony Capretta, Michael Abella Jr., Patricia Hanek. Nays - 0. Motion Carried.

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

Joseph Delsanter moved to approve the Planning & Zoning Committee Formal Report dated January 25, 2021, and February 8, 2021, as written, seconded by Brian Ousley. Roll Call - Ayes - 7, Nicholas Hanek, Brian Ousley, Michael Abella Jr., Valerie Zak, Anthony Capretta, Joseph Delsanter, Patricia Hanek. Nays - 0. Motion Carried.

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

Councilwoman Valerie Zak had no formal reports this evening.

Building & Building Code Committee.....Mr. Ousley:

Councilman Anthony Capretta had no formal reports this evening.

Other Boards and Commissions:

Reading of Legislation and Action on Legislation:

3rd Reading(s)

ORD. NO. 23-2021 - An ordinance repealing Section 1266.04(d) of the City of Brunswick Codified Ordinances. - **3rd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*):

Joseph Delsanter moved to adopt Ordinance Number 23-2021, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Brian Ousley, Patricia Hanek, Joseph Delsanter, Michael Abella Jr., Anthony Capretta, Valerie Zak, Nicholas Hanek. Nays - 0. Motion Carried.

2nd Reading(s)

RES. NO. 38-2021 - An emergency resolution authorizing the City Manager to enter into a three (3) year agreement with Total Performance Service, Inc. for the provision of vehicle maintenance for the Division of Police. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Brian Ohlin*):

RES. NO. 38-2021 - Mr. Capretta moved this resolution to third reading.

1st Reading(s)

ORD. NO. 43-2021 - An ordinance authorizing the City Manager to forward a petition for detachment to the Medina County Commissioner's office for the purpose of adjusting the city boundary lines to include an annexation into the City of Brunswick. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*):

ORD. NO. 43-2021 - Mr. Abella moved this ordinance to second reading.

RES. NO. 44-2021 - An emergency resolution authorizing the City Manager to enter into an agreement with CCG Automation, INC. for the replacement of the HVAC unit servicing a portion of City Hall in an amount not to exceed \$239,682.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*):

Michael Abella Jr. moved to suspend the rules, seconded by Brian Ousley. Roll Call - Ayes - 7, Patricia Hanek, Joseph Delsanter, Brian Ousley, Nicholas Hanek, Michael Abella Jr., Anthony Capretta, Valerie Zak. Nays - 0. Motion Carried.

Michael Abella Jr. moved to adopt Resolution Number 44-2021, seconded by Anthony Capretta. Roll Call - Ayes - 7, Michael Abella Jr., Patricia Hanek, Brian Ousley, Nicholas Hanek, Valerie Zak, Joseph Delsanter, Anthony Capretta. Nays - 0. Motion Carried.

ORD. NO. 45-2021 - An emergency ordinance amending ordinances #85-2020 and #13-2021 to include amendments to the Appropriation Budget for the year ending December 31, 2021, as incorporated in exhibit "A" attached hereto. - **1st Reading** (To be brought from the Finance Committee, *Administration/Todd Fischer*):

Patricia Hanek moved to suspend the rules, seconded by Joseph Delsanter. Roll Call - Ayes - 7, Anthony Capretta, Nicholas Hanek, Valerie Zak, Joseph Delsanter, Patricia Hanek, Brian Ousley, Michael Abella Jr. Nays - 0. Motion Carried.

Patricia Hanek moved to adopt Ordinance Number 45-2021, seconded by Valerie Zak. Roll Call - Ayes - 7, Nicholas Hanek, Valerie Zak, Joseph Delsanter, Patricia Hanek, Michael Abella Jr., Brian Ousley, Anthony Capretta. Nays - 0. Motion Carried.

ORD. NO. 46-2021 - An emergency ordinance to transfer and advance funds. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*):

Patricia Hanek moved to suspend the rules, seconded by Joseph Delsanter. Roll Call - Ayes - 7, Valerie Zak, Brian Ousley, Nicholas Hanek, Joseph Delsanter, Anthony Capretta, Michael Abella Jr., Patricia Hanek. Nays - 0. Motion Carried.

Patricia Hanek moved to adopt Ordinance Number 46-2021, seconded by Valerie Zak. Roll Call - Ayes - 7, Nicholas Hanek, Brian Ousley, Michael Abella Jr., Valerie Zak, Anthony Capretta, Joseph Delsanter, Patricia Hanek. Nays - 0. Motion Carried.

City Manager's Report:

City Manager Carl DeForest

- Remarked that the new Meijer's facility on State Route 303 (Center Road), planned to install a sanitary manhole. The work is from Monday, April 26, 2021, to Wednesday, April 28, 2021. Mr. DeForest noted that lane restrictions are to be expected, and he recommended everyone to go around the area.
- Announced that the Hometown Hero Project is sponsored by the Brunswick Veteran of Foreign Wars and the American Legion. The project is to honor veterans past and present on Veterans Day 2021. The plan is to put up 56 Home Town Hero's banners on Utility Poles along Center Road and Pearl Road in Brunswick, from October 15, 2021, to November 13, 2021. The banners would be returned to the sponsors when taken down. Interested parties could contact Joe Destro at 440-567-5428 for more information or visit the City's website.
- Expressed his condolences to the family of Collin Nemet. Mr. DeForest remarked that Collin was an inspiration to all, and he lost his battle to cancer on April 22, 2021. Mr. DeForest noted that in Collin Nemet's memory, the City would be raising money for pediatric cancer research through the Trike and Bike fundraiser at the Brunswick High School, on Friday, September 24, 2021, at 6 p.m. Interested parties could contact the City Manager's office for more information on the Brunswick Trike and Bike event.

Unfinished Business: There was none.

New Business:

Consideration of a new liquor permit for Dolgen Midwest LLC, DBA Dollar General Store 8522, Brunswick, at 3840 center Road.

Consideration of a new liquor permit for Tangled Vine LLC, at 3511 Center Road Unit D.

Consideration of a new liquor permit for Scene 75 Entertainment Center Brunswick LLC, DBA Scene 75, at 3674-3688 Center Road & Patio.:

The administration had no objections to the liquor permit requests.

Adjournment:

Michael Abella Jr. moved to adjourn, seconded by Joseph Delsanter. Roll Call - Ayes - 7, Brian Ousley, Patricia Hanek, Joseph Delsanter, Michael Abella Jr., Anthony Capretta, Valerie Zak, Nicholas Hanek. Nays - 0. Motion Carried.

There being no further business, the meeting adjourned at 7:15 p.m.

Respectfully submitted,

Fijabi Julien-Gallam, CMC

Clerk of Council

Mayor Ron Falconi

Adopted

DRAFT

**APPLICATION FOR
BOARDS AND COMMISSIONS**

NAME HOWARD ELKO PHONE 330 225 3014
 STREET 1385 TROON AVE, 44212 CELL 440 655 7958
 Years of Residency 22 Registered Brunswick Voter: YES X NO
 POSITIONED DESIRED: ADVISORY Council on Aging EMAIL howardelko@yahoo.com
 EDUCATION DEGREE YEAR GRADUATED
 HIGH SCHOOL MIDPARK H.S. YES 1944
 COLLEGE OHIO STATE UNIVERSITY NO
 SPECIAL TRAINING

CURRENT EMPLOYMENT

RETIRED
 Company Address Title Dates

RELEVANT PAST EMPLOYMENT

CORRIGAN Moving Keynote Circle, Cleve, OH Sales Mgr 9/99 - 12/2011
 Company Address Title Dates
AMERICAN VANDERLY Brecksville, Ohio Sales Mgr. 8/78 - 9/99
 Company Address Title Dates

RELEVANT PROFESSIONAL ASSOCIATIONS, COMMUNITY SERVICE, OR SOCIAL AFFILIATIONS

MEDINA County Library Board - 7 yrs President of Board
Brunswick Youth Sports Field Mgr.

REFERENCES (other than relation):

NAME	ADDRESS	PHONE
1. <u>Ken Knapp</u>	<u>11915 White Tail Run, Columbia Station</u>	<u>440 708 4797</u>
2. <u>Howard Gross</u>	<u>Troon Ave Brunswick</u>	<u>330 225 3681</u>
3. <u>Linda Carvey</u>	<u>199 Nottingham, Medina, Ohio</u>	<u>330 721 9279</u>

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

I AM A SENIOR & UNDERSTAND THE PROBLEMS OTHER SENIORS HAVE. I KNOW THE FINANCIAL PROBLEMS THESE SENIORS FACE EVERYDAY. ALSO I KNOW WHAT THEY FACE AFTER LOSING A SPOUSE. I CAN HELP WITH HOW I COPE WITH THESE PROBLEMS.

ATTACH RESUME IF DESIRED.

Signature: Howard Elko Date: 5/5/2021

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

May 3, 2021

TO: CITY COUNCIL
FROM: CLERK OF COURTS
RE: MONTHLY REPORT TO COUNCIL PER O.R.C.
FOR THE MONTH OF APRIL 2021

WAIVERS/COURT/BONDS

DEPOSITS (April) 38,578.54

DEBITS (April) (38,013.54))

Checks to be written in April:

Treasurer State of Ohio	\$ 6,232.00
City of Medina MIATF	\$ 0.00
City of Medina IDATF	\$ 196.00
City of Brunswick Finance Dept/Police Fund *	\$ 29,975.30
Misc.Checks (bond refunds & transfers/restitution)	<u>\$ 1,610.24</u>
TOTAL for the month	\$ 38,013.54

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

Service Charges/Fees for prior month \$356.88

MAYOR RONALD FALCONI



TERESA BENO, CLERK OF COURTS

SERVICES, UTILITIES, TECHNOLOGY & CABLE COMMITTEE

November 16, 2020

IN ATTENDANCE: Chairman Michael Abella Jr., Committee Member Anthony Capretta, Committee Member Brian Ousley, Joseph Delsanter, Nicholas Hanek, City Manager/Safety Director Carl DeForest, Service Director Paul Barnett, Council Clerk Fijabi Julien-Gallam, News Media, Medina County Representatives, City of Medina Representatives, City of Wadsworth Representatives, William Hutson/Medina County Commissioner, Beth Biggins-Ramer/Medina County Solid Waste Director, Jeremy Sinko/Acting Medina County Sanitary Engineer, Ernie Stall/Ohio Environmental Protection Agency.

The meeting convened at 7:03 p.m.

DISCUSSION ITEMS:

Solid Waste Management Plan Introduction;

Waste Management Overview from Service Director Paul Barnett;

Mr. Barnett began by providing some history. In 2016, the City was considering many different possibilities, such as the option of a waste mall and commercial solid waste/recyclable collection. At that time, things were undecided. There had been hope that the Solid Waste facility could run smoothly again. In November of 2016, the Policy Committee voted to keep flow control and continue with the plan as is, and to explore what could be done to increase recyclables. Brunswick had voted to eliminate flow control, however that was unsuccessful; as it did pass.

In March of 2020, the Policy Committee voted to send a draft plan to the Ohio EPA (Environmental Protection Agency) for review, which was included in the handout. This entailed asking the EPA to take the initial review and return with some non-binding comments. The reason for this was to look for any critical flaws that the City could have made to make modifications; prior to going out for ratification. The City did not want to risk the possibility of the EPA communicating that the City had missed the mark. In short, that was sent out, whereas the responses were received and the plan looked good. On July 9, 2020, the Policy Committee approved the draft plan. Once approved, the City spent August and September in public meetings and in discussions; to allow the public to review it and offer any changes that they would like to see happen.

Mr. Barnett continued that on September 3, 2020, the Policy Committee adopted the plan. The plans ratification period started on September 14th, and is over on December 12, 2020. That deadline cannot be missed with the Ohio EPA. If the City does not have ratification in to the EPA by December 12th, they would assume that the ratification was not met, and would go ahead and do the plan; meaning without any input at all from Medina County. It is probable that a consultant would be hired to do

what has already been done, which would produce a lot of work; whereas the existing plan is over 300 pages long. Another plan would be produced however they desire, and they would give the Solid Waste Authority in Medina the bill from the consultant. Medina County Waste Authority would then be responsible for enacting that plan no matter what it entailed.

In order for this to be considered ratified, there are three things that must happen. First, the Medina County Commissioners must approve it, which they have done so. Secondly, 60% of the population have to vote affirmative, whereas 44.25% have voted affirmative. Therefore, if the City votes affirmative, the 60% would be met; with Brunswick at 19.43% voting capacity; equaling 66.68%. There may be some people that still have to vote. The City cannot decide things, but have the ability to veto. If Brunswick does not pass this, then it does “not” pass, regardless. Lastly, the largest city in Medina County, Brunswick, has to vote affirmative, whereas the City is able to veto what is desired.

Mr. Delsanter questioned how many communities in the state of Ohio actually adopt the flow control as part of the Solid Waste Plan, and whether it is known as a common practice. He also asked why it was encumbered upon the largest city to approve it. Mr. Barnett indicated that the reason that the three criteria were in place was because of the Ohio Revised Code. To reiterate, the Commissioners must pass it, the largest city, as well as 60% of the population; an Ohio Revised Code rule. Every waste authority across the state has to meet those thresholds. Mr. Stall with the Ohio EPA clarified that there were a number of other districts that had some type of flow control; between ten to twenty. He noted that there were a total of 52 jurisdictions. Mr. Abella wanted to know the true advantage of flow control, and brought up three costs associated with such; the tipping fee, the generation fee, and the unknown recyclable fee. Mr. Abella inquired whether someone from Medina County had any feedback to offer.

Beth Biggins-Ramer commented that the reason the County had flow control goes back to the creation of districts, which occurred in the late 1980's. Mrs. Biggin-Ramer went on to say that when the statute in solid waste districts were created, each district was tasked with managing the waste generated within our own district; whether it be a single county district or a multi-county district. At the start, it was investigated about having a land fill created in the district, which did not get any traction. In order to manage the waste generated by residents in the late 1980's, it was determined that the facility at 8700 Lake Road would be created and that mixed waste processing would be embraced. There were a lot of districts at that time that invested public money into public facilities. The way to ensure that the debt is paid for, is to flow the waste to that facility and to charge enough fee to cover that debt in operational cost. That has been Medina's reasoning for having flow control. There was an expanded Policy Committee created, which it took a year to study whether or not to go to flow control; whereas it was decided by majority to maintain flow control. At that point, they were directed to investigate alternative recycling options, which led them to the commercial of mixed waste processing, the allowing of additional debt to improve the facility, and the continuation of flow control.

Mrs. Biggins-Ramer continued that the benefit of flow control creates an equal playing field. For example; with disposal of waste, there are no varied gate rates, whether you are a resident bringing in

a lot of garbage or a municipal hauler or private hauler, the gate rate is 50 dollars per ton. This is unlike in an un-open market, whereas the price received will be based on the volume of material taken there. Therefore, pricing would not be the same across the board. Pricing in an open and free market will basically be what the parties can negotiate. She shared that the solid waste industry is a volume-based business, where the more garbage taken to a facility for disposal, the better pricing; typically. Furthermore, there is not only the gate rate to be paid at a facility, there would also be continued district fees that need to be paid. For example, if they were to accept waste into their facility, which the Medina Solid Waste currently do not, they just service the residents of Medina County. If another county, they charge the \$50 gate rate, but would also have to remit that to them, enough to pay their generation fee. In short, in an open and free market, one must remember that there are several components that will make up the disposal rate, including an EPA per ton rate, as well as any associated district fees. The benefit of eliminating flow control would be how well one can negotiate, on the relationship with whomever would manage the waste for disposal, and recyclables.

As discussion ensued, Mrs. Biggins-Ramer discussed fees, whereas they are currently at \$50 per ton; the cost outlined in the plan are projection. There is a separate process that must occur for any rates and charges to be implemented at the district. She clarified that they are looking at the plan with consideration of increasing the rate to \$52 per ton within the next year. However, there would have to be three public meetings conducted, and a permanent resolution obtained from the Board of County Commissioners in order for a fee change to go into effect. Those fees would be reviewed yearly.

Mr. Barnett concurred that all of the fees have to be decided and approved by the County Commissioners. The OEPA does not control any of the fees, nor do they control whether the City is flow controlled or not. Those are all pieces of legislation that must go to the County Commissioners. The existing plan currently calls for a recommendation of \$52 per ton for 2021, and then increase one dollar per ton following; for a number of years, up to approximately \$58.00 per ton.

Mr. Barnett put together an impact analysis, if flow control 'were' to be eliminated. The earliest that the City could do that would be in 2023, most likely. Therefore, the prices that he worked on was what he anticipates them to be in 2023. He anticipates that it will be \$52 per ton in 2023, as opposed to \$50 a ton now. The generation fee would be \$5 a ton, which really does not affect Brunswick, because that generation fee is for any material that goes outside of Medina County. Mr. Barnett continued that there are some things that one does not want to put on the tipping floor of that transfer station. For instance, the deceased animals that are picked up in Brunswick, the City would want those to go directly to a land fill. He concurred with Mrs. Biggins-Ramer that there are not any landfills in Medina County. He stated that one would not want to put those on a tipping floor and reload them into a semi-trailer; that would be an exempt waste. Those materials would see a \$5 per ton generation fee that would go to the Solid Waste District. Currently, all of the recyclables that are picked up curb side in Brunswick go to the transfer station. However, the City is not charged for that; there is no fee. With the increase to \$54.00 a ton, Mr. Barnett would anticipate an increase cost to the customers of roughly \$1.08 per quarter in 2023.

If the City were to eliminate flow control by 2023, that the contract right now is with Republic. Once they pick the trash up here in the city, they would take that back to Elyria where their trucks are. Whereas, if there is a landfill, and they would put that into their landfill. Instead of paying \$54.00 a ton, we would anticipate \$40.00 a ton. That would be a \$14.00 per ton savings; with that, a calculation would be subject to a generation fee then, because that material would not go to the transfer station. Mr. Barnett noted that if that were to happen, and everyone started taking their waste out of the county, then that transfer station would probably end up closing. If they close, he made some projections, which gave him a generation fee of \$9.70. His assumption is that then, recyclables will not be taken there either, and the City would not get the recyclables dropped off for free; they would go to a recyclable recovery facility. Built into the contract, if recyclables were to go away to a transfer station, the City would have the ability to switch over and have those go over to Republic sites; which they separate those recyclables and sell them off. The City would get any profit made from that. Currently, that means that it is going to cost approximately \$60.00 a ton to get rid of the City's recyclables; that is the largest fee per ton for recyclables.

Mr. Barnett explained that if the transfer station is eliminated, and flow control eliminated, then the City would see an increase in 2023, by \$2.84 per each customer, per quarter. If we continue in the direction we are going, we are paying an additional \$1.08 per quarter, per customer; whereas if we get rid of flow control, we are looking at a possibility of \$2.84 per quarter, per customer. There needs to be more research done and a lot of number calculations to figure different scenarios. Mr. Barnett expressed that Council wanted to obtain some rough numbers to start with, and he felt that this is an eye opener that it could actually cost more initially.

As discussion ensued, question was raised as to where the City's recyclables go to get sorted after they are reloaded. Mrs. Biggins-Ramer indicated that they are going to one of two places, wither Rumpke's recycling facility in Columbus, or the Waste Management recycling facility in Akron. She noted that it is certain where they are being sent before they leave, and they are manifested materials like everything that leaves the facility. Mr. Ousley brought up the story in the City of Cleveland, whereas all of their recyclables were going to trash, because it was costing more money to recycle. He hoped this would not happen in our community. He questioned why recycling was being done and if other communities were doing the same. He expressed that if the County cannot make money on the largest community, Brunswick, with the most recyclables, then there should be a break to help the residents. He had concern as to what is the best thing for our residents.

Mr. Barnett stated that if one looks at municipal solid waste recycling from an economic standpoint, in the middle states in the U.S., it is cheaper to take that recycle material and put it into a land fill than it is to recycle. He shared that if one looks at the East or West Coast, where people are paying \$90.00-\$150.00 per ton to eliminate their trash, it seems more cost effective to recycle. But when one is paying \$40.00 a ton to put recyclables or trash into a landfill, the cheapest option is to landfill everything. However, one must consider the fact that there are a lot of residents that want to recycle. He agreed that from an economic standpoint, it is cheaper to put material into a landfill. He shared concern of how to keep the cost down as much as possible. Currently, the way the plan is written, Brunswick

pays nothing for tipping recyclables at the transfer station. If that were to stop today, and recyclables were taken to Rumpke Waste and Recycling etc., the City would have to pay about \$150,000-\$200,000 more per year than what is currently being paid. That cost would be transferred to the residents. The City would have to stop recycling, in order to not see that increase.

As discussion ensued, Mr. Delsanter mentioned that sister cities had voted not to adopt the Solid Waste Plan. Mr. Barnett clarified that the City of Medina had voted no. Wadsworth has an upcoming meeting, in which they were still unsure, as to their vote.

Mr. Delsanter asked for better understanding, stating that he felt the County issued a debt that it has to recover, and in order to recover it, it needs participation from its largest community that has contributed enough tonnage to get the fees to generate enough revenue. He felt that the City had no say in the issuing of the debt that Brunswick has to pay off. If flow control is eliminated, then that leaves that debt in the County's budget. The City faces a possibility that we would end up having higher gate fees because we are splitting recycling; which we adopted. We will also, then be at the risk of whatever the market will bear as far as our solid waste tonnage delivery cost; gate cost would be there as well. Mr. Delsanter asked Mr. Barnett if he was understanding correctly these points.

Mr. Barnett indicated that some of his understanding was accurate. He went on to say that he believes that the Solid Waste Authority is an enterprise account. Therefore, they are not allowed to run that in the red; they have to run that in the black because of Ohio Revised Code. Any debt that they issue, must have some kind of funding source to pay that off. Currently, what they do to pay it off, is include that fee into the tonnage, the gate rate. That is one of the ways in which they calculate the \$50.00 per ton. The entire county pays that off, not just the City of Brunswick; which we do pay that off. Since we are roughly 19.43% of the county, he believed that we pay off about 19.43% of that debt. Mr. Delsanter commented that the problem is that by adopting the recycling program, the City added cost to the residents' solid waste fee because we needed to pay off the debt issued to purchase the carts to begin with. It seems as though that reduction in cost, which would have been about 3 years from now, is not going to be possible at all. He expressed his uncertainty on how the City got stuck in this without having a say in the electorates and their representatives, in what we would face as far as options going forward.

Mr. Barnett clarified that the 'say' that the City of Brunswick has, is the person that sits on the Solid Waste Board from the largest city, which is himself, Mr. Barnett. What he has done over the years, is had conversations with Council, got direction from Council, and taken that to the Solid Waste Authority. When the City decided to go to the cart program, all of that was discussed, along with the conversations about how much more it could cost. Currently, there is no fee for collection of recyclables, and that is a big deal; that would change in the future. His assumption would be that if we eliminate flow control, they could still allow us to tip recyclables there at no cost, but he was doubtful. There are things we have control over and things that we do not, according to Mr. Barnett. The City does not have control over setting any fees or flow control, but we do have veto rights over the plan and a lot of things that are being done; as the largest city. As discussion ensued, Mr. Delsanter felt that

based on each community's financial stability and wealth, that they are getting the same price, although Brunswick is putting more into it.

Mrs. Biggins-Ramer concurred with Mr. Delsanter about the amount being put toward the budget, the City of Brunswick by residential population is bringing the most volume. The City of Medina and the City of Wadsworth also bring residential volume but also commercial, and they have the commercial haulers. By far, Republic Services in their largest customer. They underwrite approximately 30% of the entire budget.

Brunswick City Council Discussion Overview – Pro and Cons of Plan;

Mr. Abella stated that if we consider the cons in this situation from what Mr. Barnett presented, and we moved to a no flow control, there is going to be some lower tipping fees; it would be negotiated. There could be a little bit of savings in that regard, whereas we would up be having a generation fee by moving to a no flow control; there is no avoiding that. Currently, with no recycling fee, we are going to move into a recycling cost that is market dependent. However, as of now in 2021, we are looking at overall cost. Mr. Abella concurred with Mr. Barnett that it is a different market than it used to be years ago.

Mr. Abella opened comments about the pros in this situation. Mr. Hanek expressed that he is unsure whether flow control could be ultimately removed in the type of time frame being discussed. He would be interested in hearing whether it would even be feasible. He felt that we may be looking at a situation where, in order to achieve that objective, we have to pass this as it is; and revisit the issue in the future. He asked if we do not pass it, and this goes to EPA to write the plan, if he could hear more about what that process entails. He raised question whether flow control is possible to revisit right now, and secondly, can we hear what happens if we do not pass this from the State's perspective.

Mr. Abella indicated that this plan does have flow control built in it. He asked about the possibility with the passage of this plan tonight, whether there could be a future revision where we eventually look to work flow control out; he wanted to know if it is possible. Mrs. Biggins-Ramer clarified that flow control is included in the current plan. The ability to eliminate flow control lies with the County Commissioners, and they have approved the plan as it stands. She stated that she had to demonstrate revenue and expenditure projections for a fifteen year period in this plan, all of which was based on continuation of flow control and the continuation of all of the programming and the funding; as it currently sits. She suggested that the best step may be to approve the plan that is before Council, and then begin evaluations that would need to be done to consider eliminating flow control. At this point, she had no ability to pull an already adopted plan that is out for ratification and make changes. Making a change right now was not an option.

Mr. Stall explained that if the district is not able to ratify its plan and the deadline were passed, then the statute gives them no choice than to write the plan. When that happens, they would write the plan in house or hire a consultant. They are not set up to write plans for districts, that is not how the process

was intended to work, according to Mr. Stall; it was intended to be local. When a plan is written by them, as Mr. Barnett also mentioned, there are things that the law does not allow them to do. The EPA cannot give or take away flow control, nor help establish fees. What they would do is an evaluation of the program as it stands, the costs being paid, the benefits, and try to make decisions about what makes the best sense for the district in moving forward. The district is paying a lot of money to operate drop offs, which are not the best way to recycle. They would look at whether there is potential for other curb side programs in the County, look at other programs, which are very expensive; whether it is worth continuing that or putting those funds someplace else. They do make the decisions on the plan; however, they do not do that without talking to the district, and making sure to get their input in terms of what they (the EPA) will do. Their directors make the decisions on what is in that plan. Mr. Stall continued that if they write a plan and issue it, there is not local ratification and the director basically issues findings and says, "here is the plan that they will implement."

Mr. Stall indicated that they do the best that they can to work within the budget that the district already has. However, in order to implement the plan, if the district needs to find additional funding, that is on them and the EPA cannot establish that funding for them. They are not familiar with the local situation; therefore, it makes no sense for them to be in the business of writing a plan for the City. Brunswick is one of the more highly operating districts in the state, with extremely good progress made over the last several years at moving the program forward; they would hate to have to intervene the local efforts to make that happen. The district does have the ability to rewrite its plan at any point that it wants; it does not have to wait for the deadline for the next plan to get started. Mr. Stall concluded that if the City figures out how the district wants to go forward with or without flow control, the plan could be updated at any point without having to wait for the deadline to start.

Mr. Barnett asked if the City were to decide to reevaluate in the next few months, and had a plan modification, how long would it take in order to get a modification through; if by the middle of 2021. Mr. Stall clarified that if the only portion of the plan to adjust would be the budget section, the law gives the district the ability to do a budget separate from a plan update, without having to get their (EPA) approval of it. He suggested that Council could get the plan approved now, and next year when it is figured out, and all it does is change the funding and expenditures and not the programs that they provide, then the City 'can' do that budget separate from the plan. This can happen much faster than a total rewrite. Mr. Barnett asked if it were decided to eliminate flow control, how long would that take, assuming a plan would have to be rewritten. Mr. Stall indicated rewriting would be a lot of the work that has already been done. Plus they have changed some of the goals for the state recently, and have made a few changes and eliminations to give additional flexibility. In terms of revisiting, there are a few things that were done currently that would probably not have to be done the next time.

Mr. Barnett asked Mr. Stall that if the City decided to get rid of flow control, and the County Commissioners were on board, in midyear 2021, could it be in place a year from that point. Mr. Stall was optimistic, stating that it depends how quickly one can move on it. For a full rewrite, you would still have to submit it to them for review, and generally have 45 days for the draft. One would still have to do the ratification period for the community and leave enough time to make all of that happen.

He reiterated that if Council are talking about eliminating flow control and just replacing it with another fee without discontinuing a lot of the programs, the budget portion only could be done. However, that would all have to be part of the evaluation to figure out what direction to go.

Mr. Abella asked for clarification as to the City's voting powers as far as a revision, or making a change to this plan, or a rewrite. His concern was the voting power of Brunswick, as to whether it would be as strong as it is currently for the actual approval of the formal plan. Mr. Barnett clarified that if one has to rewrite the plan, then the City would be back to this point again; where we would have the ability to vote no. Mr. Stall indicated that for a budget revision, you would still have to get local ratification just like you would for a plan, the only difference is that they do not get the budget; they (the EPA) do not have any commenting ability or ability to approve or deny it. Whereas, with a plan revision, one has to go through the entire thing, go through them and the communities. Mr. Barnett asked for clarification, with a budget revision, whether Brunswick would still have veto rights. Mr. Stall commented that yes that is correct.

Open Comments (To be monitored by Service Committee Chairman);

Mr. Abella asked for any insight from other cities before the committee decides. Again, the decision for the committee, is whether to move this back onto the floor; because it is tabled. The timeline was one week.

Commissioner Hutson summarized that what he was hearing was that Brunswick thinks that they have the ability to negotiate a better deal than what the county wide program offers, whereas they have a Solid Waste Policy in a Solid Waste Policy Committee, that is representative of most communities in Medina County. He felt uncertain whether Brunswick could negotiate a better deal. But he would suggest to Council that the deal that has been structured, inclusive of all of the County buying power, is probably better than what any individual community could ever accomplish. He felt that if the City of Brunswick decided to go on their own, then that would abandon the City of Wadsworth and the City of Medina. He did not feel that the City could individually do what all can be done collectively. He stated that Brunswick does have a Policy Committee that is representative of the entire county, and there have been people at the table for a long time that have given input and direction as we go forward. A plan has been constructed that is believed to best serve the County as a whole. He did not think that anyone could convey that the Policy Committee has not viewed this from the standpoint of what is the most economical and most beneficial; regarding recycling. The goal has always been to drive the highest level of recycling at the lowest possible cost. And as part of that, the Solid Waste District has engaged in signing the contract for the processing of commercial trash. It is a ten-year contract, and that is in place that started at the beginning of this year. Commissioner Hutson continued that since Covid, the commercial waste volume is not what it was before. But he suspected it would return to prior volumes. He expressed that we would be successful in recycling an even greater amount over all. There is a certain risk in eliminating flow control, and his feeling was that any individual community was not going to have the volume to drive the lowest price possible for everyone.

Mrs. Biggins-Ramer concurred that Solid Waste is a volume based industry. They put forth the ability to manage well over 160,000 tons a year to the facility in Seville, verses what any individual city can accomplish. She agreed with Commissioner Hudson. She concluded that this plan was put together with great thought and regard towards what would best serve all of the residents of the district.

Mr. Abella brought up discussion as to why the City of Medina had voted against this. A representative from Medina indicated that the seven members of Medina Council did not feel that the recycling was actually happening, and that there was not enough documentation that showed recycling was actually going through the recycling areas. In short, their concern was that everything was going to a landfill.

Mr. Abella asked what kind of proof could be offered to show that our recyclables get taken to a recyclable facility. Jeremy answered that, just a little over a week ago or so, he sent information to the Service Director at the City, whereas Rumpke's manifest had basically showed where the recyclables go to. Also, how they provided the end markets for Rumpke as far as when they go to Rumpke's facilities, and all the different businesses that they brokered for the material, etc. He had provided all of that information to the City for their review. He can give that information if desired.

Mr. Delsanter asked for clarification on how there is recyclables in communities that do not have a recycling program. Mr. Barnett indicated that around the County, the Solid Waste Authority has roll off containers, in which there are three at City Hall. Those are filled up and emptied two to three times per week. There are many of those containers all over the County, many of the recyclable material that is collected, is collected through that process.

Mrs. Biggins-Ramer stated that they have five communities inclusive of the City of Brunswick, that have contracts for curbside collection or garbage, and curbside collection of recycling, in addition to that, the district operates a county wide recycling drop off program. They have 63 locations county wide and over 170 of these front load containers on the ground. The majority of which are emptied Mondays, Wednesdays, and Fridays throughout the county, they have on the website an interactive map that shows the locations of all of those drop offs, as well as the collection day. Also, those drop off containers are receptacles for the exact same materials that are in Brunswick through the curbside program. That is where the other recycling material is coming from. As well as businesses throughout.

Mr. Abella reiterated that the City of Medina does not believe that those containers that are emptied and taken to the flow control facility, are being taken to a recycle facility. Mrs. Biggins-Ramer commented that they provided information. The drop off program is collected through a contract that they have with them; they have provided all three communities. She concurred with Jeremy that they recently provided the manifest. Mr. Barnett agreed that he could forward this to Council, all of the end markets for the recyclables and where they go. Furthermore, if anyone wanted to tour the recyclable facility, all are welcome to do so. Mrs. Biggins-Ramer agreed.

Mr. Barnett indicated that once you separate this material and you have a large bundle that weighs three tons, and you can actually sell that, or you can pay to have that three tons put into a landfill, it

would be crazy to put that into a landfill once someone has gone through all of the work separating it. The news that hit about a year ago, was they had put little tracking devices in recycle containers and they ended up in a landfill. They were not materials that we would recycle, so we would expect them to end up in a landfill. That was an unfortunate thing that came out in the media, which was debunked, whereas a contractor had a geo tracking on his equipment and he showed that equipment picking up the material, taking it to the transfer station and then showed the waste that was taken out. He stated to keep in mind, you have about 30% contamination in recycle materials, and those materials fall to a landfill. Mr. Barnett was very confident, in having done this for a long time, that the material that we think is being recycled, is in fact being recycled.

Mr. Hanek commented that no matter the facts or question as to whether it is recycled or whether it is not, he wanted to know do we accept a plan written locally, or do have the state rewrite this plan. In the end, we should be looking at an earlier rewrite to incorporate some of these things and he hoped. The other communities understand that this is the kind of process that we want to see come in. We have to be able to logically do this understandable. Although Mr. Hanek is not on the committee, he asked that the committee vote it to the floor, or to the Committee of the Whole, so that we can consider this next time for a vote.

Mr. Abella concurred whether we can consider this plan and continue our efforts, look for a rewrite of this plan with more investigation; with more possible looking into the elimination of flow control or not. Was it possible to write that in a rewrite. Knowing that it is a possibility would allow us to perhaps go forward with this.

Mr. Ousley stated that with Covid, the County has been working on this for three months, that they want us to ratify. In three months' time, we were supposed to be voting on this. He asked for some input from Mr. Patrick. Mr. Patrick indicated that they heard a presentation from Mrs. Biggins-Ramer around two weeks ago, whereas he believed they will take some action on the first meeting in December; prior to the December 12th ratification date or the deadline set by the County. They are still gathering information at this point. He believed that his Council would be interested in having further discussions on flow control and looking more into what that would entail. He recalled in the last rewrite back in 2016, there was a lot of discussions between all three cities that resulted in the Policy Committee being expanded, which was successful. He thought that something of this magnitude affects everyone. We would be in favor of looking at flow control and maybe some other possibilities in a rewrite in the near future. He asked the EPA about some of the goals recently had changed. If the EPA were to take on a rewrite, what were some of the main goals that the EPA would look at when they provide a rewrite to a county, and what are the most important things that they want that county to accomplish in their rewrite.

Mr. Stall answered question raised by Mr. Patrick that they (EPA) would look at several things. The cost benefit of some of the programs that are provided, one of the major places that they look, is are there recycling programs that the district provides, the most convenient for their residents and the ones that make the most sense; in terms of a county's population. Right now, the County relies heavily on

a drop off program that is expensive, and that may not be the best way to accomplish recycling at the best cost for the County, they are going to be looking at things like that too. He stated they are not going to come in to penalize the County, they are really looking at the best way to make the County move forward in the future and set them up, but also, making sure that they are taking into account some of the goals they have for moving the State forward as well. One of those goals, being making sure that recycling programs being provided are convenient for residents and make the most financial sense.

Jessica referred to what her colleague Councilman Rose had said, as to why Medina City had turned down the plan. She had a question for Jeremy from one of her colleagues that was having trouble logging onto the meeting. The question was if Jeremy could confirm or deny, that her colleague had received a manifest from Rumpke for one day only, in which five years' worth was requested by him. She asked if Jeremy could provide Council with all of the information beyond one day, perhaps one year. Jeremy clarified that per the Rumpke contract, they were not required to submit their manifest, and they did that out of a good will, for extra information. They provided everything regarding end markets as required per their contract. He was not aware of a five-year request so he could not respond. Jessica commented that although they did not have to provide that information, in the interest of transparency and trying to communicate with Councils and get this plan passed, she expected more than just one day of information; when more had been requested. She expressed that she had assumed that they, Rumpke, would in good conscience want to provide the Councils with more than just one day of information. She asked for further days to show whether or not the recycling is being recycled. Jeremy indicated that he would ask them.

Mr. Ousley commented that he felt that one day is definitely not enough transparency to prove anything. Everyone needs to know where the recyclables are going. Discussion ensued about voting whereas Mr. Ousley expressed more information is needed pertaining to this.

Brunswick City Council Closing Discussion – Possible Action on Legislation;

Mr. Hanek was thankful for having the Solid Waste District and the EPA present. He was thankful the Solid Waste District employees have been very open and easy to work with. He was thankful for their assistance in this process.

Mr. Delsanter added he thought it was a really informative meeting. It bothered him that our tonnage was compared to a commercial for-profit tonnage that is being delivered. He felt our perspective was not being appreciated; we are trying to cut cost. One thing that could show that appreciation is possibly having the opportunity to look at how the market may change and having that opportunity to relook at our destination for our flow, versus how it is being done right now, according to Mr. Delsanter. As discussion ensued, he concluded that he did not have any objectives in seeing this go back on to the floor.

Mr. Abella was okay with moving this to the Committee of the Whole, to then be moved to the floor. His opinion on this matter bases on our ability to get through this perhaps to pass it, but to possibly look into a rewrite with more information and a better look at things, as far as flow control in the future. Mr. Ousley wanted to reiterate that we still want to continue revisiting this.

Mr. Stall, with EPA, wanted to speak in regards to the concerns about where recyclables were going, as to whether they were really being recycled. He shared that they receive data from the material recovery facilities around the state, in which the facilities voluntarily provide some of it; not all of it. With Rumpke, he is 100% positive that they 'are' recycling the material that they are saying that they are recycling. Rumpke has put considerable investment into their recycling facilities, in which they have very large accounts. He is fully confident that Rumpke is recycling the material they are receiving. He concluded that he hears this argument often that materials are not being recycled, and he felt that it is not a valid argument based on what is going on and what is being shown.

Mr. Capretta moved this resolution, number 70-2020 out of this committee, and back to the Committee of the Whole. Vote – 3 Ayes, 0 Nays.

ADJOURNMENT:

Being no further business, Mr. Ousley moved to adjourn at 8:42 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Abella Jr.", is written over a light gray rectangular background.

Michael Abella Jr.
Chairman

PROPOSED LEGISLATION



DATE: 5/10/2021

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

FROM: Carl S. DeForest, City Manager
Brian Ohlin

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 38-2021** - An emergency resolution authorizing the City Manager to enter into a three (3) year agreement with Total Performance Service, Inc. for the provision of vehicle maintenance for the Division of Police. - **3rd Reading** (Safety & Environment Committee, *Administration/Brian Ohlin*)

BACKGROUND: A Emergency resolution authorizing the City Manager to enter into a 3 year contract with TPS Tire and Service Center to provide repair and maintenance services for police vehicles.

PURPOSE AND EXPLANATION: After a public bidding process was completed for police vehicle repair and maintenance, the lowest and best bidder was TPS Tire and Service Center. We are seeking approval to enter into a new 3 year contract for this service.

IMPLEMENTATION SCHEDULE: After three readings and council approval we are requesting this as an emergency so that the maintenance contract will continue after the current contract expires on June 8th.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The cost for this contract will be variable and will be based on the amount of and the type of services ordered. Cost for services are limited to sufficient Council appropriations and future certified purchase order amounts pursuant to ORC 5705.41 D.

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?

We are requesting an emergency so that the new contract can take effect on upon the current contract expiring on June 8th.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 38-2021

BY: Mr. Capretta, Mr. Abella and Mrs. Zak

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE (3) YEAR AGREEMENT WITH TOTAL PERFORMANCE SERVICE, INC. FOR THE PROVISION OF VEHICLE MAINTENANCE FOR THE DIVISION OF POLICE.

WHEREAS: The City of Brunswick received two (2) bids for the provision of vehicle maintenance for the Division of Police in accordance with public bidding requirements; and

WHEREAS: The two (2) public bids were opened on March 30, 2021, with Total Performance Service Inc. determined to be the lowest and best bidder.

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

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby authorized and directed to enter into a three (3) year Agreement with Total Performance Service Inc for the provision of vehicle maintenance for the Division of Police.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary as the existing vehicle maintenance agreement expires on June 8, 2021. 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
Fijabi Julien-Gallam, CMC

PROPOSED LEGISLATION



DATE: 5/10/2021

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. 27-2021** - An ordinance establishing Section 1242.02(76.1) of the Codified Ordinances of the City of Brunswick by defining small box discount store. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: Legislation is necessary to establish a definition of a small box discount store as follows: "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."

PURPOSE AND EXPLANATION: A definition of a small box discount store is necessary in keeping with the recommendations of the Advance Brunswick Comprehensive Plan 2020 Update.

IMPLEMENTATION SCHEDULE:

Immediately.

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?

First reading on March 22, 2021; then refer back to the Planning Commission for a public hearing.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 27-2021

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

AN ORDINANCE ESTABLISHING SECTION 1242.02(76.1) OF THE
CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY DEFINING
SMALL BOX DISCOUNT STORE.

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

SECTION 1: That Section 1242.02(76.1) of the Codified Ordinances is hereby established to
read as follows:

“(76.1) Small Box Discount Store: 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.”

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
Fijabi Julien-Gallam, CMC

PLANNING COMMISSION

MEMORANDUM



DATE: May 7, 2021
TO: City Council
Carl S. DeForest, City Manager
FROM: Pam Plavecski, Planning & Zoning Coordinator *PP*
SUBJECT: Ordinance Nos. 27-2021, 28-2021, and 29-2021

The Planning Commission, at their meeting on May 6, 2021, voted to **recommend approval** to City Council of Ordinance Nos. 27-2021, 28-2021, and 29-2021, respectively, pertaining to establishing a definition of a small box discount store; deleting Section 1266.04(e) and (f) in their entirety, whereby eliminating medical and dental clinics and offices, veterinary hospitals and clinics with a minimum gross floor area of 10,000 square feet; and indoor recreational facilities, as defined in Section 1242.02(45.1), as conditionally permitted uses in the I-L Light Industrial District; along with amendments to the Southeast Neighborhood General Requirements Section A(1), A(2), A(3), A(4), and A(5); Section F; and Type IX Buildings.

The above text amendments will regulate development within the city as suggested by the Advance Brunswick Comprehensive Plan 2020 Update.

City Council held their first reading on the above ordinances at their meeting on March 22, 2021.

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

PROPOSED LEGISLATION



DATE: 5/10/2021

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. 28-2021** - An ordinance amending Section 1266.04 of the Codified Ordinances of the City of Brunswick deleting subsections (e) and (f) in their entirety. - **2nd Reading** (Planning and Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: Medical and dental clinics and offices, veterinary hospitals and clinics with a minimum gross floor area of 10,000 square feet; and indoor recreational facilities, as defined in Section 1242.02(45.1), are not appropriate conditionally permitted uses in the I-L Light Industrial District.

PURPOSE AND EXPLANATION: In accordance with the Advance Brunswick Comprehensive Plan 2020 Update, City Council has determined that medical and dental clinics and offices, veterinary hospitals and clinics with a minimum gross floor area of 10,000 square feet; and indoor recreational facilities, as defined in Section 1242.02(45.1), are not appropriate conditionally permitted uses in the I-L Light Industrial District.

IMPLEMENTATION

SCHEDULE: Immediately.

**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?

First reading on March 22, 2021; then refer back to the Planning Commission for a public hearing.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 28-2021

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

AN ORDINANCE AMENDING SECTION 1266.04 OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK DELETING SUBSECTIONS (e) AND (f) IN THEIR ENTIRETY.

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

SECTION 1: That Sections 1266.04(e) and (f) of the Codified Ordinances are hereby deleted in their entirety.

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
Fijabi Julien-Gallam, CMC

PLANNING COMMISSION

MEMORANDUM



DATE: May 7, 2021
TO: City Council
Carl S. DeForest, City Manager
FROM: Pam Plavecski, Planning & Zoning Coordinator *PP*
SUBJECT: Ordinance Nos. 27-2021, 28-2021, and 29-2021

The Planning Commission, at their meeting on May 6, 2021, voted to **recommend approval** to City Council of Ordinance Nos. 27-2021, 28-2021, and 29-2021, respectively, pertaining to establishing a definition of a small box discount store; deleting Section 1266.04(e) and (f) in their entirety, whereby eliminating medical and dental clinics and offices, veterinary hospitals and clinics with a minimum gross floor area of 10,000 square feet; and indoor recreational facilities, as defined in Section 1242.02(45.1), as conditionally permitted uses in the I-L Light Industrial District; along with amendments to the Southeast Neighborhood General Requirements Section A(1), A(2), A(3), A(4), and A(5); Section F; and Type IX Buildings.

The above text amendments will regulate development within the city as suggested by the Advance Brunswick Comprehensive Plan 2020 Update.

City Council held their first reading on the above ordinances at their meeting on March 22, 2021.

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

PROPOSED LEGISLATION



DATE: 5/10/2021

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. 29-2021** - An ordinance amending the Design Guidelines for the Southeast Neighborhood of the Brunswick Town Center Special Planning District No. 2. - **2nd Reading** (Planning and Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: The Southeast Neighborhood General Requirements shall be amended as follows: Amend Section A(1) to allow only townhomes and public buildings as principal uses in this district. Section A(2) shall be amended to allow signs, as regulated by Chapter 1270; and accessory use structures for commercial and public buildings only as accessory uses. Section A(3) shall be amended to allow hotels; and vape and smoke shops as conditional uses, subject to Section 1274.09. Section A(4) shall be amended to allow Main Street District permitted uses, as detailed in the Main Street District General Requirements Section A, with the exception of automobile filling stations; building materials, lumber or garden sales; and tattoo and body piercing parlors. Section A(5) shall be amended to prohibit small box discount stores, as defined in proposed Section 1242.02(76.1). Section F shall be amended to read minimum floor area shall be 1,250 square feet, not to include any area below the front grade. Also, Type IX Buildings shall be amended to allow only townhomes and hotels.

PURPOSE AND EXPLANATION: The proposed text amendments are in accordance with the recommendations of the Advance Brunswick Comprehensive Plan 2020 Update.

IMPLEMENTATION SCHEDULE:

Immediately.

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?

First reading on March 22, 2021; then refer back to the Planning Commission for a public hearing.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 29-2021

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

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

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

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

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

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

“Accessory Uses: ~~Flats, studio apartments, home offices above garages, retail below apartments;~~ Signs as regulated by Chapter 1270; accessory use structures for commercial and public buildings only.”

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

“Conditional Uses: ~~Home occupations, h~~Hotels, and vape and smoke shops, ~~and tattoo and body piercing parlors~~ as conditional uses, subject to Section 1274.09”

SECTION 4: That Section (A)(4) of the General Requirements shall be amended to read as follows:

“Main Street District permitted uses, (as detailed in the Main Street District, General Requirements, Section A), are also permitted in the Southeast Neighborhood with the exception of automobile filling stations (Main Street District Section (A)(13)), building materials, lumber or garden sales (Main Street District Section (A)(14)) and tattoo and body piercing parlors (Main Street District Section (A)(19)).”

SECTION 5: That Section (A)(5) of the General Requirements shall be amended to read as follows:

“~~Specific approval from the Planning Commission is required for any street-level residential uses on Brunswick Lake Drive north of the east-west local street.~~ Small box discount stores, as defined in Section 1242.02(76.1) are prohibited in

the Southeast Neighborhood.”

SECTION 6: That Section (F) of the General Requirements shall be amended to read as follows:

“Minimum floor area shall ~~comply with Section 1254.04(h)~~ be 1,250 square feet, not to include any area below the front grade.”

SECTION 7: That the title of TYPE IX BUILDINGS shall be amended to read as follows:

“TYPE IX BUILDINGS: Townhomes and ~~/Work-live Townhomes, Apartments, Hotels and Senior/Assisted Living Facilities~~”

SECTION 8: 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
Fijabi Julien-Gallam, CMC

PLANNING COMMISSION



MEMORANDUM

DATE: May 7, 2021
TO: City Council
Carl S. DeForest, City Manager
FROM: Pam Plavecski, Planning & Zoning Coordinator *PP*
SUBJECT: Ordinance Nos. 27-2021, 28-2021, and 29-2021

The Planning Commission, at their meeting on May 6, 2021, voted to **recommend approval** to City Council of Ordinance Nos. 27-2021, 28-2021, and 29-2021, respectively, pertaining to establishing a definition of a small box discount store; deleting Section 1266.04(e) and (f) in their entirety, whereby eliminating medical and dental clinics and offices, veterinary hospitals and clinics with a minimum gross floor area of 10,000 square feet; and indoor recreational facilities, as defined in Section 1242.02(45.1), as conditionally permitted uses in the I-L Light Industrial District; along with amendments to the Southeast Neighborhood General Requirements Section A(1), A(2), A(3), A(4), and A(5); Section F; and Type IX Buildings.

The above text amendments will regulate development within the city as suggested by the Advance Brunswick Comprehensive Plan 2020 Update.

City Council held their first reading on the above ordinances at their meeting on March 22, 2021.

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

PROPOSED LEGISLATION



DATE: 5/10/2021

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

FROM: Carl S. DeForest, City Manager
Ken Fisher

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 43-2021** - An ordinance authorizing the City Manager to forward a petition for detachment to the Medina County Commissioner's office for the purpose of adjusting the city boundary lines to include an annexation into the City of Brunswick. - **2nd Reading** (Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: A Petition for Annexation of certain territory in Brunswick Hills Township was duly filed by a property owner located in the territory of Brunswick Hills.

PURPOSE AND EXPLANATION: The City wishes to petition the Medina County Commissioners Office for detachment for the purposes of adjusting the City boundary lines to include this annexation into the City of Brunswick.

IMPLEMENTATION SCHEDULE:

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:**

The Petition is being filed to comply with all relevant provisions of Ohio Revised Code Chapters 503 and 709.

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 43-2021

BY: Committee-of-the-Whole

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO FORWARD A PETITION FOR DETACHMENT TO THE MEDINA COUNTY COMMISSIONER'S OFFICE FOR THE PURPOSE OF ADJUSTING THE CITY BOUNDARY LINES TO INCLUDE AN ANNEXATION INTO THE CITY OF BRUNSWICK.

WHEREAS: A Petition for Annexation of certain territory in Brunswick Hills Township was duly filed by a property owner located in the territory of Brunswick Hills;

WHEREAS: Said Petition was duly considered by the Board of County Commissioners of Medina County;

WHEREAS: The Board of County Commissioners certified the transcript of this proceeding in connection with said annexation with the map and Petition required in connection therewith to the Clerk of Council;

WHEREAS: The appropriate time frames have elapsed in accordance with the provisions of the Ohio Revised Code Section 709.04;

WHEREAS: The City of Brunswick passed legislation accepting the proposed annexation per Resolution No. 40-2020 adopted on April 12, 2021;

WHEREAS: The City wishes to petition the Medina County Commissioners Office for detachment for the purposes of adjusting the City boundary lines to include this annexation into the City of Brunswick; and

WHEREAS: The Petition is being filed to comply with all relevant provisions of Ohio Revised Code Chapters 503 and 709.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: The City Manager is authorized to forward a Petition for detachment to the Medina County Commissioner's Office for the purpose of adjusting the City boundary lines to include this annexation into the City of Brunswick pursuant to all relevant provisions of Ohio Revised Code Chapters 503 and 709. A copy of said Petition is attached hereto as Exhibit "A".

SECTION 2: The annexation to be included in the boundary adjustment is contained in Resolution No. 40-2021. A copy of said Resolution is attached hereto as Exhibit “B”.

SECTION 3: 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
Fijabi Julien-Gallam, CMC

PETITION FOR BOUNDARY LINE ADJUSTMENT
Ohio Revised Code Section 503.07

TO: BOARD OF COUNTY COMMISSIONERS
MEDINA COUNTY, OHIO
144 NORTH BROADWAY
MEDINA, OHIO 44256

1. The undersigned is the City Manager for the City of Brunswick and has been authorized by the Brunswick City Council to forward this Petition to the Board of County Commissioners for the purpose of adjusting the boundary lines of the City of Brunswick and Brunswick Hills Township to reflect an annexation of real property to the City of Brunswick in accordance with Ohio Revised Code Chapters 503 and 709.
- 2) A copy of the Ordinance No. 43-2021 authorizing the City Manager to forward this Petition to the Board of County Commissioners is attached hereto as Exhibit "A" and incorporated herein by reference.
- 3) The annexation of the subject property is as detailed in Resolution No. 40-2021, as attached hereto as Exhibit "B" and incorporated herein by reference.
- 4) A copy of a map of the City of Brunswick indicating the annexation and change in boundary lines is attached hereto as Exhibit "C" and incorporated herein by reference.
- 5) Ohio Revised Code Section 503.07 states that:

"When the limits of a municipal corporation do not comprise the whole of the township in which it is situated, or if by change of the limits of such corporation include territory lying in more than one township, the legislative authority of such municipal corporation, by a vote of the majority of the members of such legislative authority, may petition the board of county commissioners for a change of township lines in order to make them identical, in whole or in part, with the limits of the municipal corporation, or to erect a new township out of the portion of such township included within the limits of such municipal corporation. The board, on presentation of such petition, with the proceedings of the legislative authority authenticated, at a regular or adjourned session, shall upon the petition of a city change the boundaries of the township or erect such new township, and may upon the petition of a village change the boundaries of the township or erect such new township."
- 6) Ohio Revised Code Section 503.07 required the Board of County Commissioners to change the boundary lines upon the petition of the City.

WHEREFORE, the undersigned respectfully requests that this Board change the boundary lines of the City of Brunswick and Brunswick Hills Township to reflect the annexation detailed herein.

Carl S. DeForest, City Manager

STATE OF OHIO)
) SS:
COUNTY OF MEDINA)

SWORN TO BEFORE ME and subscribed in my presence this ____ day of _____,
2021.

NOTARY PUBLIC

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 40-2021

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION ACCEPTING THE PETITION FOR ANNEXATION OF 1.7311 ACRES OF LAND KNOWN AS BEING PART OF BRUNSWICK HILLS TOWNSHIP TO THE CITY OF BRUNSWICK, MEDINA COUNTY, OHIO.

WHEREAS: The Medina County Commissioners, on February 9, 2021, by Resolution No. 21-0118 attached hereto as Exhibit "A", approved the Petition for Regular Annexation on Application of Owner of 1.7311 acres of land known as being part of Brunswick Hills Township to the City of Brunswick, Medina County, Ohio;

WHEREAS: Pursuant to Ohio Revised Code Section 709.04, the legislative authority of the City of Brunswick must accept or reject the petition for annexation at the next regular session after the expiration of sixty (60) days of the date of filing the certified transcript of all orders of the board of county commissioners, the petition, map and all other papers on file relating to the annexation proceedings with the clerk of the municipal corporation, which occurred on February 9, 2021; and

WHEREAS: The Clerk of the municipal corporation is required to lay the transcript and the accompanying map or plat and petition before the legislative authority.

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

SECTION 1: That the Petition for Regular Annexation on Application of Owner of 1.7311 acres of land known as being part of Brunswick Hills Township is hereby accepted.

SECTION 2: That the Clerk is hereby authorized and ordered to make three (3) copies containing the petition, the map or plat accompanying the petition, a transcript of the proceedings of the board of county commissioners, and all resolutions and ordinances in relation to the annexation, with a certificate to each copy that it is correct. Each certificate shall be signed by the Clerk in her official capacity and shall be authenticated by the seal of the municipal corporation, if applicable.

SECTION 3: That the Clerk is hereby authorized and ordered to forthwith deliver one such copy of this Resolution to the Medina County Auditor, one such copy to the Medina County Recorder, and one such copy to the Ohio Secretary of State.

SECTION 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety and for the additional reason to comply with the time requirements of Ohio Revised

Code Section 709.04. 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 April 12, 2021

Rules Suspended:

AYES 6 NAYS 0

ADOPTED: April 12, 2021

AYES 6 NAYS 0

ATTEST:


Clerk of Council
Fijabi Julien-Gallam, CMC

Medina County Commissioners

Stephen D. Hambley
William F. Hutson
Colleen M. Swedyk

County Administration Building
144 North Broadway
Medina, Ohio 44256

Phone: (330) 722-9208
Toll Free: (844) 722-3800
Fax: (330) 722-9206

February 9, 2021

VIA REGULAR MAIL AND EMAIL

Fijabi Julien-Gallam
Clerk of Council
4095 Center Road
Brunswick, OH 44212

Re: Regular Annexation – 1.7311 acres
299 N. Carpenter Road, Brunswick, Ohio 44212

Dear Fijabi;

Enclosed please find a certified copy of Resolution No. 21-0118 approving the petition for the regular annexation of 1.7311 acres of land known as being part of Brunswick Hills Township to the City of Brunswick which was approved by the Board of Commissioners on this date.

Thank you.

Sincerely,



Rhonda J. Beck
Clerk of the Board

cc: Brunswick Hills Township
Joshua Lamb, Esq.
Medina County Auditor

REGULAR MEETING – TUESDAY, FEBRUARY 9, 2021

The Board of County Commissioners of Medina County, Ohio, met in regular session on this date with the following members present:

Stephen D. Hambley

Colleen M. Swedyk

William F. Hutson

Mr. Hambley offered the following resolution and moved the adoption of same, which was duly seconded by Mrs. Swedyk.

RESOLUTION NO. 21-0118

**APPROVING THE PETITION FOR THE REGULAR ANNEXATION OF
1.7311 ACRES OF LAND KNOWN AS BEING PART OF
BRUNSWICK HILLS TOWNSHIP
TO THE CITY OF BRUNSWICK, MEDINA COUNTY, OHIO**

WHEREAS, a petition for annexation of 1.7311 acres of land known as being part of Brunswick Hills Township to the City of Brunswick, Medina County, Ohio was filed with the Clerk of the Board of Medina County Commissioners on November 12, 2020 in accordance with Ohio Revised Code Section 709.02, and

WHEREAS, the day and hour and has come for the rendering of a decision by the Board of County Commissioners on said petition for annexation, and

WHEREAS, the State of Ohio has provided landowners a number of legal methods for annexations of property to municipal corporations to occur that balance the desires, needs and benefits of the petitioners, municipality and townships, and

WHEREAS, proper procedures were followed and notices given, and a public hearing commenced on February 2, 2021 in accordance with Section 709.032 of the Ohio Revised Code, and

WHEREAS, the Board of County Commissioners now finds that based on the preponderance of the substantial, reliable, and probative evidence on the entire record that said petition meets the following requirements and conditions:

1. The petition meets all of the requirements set forth in, and was filed in the manner provided in Section 709.02 of the Ohio Revised Code:
 - a. the territory proposed to be annexed is contiguous to the City of Brunswick;
 - b. the petition was signed by a majority of the authorized owners of real estate within the territory to be annexed;
 - c. each petition's signature includes the date it was obtained and no signature was obtained more than 180 days before the date of filing;
 - d. the petition contains an accurate legal description of the perimeter and an accurate map/plat of the territory to be annexed;
 - e. the petition states the person who would act as agent for the petitioner; and
 - f. the agent filed with the petition a list of all tract, lots or parcels within and adjacent to the territory to be annexed, including names, addresses of owners, and permanent parcel numbers.
2. The petition meets the following requirements set forth in Section 709.03 of the Ohio Revised Code:
 - a. The Clerk of the Board of County Commissioners notified the agent of the date, time, and place of the hearing;
 - b. the agent provided proof the required notices to: (1) the clerk of the municipality; (2) the fiscal officer of the township involved; and (3) the clerk of the board of commissioners;
 - c. the agent provided the required notices to: (1) all property owners within the territory proposed for annexation, and (2) adjacent property owners;
 - d. the agent has provided proof of the required notice published in a newspaper of general circulation;
 - e. the legislative authority of the municipality has adopted a statement by ordinance/resolution relative to services the municipality will provide with an approximate date by which it will provide said services upon annexation; and

The Clerk of the Board of County Commissioners of Medina County, Ohio does hereby certify that the foregoing is a true and correct copy of the resolution adopted by said Board on 2/9/21
Ronda J. Beck

REGULAR MEETING – TUESDAY, FEBRUARY 9, 2021
RESOLUTION NO. 21-0118 (CONT'D.)

- f. the municipality filed its statement of municipal services with the board of county commissioners at least 20 days before the date of the annexation hearing.
3. The petition meets all of the requirements set forth in Section 709.033 of the Ohio Revised Code:
 - a. the petition meets all of the requires set forth in and was filed in the manner provided in Section 709.02 of the Ohio Revised Code;
 - b. the persons signing the petition are owners of real estate located in the territory proposed to be annexed and at the time the petition was filed, the number of valid signatures on the petition constitutes a majority of the owners of the real estate in that territory;
 - c. the municipal corporation to which the territory is proposed to be annexed has complied with Division (D) of Section 709.03 of the Ohio Revised Code;
 - d. the territory proposed to be annexed is not unreasonably large;
 - e. on balance, the general good the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the annexation petition is granted; and
 - f. no street or highway will be divided or segmented by the boundary line between the township and the municipal corporation as to create a road maintenance problem.

The Board of Medina County Commissioners, upon review of substantive, reliable and probative evidence, finds that:

- 1) The annexation involves a 1.7311 acres parcel located on the east side of North Carpenter Road between Boston Road and Grafton Road in Brunswick Hills Township, identified as PPN 001-02B-05-004, owned by Ermitano Santiago and Anna Santiago located at 299 North Carpenter Road, Brunswick, Ohio 44212. It is not unreasonably large and is adjacent and contiguous to the land of the municipal corporation of the City of Brunswick;
- 2) Two individuals own the property and both owners signed the petition; therefore, the petition contains signatures of the majority (51%) of owners;
- 3) The City of Brunswick Resolution No. 97-2020 adopted December 21, 2020 declared intention by the City of Brunswick to provide municipal services to the subject property; the landowner is in agreement the annexed territory would receive adequate services sufficient to establish the general good of the territory being annexed;
- 4) The petitioner has proved that the land after annexation will enjoy a level of services comparable or adequate to that enjoyed prior to the annexation;
- 5) No street or highway will be divided or segmented by the boundary line between a township and the municipality as to create a road maintenance problem.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Medina County, Ohio that having found that the conditions of the Ohio Revised Code have been met, the Petition to Annex 1.7311 acres of land from Brunswick Hills Township to the City of Brunswick, Medina County, Ohio, attached as Exhibit A, is hereby approved and granted in accordance with the law.

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to the agent for the petitioners, fiscal of the township, and clerk of the municipality, and that a complete record of the annexation proceeding be sent to the clerk of the municipality after the expiration of 30 days after journalization if no appeal has been timely filed under Section 709.07 of the Revised Code.

Voting AYE thereon: Mr. Hambley, Mrs. Swedyk and Mr. Hutson

Adopted: February 9, 2021

Prepared by: Commissioners' Office

**PETITION FOR REGULAR ANNEXATION OF LAND TO THE CITY OF
BRUNSWICK FROM BRUNSWICK HILLS TOWNSHIP**

To: Board of Commissioners of Medina County, Ohio
144 North Broadway Street
Medina, Ohio 44256

Pursuant to Section 709.02 of the Ohio Revised Code, the undersigned, being all the legal owners of the real property located at 299 N. Carpenter Road, Brunswick, Ohio 44212 (the "Property"), which is contiguous and adjacent to the City of Brunswick, hereby petitions the Board of Commissioners for Medina County for the regular annexation of the Property to the City of Brunswick from the Brunswick Hills Township.

An accurate legal description of the Property to be annexed to the City of Brunswick is attached hereto as Exhibit A and is made a part hereof. An accurate map of the Property sought to be annexed is set forth in Exhibit B, which is attached hereto and made a part hereof. There are two (2) owners of the Property.

Pursuant to O.R.C. §709.02(D), the list of the Property to be annexed to the City of Brunswick is set forth in Exhibit C, which is attached hereto and made a part hereof. The undersigned are the sole owners of the Property sought to be annexed. All the owners of the Property subject to this petition for annexation have consented to this petition and have executed the same.

Pursuant to O.R.C. §709.02(D), a list of all properties adjacent to and/or directly across the street from the Property sought to be annexed are contained in Exhibit C hereto (including but not limited to the name and mailing address of each owner and the permanent parcel number of the relevant properties).

The name of the person hereby appointed to act as agent for the undersigned petitioner is Joshua E. Lamb, Trigilio, Stephenson & Dattilo, PLL., 5750 Cooper Foster Park Road, Suite 102, Lorain, Ohio 44053, Telephone No. (440) 988-9500, Fax No. (440) 988-9511, who can be emailed at jlamb@tsohiolaw.com.

Ermitano Santiago
Ermitano Santiago

Date: 9-18-2020

Ada Iris Santiago
Ada Iris Santiago

Date: 9-18-2020

State of Ohio :
County of Lorain : ss.

This is an acknowledgment clause. No oath or affirmation was administered to the signers.

On this 18th day of September, 2020, before me, a Notary Public, in and for said County and State, personally came Ermitano Santiago and Ada Iris Santiago, the Petitioners in the foregoing Petition for Regular Annexation, who acknowledged that they executed the foregoing instrument and the same is their free act and deed.

Rebecca L. Lengyel
Notary Public



Rebecca L. Lengyel
Notary Public, State of Ohio
My Commission Expires 8/26/2023

EXHIBIT A

Situated in the Township of Brunswick Hills, County of Medina and State of Ohio: And known as being a part of Original Brunswick Township Lot No. 23 in Tract No. 2, bounded and described as follows:

Beginning at an iron pin found on the centerline of Carpenter Road (C.H. 103) (60 feet wide) at the northwest corner of said Lot No. 23. Said iron pin also being at the northwest corner of land conveyed to Grace F. & Earle L. Behner by deed recorded in Volume 117, Page 172 of Medina County Records;

Thence South 2 deg. 30' 00" West, along the centerline of Carpenter Road and the west line of Lot No. 23, 121.42 feet to the southwest corner of land conveyed by Earle L. & Grace F. Behner to James H. and Jacqueline Hollan by deed recorded in Volume 354, Page 457 of Medina County Records and the principal place of beginning of the parcel herein described;

Thence South 81 deg. 57' 49" East, along the south line of land so conveyed to James H. & Jacqueline Hollan, 605.40 feet to an iron pin set on the westerly line of Interstate Highway 71. Said line passing through an iron pin found 29.55 feet, as measured along said line, from the centerline of Carpenter Road;

Thence South 2 deg. 52' 06" East, along the westerly line of Interstate Highway 71, 111.50 feet to an iron pin set at an angle therein;

Thence South 1 deg. 22' 00" East, along the westerly line of Interstate Highway 71, 13.11 feet to an iron pin set at the northeast corner of land conveyed by Earle L. & Grace F. Behner to Noubar Kouyoumdjian by deed recorded in Volume 367, Page 377 of Medina County Records;

Thence North 82 deg. 08' 18" West along the north line of land so conveyed to Noubar Kouyoumdjian, 616.59 feet to the northwest corner thereof, the centerline of Carpenter Road and the west line of Lot No. 23. Said line passing through an iron pin found 29.40 feet, as measured along said line, from the centerline of Carpenter Road;

Thence North 2 deg. 30' 00" East, along the centerline of Carpenter Road and the west line of Lot No. 23, 124.88 feet to the principal place of beginning and containing 1.7311 Acres of Land, more or less, according to a survey prepared by Carl L. Craddock, Registered Surveyor No. 5762 for and in behalf of Bock & Clark, under Project No. 87214, dated December 7, 1987 and subject to all legal highways.

Permanent Parcel No. 001-02B-05-004

EXHIBIT "B"

PLAT OF REGULAR ANNEXATION of 1.7311 acres in Brunswick Hills Township to the City of Brunswick

Situated in the Township of Brunswick Hills, County of Medina, and State of Ohio, and known as being part of Original Brunswick Township Lot No. 23 in Tract No. 2

LOCATION MAP

LATITUDE: 41.2679
LONGITUDE: -81.8072

SITE

CARPENTER ROAD (60', C.H. 103)

ORIGINAL LOT 24, TRACT 2
ORIGINAL LOT 23, TRACT 2

Mark A. Sigmon
Dec. No. 2020000001
01/07/2020
P.P.N. 001-02B-05-003
255 N Carpenter Road, Brunswick, OH 44212

Emanuel Santiago & Ada Iria Santiago
O.R. 263 Page 448, 07/31/1985
O.R. 625 Page 81, 05/27/1993
P.P.N. 001-02B-05-004
1.7311 acres (deed)
258 N Carpenter Road, Brunswick, OH 44212

PARCEL TO BE ANNEXED
73,407 sq. ft.
1.7311 acres

Emanuel S. Sigmon
O.R. 233 Page 142
01/07/1985
P.P.N. 001-02B-05-004
311 N Carpenter Road, Brunswick, OH 44212



STATE OF OHIO
INTERSTATE 71
(P.P.N. 001-02B-07-013)

APPROVALS
THIS PLAT WAS DULY ACCEPTED BY THE
BRUNSWICK CITY COUNCIL AT ITS REGULAR
MEETING HELD ON THE ____ DAY OF
____, 20__
ORDINANCE NO. ____

APPROVALS
APPROVED FOR TRANSFER THIS ____ DAY OF
____, 20__

TAX MAP DRAFTSMAN (PRINT & SIGN)

CLERK OF COUNCIL (PRINT & SIGN)

THIS PLAT WAS DULY ACCEPTED BY THE
MEDINA COUNTY COMMISSIONERS ON THE
____ DAY OF
____, 20__

MEDINA COUNTY AUDITOR (PRINT & SIGN)

COMMISSIONER (PRINT & SIGN)

RECEIVED AND RECORDED THIS ____ DAY OF
____, 20__
AT ____ A.M./P.M. RECORDED IN PLAT
DOCUMENT NO. ____
FILE ____

COMMISSIONER (PRINT & SIGN)

COMMISSIONER (PRINT & SIGN)

MEDINA COUNTY RECORDER (PRINT & SIGN)

ACCEPTANCE
KNOW ALL MEN BY THESE PRESENTS THAT EMANUEL SANTIAGO AND ADA IRIAS
SANTIAGO, OWNERS OF THE LANDS EMBRACED WITHIN THIS PLAT, HEREBY
ACKNOWLEDGE THIS PLAT AND HAVE CAUSED THE SAME TO BE PLATTED AND
ANNEXED TO THE CITY OF BRUNSWICK.

Emanuel Santiago
EMANUEL SANTIAGO
Ada Irias Santiago
ADA IRIAS SANTIAGO

COUNTY OF MEDINA, STATE OF OHIO
BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY
APPEARED EMANUEL SANTIAGO AND ADA IRIAS SANTIAGO, WHO ACKNOWLEDGED
THE FOREGOING INSTRUMENT AND THE SIGNING OF THIS PLAT TO BE THEIR OWN
FREE ACT AND DEED.

IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL AT
LOUISVILLE, OHIO THIS ____ DAY OF ____ 20__.

Matthew L. Long
NOTARY PUBLIC
MY COMMISSION EXPIRES ____



North Star Surveying, LLC
2722 Marks Road, Valley City, OH 44280
440-822-5707 jared@nstarsurveying.com

Jared R. Schmitt, P.S. # 8623
August 5, 2020



EXHIBIT "C"**INFORMATION RELATING TO OWNERS OF REAL PROPERTY
SOUGHT TO BE ANNEXED**

Owners' Name and Address	Permanent Parcel Number	Total Acreage of Property to be Annexed
Ermitano Santiago & Ada Iris Santiago 299 North Carpenter Road Brunswick, Ohio 44212	001-02B-05-004	1.7311

**LIST OF OWNERS OF PROPERTY ADJACENT TO AND DIRECTLY
ACROSS THE STREET FROM PETITIONERS**

Owner's Name and Mailing Address	Permanent Parcel Number
Mark A. Sigmon 285 North Carpenter Road Brunswick, Ohio 44212 & 5872 Wedgewood Road Medina, Ohio 44256	001-02B-05-003
Eleanor S. Snyder 311 North Carpenter Road Brunswick, Ohio 44212	001-02B-07-004
Sandra C. Seitz 298 North Carpenter Road Brunswick, Ohio 44212	003-18B-09-073
Diane Renee Zavcer and Rosemary Gleydura 286 North Carpenter Road Brunswick, Ohio 44212	003-18B-09-069
Philip U. Coker and Ashley M. Coker 310 North Carpenter Road Brunswick, Ohio 44212	003-18B-15-159
State of Ohio 241 Stanford Parkway Findlay, Ohio 45850 & 906 Clark Avenue Ashland, Ohio 44805	001-02B-07-013
State of Ohio 241 Stanford Parkway Findlay, Ohio 45850 & 906 Clark Avenue Ashland, Ohio 44805	001-02B-08-001

Enclave at Autumn Creek Homeowners Association Inc. c/o Steven M. Ott, Statutory Agent 1300 E. 9 th Street, Suite 1520 Cleveland, Ohio 44114 & 5090 Park Avenue W Seville, Ohio 44273	003-18B-22-254
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CITY OF BRUNSWICK, OHIO
RESOLUTION NUMBER 97-2020

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION DECLARING THE INTENTION OF THE CITY OF BRUNSWICK TO PROVIDE MUNICIPAL SERVICES TO A 1.7311 ACRE PARCEL OF LAND (PPN 001-02B-05-004) ON NORTH CARPENTER ROAD.

WHEREAS: The City of Brunswick has been notified that a Petition for Regular Annexation on Application of Owners (the "Petition") was presented to the Medina County Commissioners requesting a parcel of land be annexed from Brunswick Hills Township to the City of Brunswick, and

WHEREAS: The City of Brunswick does not object to this Petition.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: The Council for the City of Brunswick hereby declares that, should the Medina County Commissioners grant the annexation of 1.7311 acres of land on North Carpenter Road (PPN 001-02B-05-004), the City of Brunswick will provide police protection, fire prevention/suppression, EMS service, and any and all other services rendered to residents of the City of Brunswick. Additionally, the City of Brunswick will support any application to the Cleveland Division of Water for connection to the water system for the provision of water services to the property and to the Medina County Sanitary Engineer for connection to the sanitary sewer system, subject to payment of any and all applicable costs and fees.

SECTION 2: That the Council of the City of Brunswick hereby urges the County to undertake a careful and deliberate study of all matters presented in the Petition for Regular Annexation on Application of Owners, as attached hereto as Exhibit "A", and to approve the proposed annexation of such property to the City of Brunswick.

SECTION 3: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, welfare, and providing for the usual daily operation of a municipality, and for the further reason that the approved legislation must be filed with the Medina County Commissioners' Office twenty (20) days before the February 2, 2021 hearing date. 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.

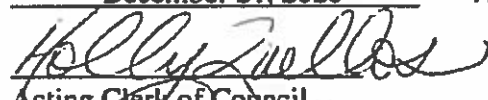
PASSED: 1st Reading November 23, 2020

2nd Reading December 14, 2020

3rd Reading December 21, 2020

ADOPTED: December 21, 2020 AYES 7 NAYS 0

ATTEST:


Acting Clerk of Council
Holly Querlos

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 12/21/2020

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

FROM: Carl S. DeForest, City Manager
Ken Fisher

COPY: Mayor Ron Falconi

LEGISLATION: RES. NO. 97-2020 - An emergency resolution declaring the intention of the City of Brunswick to provide municipal services to a 1.7311 acre parcel of land (PPN 001-02B-05-004) on North Carpenter Road. - 3rd Reading (Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: The City of Brunswick has been notified that a Petition for Regular Annexation on Application of Owners (the "Petition") was presented to the Medina County Commissioners requesting a parcel of land be annexed from Brunswick Hills Township to the City of Brunswick.

PURPOSE AND EXPLANATION: The approved legislation must be filed with the Medina County Commissioners' Office twenty (20) days before the February 2, 2021 hearing date.

IMPLEMENTATION SCHEDULE: The approved legislation must be filed with the Medina County Commissioners' Office twenty (20) days before the February 2, 2021 hearing date

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

If emergency or suspension of the rules, why the request?
Be passed as an emergency measure upon three (3) readings.

NOTICE OF FILING OF PETITION FOR REGULAR ANNEXATION

Date: November 12, 2020

VIA CERTIFIED MAIL:
RETURN RECEIPT REQUESTED

Clerk of Brunswick City Council
c/o Fijabi Julien-Gallam
4095 Center Road
Brunswick, Ohio 44212

This notice is given to you in your capacity as Clerk of City Council of Brunswick, Ohio.

You are advised that a Petition for Regular Annexation was filed by Ermitano Santiago and Ada Iris Santiago in Medina County, Ohio with the Board of Commissioners of Medina County, Ohio on November 12, 2020 at 9:37 a.m., for the annexation of 1.7311 acres located at 299 North Carpenter Road, Brunswick, Ohio 44212 from Brunswick Hills Township, Ohio to the City of Brunswick, Ohio.

The Medina County Board of Commissioners has scheduled the hearing on the Petition for Regular Annexation for Tuesday, February 2, 2021 at 10:00 a.m. in the Medina County Commissioners' Hearing Room, 144 N. Broadway Street, Room 201, Medina, Ohio 44256.

A true and correct copy of the time-stamped Petition for Regular Annexation that was filed with the Medina County Board of Commissioners, along with all attachments or documents accompanying the Petition for Regular Annexation, is attached hereto.



Joshua E. Lamb, Agent for
Petitioners Ermitano Santiago and
Ada Iris Santiago
5750 Cooper Foster Park Road,
Suite 102
Lorain, Ohio 44053
(440) 988-9500

Medina County Commissioners

Adam Friedrich
Patricia G. Geissman
William F. Hulson

County Administration Building
144 North Broadway
Medina, Ohio 44256

Phone: (330) 722-9208
Toll Free: (844) 722-3800
Fax: (330) 722-9206

NOTICE TO AGENT FOR THE PETITIONERS OF DATE, TIME AND PLACE SET BY BOARD OF MEDINA COUNTY COMMISSIONERS TO HEAR REGULAR ANNEXATION PETITION

DATE: November 12, 2020

TO: Agent for the Petitioners

In accordance to Ohio Revised Code Section 709.03(A), you, as agent for the petitioners, are hereby notified that the date, time and place are set for the Board of Medina County Commissioners to hear the regular annexation petition filed with the Board on November 12, 2020 to annex 1.7311 acres located in Brunswick Hills Township to the City of Brunswick

Date: Tuesday, February 2, 2021
Time: 10:00 AM
Location: Commissioners' Hearing Room
144 N. Broadway St., Room 201
Medina, OH 44256

Please arrive at the above location no later than 9:30 a.m.


Rhonda Beck, Clerk
Board of Medina County
Commissioners

Delivered via email:
jlemb@tschilaw.com
fgallam@brunswick.oh.us
kesber@brunswickhillstwp.org

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 4/12/2021

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

FROM: Carl S. DeForest, City Manager
Ken Fisher

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 40-2021** - An emergency resolution accepting the petition for annexation of 1.7311 acres of land known as being part of Brunswick Hills Township to the City of Brunswick, Medina County, Ohio. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND:

PURPOSE AND

EXPLANATION: Annexation to be considered by City Council as an emergency with suspension of rules on April 12, 2021

IMPLEMENTATION
SCHEDULE:

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?

ADDITIONAL

INFORMATION:

PROPOSED LEGISLATION



DATE: 5/10/2021

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

FROM: Carl S. DeForest, City Manager
Michael Abella Jr.

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 47-2021** - An ordinance amending Section 220.01(a) of the Codified Ordinances of the City of Brunswick.- **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Fijabi Gallam*)

BACKGROUND: The duties of the Clerk of Council have increased immensely by taken on some of the Mayor's duties in 1975.

PURPOSE AND EXPLANATION: The legislation is to change the title, *Secretary to Mayor* to *Administrative Assistant* to the Mayor, to match the Clerk of Council's job description.

IMPLEMENTATION SCHEDULE:

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?

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

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 47-2021

BY: Committee-of-the-Whole

AN ORDINANCE AMENDING SECTION 220.01(a) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK.

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

SECTION 1: That Section 220.01(a) of the Codified Ordinances is hereby amended as follows:

“(a) The duties and authority of the Clerk of Council shall be those prescribed by law, as well as ~~secretary~~administrative assistant to the Mayor and such additional duties and authority as may be conferred upon the Clerk of council.

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
Fijabi Julien-Gallam, CMC

PROPOSED LEGISLATION



DATE: 5/10/2021

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

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 48-2021** - An emergency resolution approving a petition for special assessments for Special Energy Improvement Projects and a project plan for the Medina County Energy Improvement District under Chapter 1710 of the Ohio Revised Code; to authorize and levy special assessments for the purpose of acquiring, constructing, and improving certain public improvements in the City of Brunswick in cooperation with the Medina County Energy Improvement District; and to approve an Energy Project Agreement in connection with such improvements and special assessments. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)

BACKGROUND: The City of Brunswick is seeking to establish the City as part of the Energy Special Improvement District (ESID) within Medina County for the betterment of the City, its stakeholders and business community to improve real property

**PURPOSE AND
EXPLANATION:**

**IMPLEMENTATION
SCHEDULE:**

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

**RECOMMENDED
ACTION:**

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

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

To allow the City to enter into the ESID as soon as possible to be prepared for upcoming projects.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 48-2021

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION APPROVING A PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS AND A PROJECT PLAN FOR THE MEDINA COUNTY ENERGY IMPROVEMENT DISTRICT UNDER CHAPTER 1710 OF THE OHIO REVISED CODE; TO AUTHORIZE AND LEVY SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF BRUNSWICK IN COOPERATION WITH THE MEDINA COUNTY ENERGY IMPROVEMENT DISTRICT; AND TO APPROVE AN ENERGY PROJECT AGREEMENT IN CONNECTION WITH SUCH IMPROVEMENTS AND SPECIAL ASSESSMENTS.

WHEREAS: As set forth in Ohio Revised Code Chapter 1710, the Ohio General Assembly has authorized property owners to add their properties to energy special improvement districts (“ESIDs”) upon a petition to a municipal corporation or township, which ESIDs are voluntary organizations of property owners who undertake special energy improvement projects for their properties and finance such special energy improvement projects by way of voluntary special assessment;

WHEREAS: Pursuant to Ohio Revised Code Section 1710.02, a property owner petitioning for expansion of an ESID is authorized to propose an amendment to the plan setting forth certain special energy improvement projects that the ESID will undertake, which plan may outline the area in which such projects will be provided, the method of special assessment to be used with respect to the projects, the period of time during which any such special assessments are to be levied, the procedures by which additional territory may be added to the ESID, and such other provisions that the ESID shall deem appropriate, and the legislative authority of the municipal corporation to which such plan is submitted is authorized to approve the plan along with the petition;

WHEREAS: The City of Medina has created an Energy Special Improvement District (“District”) under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as the City of Medina Energy Special Improvement District, Inc., dba Medina County Energy Improvement District (“Corporation”), to govern the District. Property owners within the District are permitted to make certain “energy efficiency improvements” to their properties, which constitute a “special energy improvement project”, and pay for the cost of the special energy improvement project by way of special assessments in accordance with the process set out in Chapters 727 and 1710 of the Ohio Revised Code. Revised Code Section 1710.01(G) provides that special energy improvement projects (including energy efficiency improvements) constitute public improvements and are therefore subject to special assessments;

- WHEREAS: The City of Brunswick (the “Petitioner”) is the owner of 100% of the property described on **Exhibit A** attached hereto (the “Property”). The Petitioner has identified the Property for a special energy improvement project;
- WHEREAS: On or about May 5, 2021, pursuant to Ohio Revised Code Section 1710.02, the Petitioner submitted to this Council (i) a *Petition for Special Assessments for Special Energy Improvement Projects* (the “Petition”) seeking (i) the addition of certain of its property owned by the Petitioner to the District and (ii) approval of an amendment to the District’s *2021 Medina County Energy Improvement District Plan* (the “Plan”) for special energy improvement projects to include the City of Brunswick Special Energy Improvement Project (the “Special Energy Improvement Project”) and requesting that the Special Energy Improvement Project be undertaken by the District and that the costs thereof be specially assessed against the Property specially benefited thereby;
- WHEREAS: Said Petition and Plan, are for the purpose of developing and implementing special energy improvement projects in furtherance of the purposes set forth in Section 2 of Article VIII of the Ohio Constitution, including, without limitation, the special energy improvement project to be located at the Property;
- WHEREAS: In accordance with Ohio Revised Code Section 1710.02, the Petition requests that this Council approve the Petition adding Petitioner’s Property to the District, expanding the District;
- WHEREAS: The Petition and Articles set forth that the members of the District will be the property owners who voluntarily include their properties in the District;
- WHEREAS: Pursuant to Ohio Revised Code Section 1710.04 and the Petition and governing documents of the Corporation, the members of the board of directors of the District will include at least three representatives of one or more property owners who have voluntarily included their properties in the District, one representative appointed by the Council, as the City’s legislative authority, and the City Manager, as the City’s municipal executive, or a person who the City Manager designates to serve in his stead and who is an employee of the City and involved with the City’s planning or economic development functions;
- WHEREAS: The Plan defines the special energy improvement project to be completed at the Property and identifies the amount and length of special assessments for the special energy improvement project, and such special assessments shall require formal authorization from Council pursuant to Ohio Revised Code Chapters 727 and 1710;
- WHEREAS: This Council, as mandated by Ohio Revised Code Section 1710.02(E), must approve or disapprove the Petition, the Plan, and the Articles within 60 days of the submission of the Petition, Plan, and Articles;

WHEREAS: This Council has determined to approve the Petition and Plan and thereby expanding the District;

WHEREAS: This Council, as mandated by Ohio Revised Code Section 1710.02(E), must approve or disapprove the Petition and the Plan within 60 days of the submission of the Petition and the Plan;

WHEREAS: The energy assessment has identified energy conservation measures, all of which qualify as energy efficiency improvements as defined in Ohio Revised Code Section 1710.01(K), which Petitioner has determined to proceed with implementing in conjunction with financing to be secured by and repaid through special assessments;

WHEREAS: A complete list and description of the Special Energy Improvement Project is on file with the Clerk of City Council and is attached as **Exhibit B** to this Resolution. **Exhibit B** provides the following information for the Special Energy Improvement Project:

1. Identification of the parcel number and name of the Property/building to be improved;
2. A description of the nature of the Special Energy Improvement Project for the particular parcel; and
3. The estimated amount of the special assessment to be levied against the Property (the "Special Assessment") and the number of years the Special Assessment will be collected (if not paid in cash within 30 days after the passage of the assessing ordinance as provided by law);

WHEREAS: The total dollar cost of the Special Energy Improvement Project, including accrued interest and the associated closing costs, will be Thirty-Five Dollars and Ninety-Six Cents (\$35.96). Each annual payment represents the payment of a portion of the principal and interest, the program administration fee, and the Medina County, Ohio special assessment collection fee due with respect to each annual payment. The total amount to be assessed against the property pursuant to this Ordinance is Thirty-Five Dollars and Ninety-Six Cents (\$35.96);

WHEREAS: The annual Special Assessment for the Special Energy Improvement Project is to be paid in one (1) annual payments over one (1) year. The plans and specifications for the Special Energy Improvement Project are on file with the Clerk of Council. The Petitioner also waives all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Revised Code, the City of Brunswick Charter and Codified Ordinances. Petitioner consents to the immediate imposition of the Special Assessment upon the Property specially benefited by Special Energy Improvement Project;

WHEREAS: This special assessment process is a voluntary process with one hundred percent of the cost of the Special Energy Improvement Project being assigned to the specially benefited Property. This resolution accepts and approves the petition from Petitioner, to begin that special assessment process, and is accompanied by an ordinance to proceed with Petitioner. When the Special Energy Improvement Project is complete and the final costs known, an assessing ordinance directing that the necessary Special Assessment be made against the benefited Property will be presented to the Council; and

WHEREAS: This Council, pursuant to Ohio Revised Code Section 1710.02(G)(4), has determined that the energy special improvement project to be constructed and implemented on the Property is not required to be owned exclusively by the City for its purposes, for uses determined by this Council, as the legislative authority of the City as those that will promote the welfare of the people of the City; to improve the quality of life and the general and economic well-being of the people of City; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; to control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or to provide for safe and natural areas and resources.

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

SECTION 1: That this Council approves the Petition and further approves the Plan in substantially the form now on file with the Clerk of Council.

SECTION 2: That pursuant to Ohio Revised Code Section 1710.04, this Council appoints _____ and the City Manager appoints City of Brunswick Community & Economic Development Director Grant Aungst to serve on the board of directors of the Corporation.

SECTION 3: This Council hereby approves and consents to (i) any addition of real property to the territory of the District within the boundaries any municipal corporation or township in which a portion of the territory of the District is located or any municipal corporation or township which is contiguous to the municipal corporations or townships in which a portion of the territory of the District is located; (ii) the addition of the municipal corporation or township in which such real property is located as a “participating political subdivision,” as defined in Ohio Revised Code Section 1710.01(E), of the District; and (iii) any amendment to the Articles of Incorporation necessary to recognize or effect such addition.

SECTION 4: It is hereby declared necessary, and a vital and essential public purpose of the City, to improve the Property by providing for special energy improvement projects on the Property in the form of the Project, including any and all costs and expenses in

connection with or otherwise related thereto as described in the Petition, all of which is described in the plans, specifications, profiles, and estimates of costs included in the Petition and on file in the office of the Clerk of the Council.

SECTION 5: The plans and specifications and total cost of the Project, as included in the Petition, and now on file in the office of the Clerk of the Council are approved. The Project shall be made in accordance with the plans, specifications, profiles, and estimates for the Project included in the Petition.

SECTION 6: This Council declares that its intention is to proceed or to cooperate with the District to proceed with the acquisition, installation, equipment, and improvement of the Project described in the Petition. The Project shall be made in accordance with the provisions of the plans, specifications, profiles, and estimates of cost approved by Section 5 of this Ordinance.

SECTION 7: Pursuant to Ohio Revised Code Section 1710.02(G)(4), this Council determines that the energy special improvement project to be constructed and implemented on the Property is not required to be owned exclusively by the City for its purposes, for uses determined by this Council, as the legislative authority of the City, as those that will promote the welfare of the people of such participating political subdivision; to improve the quality of life and the general and economic well-being of the people of the City; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; to control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or to provide for safe and natural areas and resources. This Council accordingly authorizes the board of directors of the Corporation to act as its agent to sell, transfer, lease, or convey the special energy improvement project to be constructed and implemented on the Property. The consideration the board of directors of the Corporation must obtain from any sale, transfer, lease, or conveyance of the special energy improvement project on the Property is any consideration greater than or equal to \$1.00.

SECTION 8: This Council accepts and approves the waiver of all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Chapter 727 of the Ohio Revised Code, Chapter 1710 of the Ohio Revised Code, and the Charter of the City of Brunswick, Ohio, and consents to the immediate imposition of the Special Assessments upon the Property. This waiver encompasses, but is not limited to, waivers by the Owner of the following rights:

- (i) The right to notice of the adoption of a resolution of necessity under Sections 727.13 and 727.14 of the Ohio Revised Code;
- (ii) The right to limit the amount of the Special Assessments under Sections 727.03 and 727.06 of the Ohio Revised Code;

- (iii) The right to file an objection to the Special Assessments under Section 727.15 of the Ohio Revised Code;
- (iv) The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Sections 727.16 and 727.17 of the Ohio Revised Code;
- (v) Section 727.43 of the Ohio Revised Code;
- (vi) The right to notice that bids or quotations for the Project may exceed estimates by 15%;
- (vii) The right to seek a deferral of payments of Special Assessments under Section 727.251 of the Ohio Revised Code;
- (viii) The right to notice of the passage of the assessing ordinance under Section 727.26 of the Ohio Revised Code; and
- (ix) Any and all procedural defects, errors, or omissions in the Special Assessment process.

SECTION 9: The list of Special Assessments to be levied and assessed on the Property in an amount sufficient to pay the costs of the Project, which is Thirty-Five Dollars and Ninety-Six Cents (\$35.96), including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District administrative fees and expenses, which costs were set forth in the Petition and previously reported to this Council and are now on file in the offices of the Clerk of Council, is adopted and confirmed, and that the Special Assessments are levied and assessed on the Property. The interest portion of the Special Assessments, which shall accrue at the annual rate of 0.00% together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds been issued by the District.

The Special Assessments are assessed against the Property commencing in tax year 2021 for collection in 2022; provided, however, if the proceedings relating to the Special Assessments are completed at such time that the County Auditor of Medina County, Ohio (the "County Auditor") determines that collections shall not commence in 2022, then the collection schedule may be deferred by one year. The annual installment of the Special Assessments shall be collected in each calendar year as shown in **Exhibit B**, attached hereto and incorporated into this Ordinance. The Special Assessments may be levied and collected before the Project is commenced.

The Special Assessments shall be allocated in proportion to the benefits which may result from the Project among the parcels constituting the Property as set forth in the Petition and the List of Special Assessments attached hereto as **Exhibit B** and incorporated herein.

SECTION 10: This Council finds and determines that the Special Assessments are in proportion to the special benefits received by the Property as set forth in the Petition and are not in excess of any applicable statutory limitation.

SECTION 11: The Petitioner has waived its right to pay the Special Assessments in cash, and all Special Assessments and installments of the Special Assessments shall be certified by the Clerk of Council to the County Auditor as provided by the Petition and Section 727.33 of the Ohio Revised Code to be placed by him or her on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

SECTION 12: The Special Assessments will be used by the Petitioner to pay the cost of the Project in cooperation with the District in any manner, including assigning the Special Assessments actually received by the City to the District or to another party the City deems appropriate, and the Special Assessments are appropriated for such purposes. The Finance Director or the Finance Director's designee shall keep the Special Assessments on file in the office of the Finance Director.

SECTION 13: Compliance with Section 319.61 of the Ohio Revised Code, the Clerk of Council is directed to deliver a certified copy of this Ordinance to the County Auditor within 15 days after its passage.

SECTION 14: That this Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

SECTION 15: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary in order to conserve energy and protect the environment of the City, as well as undertake the construction of the public improvements and enable and provide for the timely levying, certification and collection of the special improvements for the Project. 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
Fijabi Julien-Gallam, CMC

EXHIBIT A

DESCRIPTION OF PROPERTY

Parcel No. 003-18B-43-010

Property Address: 4095 Center Road, Brunswick, Ohio 44212

EXHIBIT B

Project Plan for City of Brunswick, Ohio

The real property owned by the City of Brunswick, Ohio located at 4095 Center Road, Brunswick, Ohio 44212, serves as City Hall for the City of Brunswick. The description of the property is set forth on the attached Exhibit A. The property will be subject to special assessments for energy improvements in accordance with Ohio Revised Code Chapter 1710.

The energy efficiency savings for the project are expected to be 20% or more annually and consist of the following energy efficiency elements:

1. LED Lighting Replacement

Total Project Cost: \$35.96

Total cost including financing and other charges: \$35.96

Total direct payments collected: \$0.00

Total assessment payments to be collected: \$35.96

Estimated annual special assessment for 1 year: \$35.96

Estimated annual special assessments for 1 year*: 1

Number of annual installments: 1

First annual installment due: January 31, 2022

**Note: Numbers do not reflect additional charges the County Auditor may apply to the annual assessment.*

Year Payments Are Due	Total Annual Assessment Parcel 003-18B-43-010	1st Half (Due 1/31)	2nd Half (Due 7/31)
2022	\$35.96	\$35.96	\$0.00
Total Assessment	\$35.96		

Pursuant to Ohio Revised Code Chapter 323, the Assessment Payment Dates identified in this Exhibit B to the Plan are subject to adjustment by the Medina County Auditor under certain conditions.

The County Auditor of Medina County, Ohio may impose a special assessment collection fee with respect to each Annual Assessment payment. If imposed, this special assessment collection fee will be added by the County Auditor of Medina County, Ohio to each Annual Assessment payment.

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 5/10/2021

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

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 49-2021** - An emergency resolution authorizing the City Manager to enter into an Energy Project Agreement with City of Medina Energy Special Improvement District, INC. DBA County of Medina Energy Improvement District, INC. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)

BACKGROUND: The City of Brunswick is seeking to establish the City as part of the Energy Special Improvement District (ESID) with in Medina County for the betterment of the City, its stakeholders and business community to improve real property.

**PURPOSE AND
EXPLANATION:**

**IMPLEMENTATION
SCHEDULE:**

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:** Any expected costs associated with this legislation or project would be minimal (under \$50).

**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?

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 49-2021

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO
ENTER INTO AN ENERGY PROJECT AGREEMENT WITH CITY OF MEDINA
ENERGY SPECIAL IMPROVEMENT DISTRICT, INC. DBA COUNTY OF
MEDINA ENERGY IMPROVEMENT DISTRICT, INC.

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

SECTION 1: It is necessary to improve the real property located at 4095 Center Road, Brunswick, Ohio 44212 (the “Property”) by installing and upgrading the lighting systems with energy efficient LED lighting, together with all necessary appurtenances thereto (the “Project”).

SECTION 2: The City Manager is hereby authorized, upon approval of the Law Director, to enter into an Energy Project Agreement, in the form attached hereto as Exhibit “A” and incorporated herein by reference, with the City of Medina Energy Special Improvement District, Inc., dba County of Medina Energy Special Improvement District, Inc., along with all other documents necessary to achieve the purposes described in the Energy Project Agreement.

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

SECTION 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary in order to conserve energy and protect the environment of the City, as well as undertake the construction of the public improvements and enable and provide for the timely levying, certification and collection of the special assessments for the Project. 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
Fijabi Julien-Gallam, CMC

Exhibit A
Energy Project Agreement

[See attached]

ENERGY PROJECT AGREEMENT

by

CITY OF MEDINA ENERGY SPECIAL IMPROVEMENT DISTRICT, INC.,

dba

MEDINA COUNTY ENERGY IMPROVEMENT DISTRICT

and

CITY OF BRUNSWICK, OHIO

Dated

as of

_____, 2021

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ENERGY PROJECT AGREEMENT

This Energy Project Agreement (the “Agreement”) is made and entered into as of _____, 2021 (the “Effective Date”) between the City of Medina Energy Special Improvement District, Inc., dba Medina County Energy Improvement District, a non-profit corporation and special improvement district under the laws of the State of Ohio (the “Corporation”), with offices at 144 Broadway Street, # 202, Medina, OH 44256, and the City of Brunswick, Ohio, a chartered Ohio municipal corporation with offices at 4095 Center Road, Brunswick, Ohio 44212 (the “Petitioner”):

WHEREAS, the Petitioner is engaging in a certain special energy improvement project (“Energy Project”); and

WHEREAS, the Petitioner petitioned the City of Brunswick, Ohio for the expansion of the Medina County Energy Improvement District to become a member (the “Petition”); and

WHEREAS, on September 9, 2019 the City Council of Medina passed Resolution No. 140-19, which approved the initial petition, the initial plan for the district, and authorized the formation of the Medina County Energy Improvement District; and

WHEREAS, the Energy Project has an overall estimated cost of Thirty-Five Dollars and Ninety-Six Cents (\$35.96) (excluding interest and other transactional and carrying costs, all of which shall be included in the Special Assessments described below) as shown in Exhibit B, which the Petitioner has agreed to fund; and

WHEREAS, the Petitioner requests that the Energy Project be funded through special assessments (“Special Assessments”) upon the real property upon which the Energy Project will be constructed and exist (the “Property”) as allowed under Ohio Revised Code Chapters 1710 and 727; and

WHEREAS, the Corporation and the Petitioner agrees to undertake the funding of the Energy Project through Special Assessments upon the condition that the Petitioner agrees to impose the Special Assessments upon the Property and provide full cooperation with and assistance to the Corporation and the City of Brunswick, Ohio (the “City”) and other entities and institutions involved in the process of approving and imposing the Special Assessments; and

WHEREAS, in order to induce the Corporation to provide the funds for the Energy Project, the Petitioner agrees to provide all such cooperation and assistance necessary for the imposition of the Special Assessments upon the Property.

NOW THEREFORE, in consideration of the mutual promises set forth herein, the Petitioner and the Corporation do hereby enter into this Energy Project Agreement (“Agreement”) as follows:

1. Consent to Special Assessments. The Petitioner consents to the imposition of Special Assessments upon the Property, which is commonly referred to as 4095 Center Road, Brunswick, Ohio 44212, and which consists of the following permanent parcel numbers in the records of the Auditor of Medina County, Ohio (the “Auditor”): Parcel Number/PPN 003-18B-43-010 as detailed on Exhibit A attached hereto and incorporated herein by reference. In the event there are additional or other parcels of property that are not listed but which are benefitted by the Energy Project, the Petitioner consents to the imposition of the Special Assessments with respect to those parcels as well. The Petitioner acknowledges that the Special Assessments in the event of non-payment and default will constitute a lien upon the Property and may be enforced and collected in accordance with law, including the provisions of Chapter 727 of the Ohio Revised Code.

The cost of the Energy Project shall include, but not be limited to, the cost of: labor, materials, equipment, engineering, design, and audits (“Energy Project Amount”) and is estimated to be Thirty-Five Dollars and Ninety-Six Cents (\$35.96). The Special Assessments shall be in an amount sufficient to fund the Energy Project Amount and shall include an amount sufficient to fund the necessary and reasonable additional costs related to the financing of the Energy Project Amount including but not limited to: interests, fees, carrying costs, taxes, filing fees, recording charges and all other costs incident to the financing of the Energy Project Amount.

The Petitioner acknowledges that the Energy Project Amount is an estimated cost of the Energy Project and that the actual cost of the Energy Project may be more or less than the estimate and that such estimate does not limit the amount of the Special Assessments; provided, however, that the sum total of all Special Assessments, including the costs related to financing the Energy Project Amount, will not exceed the Total Assessment Amount to be Collected amount listed on Exhibit B attached to this Agreement and incorporated into this Agreement by this reference. The Petitioner agrees that one hundred percent (100%) of the Special Assessments shall be imposed upon the Property and that the Property is being specially benefitted to the full extent of the Special Assessments. The Special Assessments may continue for such period of time as allowed by law and shall continue for the full period of time required to pay the Corporation for all costs, including financing costs, for the Energy Project.

2. Agreement to Cooperate. The Petitioner agrees to provide full and timely cooperation to the Corporation and the agencies, entities and institutions involved in the special assessment process, including but not limited to: the City and the Medina County, Ohio Treasurer (the “Treasurer”), so that the Special Assessments are imposed upon the Property and enforceable against the Property. The Petitioner agrees that pursuant to a Petition, it has submitted its Energy Project for admission as a special energy improvement project to be undertaken by the Corporation. The Petitioner therefore shall be a member of the Corporation. The Petitioner further agrees that it shall cause a representative to appear at any necessary hearings or legal proceedings involving the Special Assessments and cooperate in such hearings or legal proceedings so that the Special Assessments are approved and become binding upon the Property. The Petitioner agrees to provide on-going cooperation with the Corporation and all other agencies, entities and institutions involved in the special assessment process during the entire period of time any of the financing for the Energy Project remains outstanding.

The Corporation and the Petitioner agree to provide full and timely cooperation with each other for the financing of the Energy Project and the provision of the Energy Project pursuant to this Agreement, and the Petition.

3. Execution of Documents; Appointment of Agent. Petitioner shall execute or cause to be executed by appropriate Petitioner officials, all applications, petitions for special assessments, waivers, acknowledgements, and other instruments, documents and papers ("Documents") necessary or helpful to impose the Special Assessments upon the Property and to acknowledge the validity and binding nature of such Special Assessments. To facilitate that process, Petitioner hereby irrevocably appoints the Corporation's Chairperson, or such other individual as the Corporation may name from time to time, as the Petitioner's attorney-in-fact and agent with full and complete authority to execute all such Documents, including but not limited to the Petition, on behalf of Petitioner and to bind Petitioner and the Property to the Special Assessments, including making all waivers of hearings and notices concerning the Special Assessments.

Without limiting the generality of the foregoing grant of authority, Petitioner grants the Corporation full irrevocable power and authority in the place of Petitioner and in the name of Petitioner or in Corporation's own name, for the purpose of carrying out the terms of this Agreement, to perform, at any time and from time to time, each agreement contained in this Agreement that is on Petitioner's part to be complied with, and to take any and all actions and to execute and deliver any and all Documents which may be necessary or desirable to give the Corporation the full benefit of this Agreement, in each case as the Corporation may from time to time deem advisable, Petitioner hereby agreeing that the Corporation shall owe no duty whatever to Petitioner to perform any such agreement, to take any such action, or to execute or deliver any such Document or, having done so any one or more times, to thereafter continue doing so. Without limiting the generality of the foregoing, Petitioner hereby irrevocably authorizes the Corporation, at any time and from time to time, to (a) fill in any blank space contained in this Agreement or another Document, (b) correct patent errors, to complete and correct the description of the Property, and to complete the date herein or therein, (c) file and sign, on Petitioner's behalf, at Petitioner's expense and without Petitioner's signature, such petitions for special assessments, waivers, affidavits, assignments, financing statements, endorsements of specific items of collateral, mortgages, powers of attorney, security agreements, or other Documents as the Corporation may from time to time deem advisable for the better evidencing, perfection, protection, or validation of, or realization of the benefits of this Agreement, and (d) to the extent the Corporation filed any such petitions for special assessments, waivers, affidavits, assignments, financing statements, endorsements of specific items of collateral, mortgages, powers of attorney, security agreements, or other Documents prior to the date of this Agreement, all such actions and Documents are hereby ratified by the Petitioner.

4. Waiver of Certain Rights. Petitioner acknowledges that the process for the imposition of special assessments provides the owner of property subject to such special assessments with certain rights, including rights to: receive notices of proceedings; object to the imposition of the special assessments; claim damages; participate in hearings; take appeals from proceedings imposing special assessments; participate in and prosecute court proceedings, as well as other rights under law, including but not limited to those provided for or specified in the United States Constitution, the Ohio Constitution, Chapter 727 of the Ohio Revised Code, the Charter of the City and the Codified Ordinances of Brunswick, Ohio (collectively, "Assessment Rights"). Petitioner hereby irrevocably waives all Assessment Rights and consents to the imposition of the Special Assessments immediately or at such time as the Corporation determines to be appropriate, and Petitioner expressly requests the entities involved with the special assessment process to promptly proceed with the imposition of the Special Assessment upon the Property. The Petitioner further waives: any and all questions as to the constitutionality of the law under which the Energy Project will be constructed and the Special Assessments imposed upon the Property; the jurisdiction of the Council of the City acting thereunder; and the right to file a claim for damages as provided in Section 727.18 of the Ohio Revised Code and any similar provision of the Charter of the City of Medina or the Codified Ordinances of Medina, Ohio.

5. Representations and Warranties. Petitioner represents and warrants that:

- A. Petitioner is a duly organized and validly existing chartered municipal corporation under the laws of the State of Ohio;
- B. Petitioner is the owner of the Property with the legal authority to subject the Property to the Special Assessments;
- C. Petitioner and the individual executing this Agreement on behalf of the Petitioner are duly authorized to enter into this Agreement;
- D. Entering into this Agreement will not result in the breach of any other agreement to which the Petitioner is a party;
- E. Petitioner will complete the Energy Project, and has or will provide sufficient funds to complete the Energy Project in the event of additional costs or expenses above and beyond the estimated Energy Project Amount of Thirty-Five Dollars and Ninety-Six Cents (\$35.96). In the event that the Energy Project is completed below the estimated cost of Thirty-Five Dollars and Ninety-Six Cents (\$35.96) the remaining amount shall be used to reduce the final assessment amount payable; and
- F. All of the factual statements concerning Petitioner contained in this Agreement are true and accurate to the best of Petitioner's knowledge and belief and if there is a material change in the accuracy or truthfulness of any such factual statement, Petitioner will promptly disclose the same to the Corporation.

6. **Assignment; Third Party Beneficiaries.** Petitioner may not assign this Agreement without the consent of the Corporation, which consent shall not be unreasonably withheld. Corporation may assign this Agreement, or any portion of its benefits or obligations, freely to another party, with or without the consent of the Petitioner.

7. **Default.** If any of the following events shall occur, it shall be deemed a default (“Default”) under this Agreement and the Corporation shall be entitled to any rights or remedies under this Agreement and any rights or remedies provided under law:

- A. The Petitioner fails to pay an installment of any Special Assessment when due.
- B. The Petitioner fails to perform any other obligation under this Agreement and the failure continues for a period of ten (10) days after written notice from the Corporation.
- C. The Petitioner is in breach of any of its representations or warranties under this Agreement.
- D. The Petitioner abandons the Property.
- E. The Petitioner commits waste upon the Property.
- F. The Petitioner becomes bankrupt or insolvent or files or has filed against it a petition in bankruptcy or for reorganization or arrangement or other relief under the bankruptcy laws or any similar state law or makes an assignment for the benefit of creditors.

In the event of a Default, then, in addition to any other remedy the Corporation may have, the Corporation may recover from Petitioner all damages they respectively incur by reason of the Default, including reasonable attorneys’ fees and expenses.

8. **General.**

- A. If any provision of this Agreement is found to be invalid, illegal or unenforceable under any applicable statute or law, such provision shall to that extent be deemed to be omitted, and the remaining provisions of this Agreement shall not be affected in any way.
- B. The Petitioner acknowledges that it has read and understands this Agreement and is bound by its terms. This Agreement contains the entire understanding and agreement of the parties with respect to the matters contained in this Agreement, and supersedes all prior proposals and understandings between the parties.
- C. This Agreement shall not be modified or altered except as by a written instrument duly executed by all of the parties.
- D. The Petitioner acknowledges that it has had an opportunity to review this Agreement and to be advised by an attorney of its choosing as to the Agreement’s

terms, conditions and provisions. The Petitioner is entering into this Agreement knowingly and voluntarily.

- E. The Corporation and the Petitioner are, in relation to one another, independent contractors and not agents of one another. The parties have no fiduciary obligations to one another and are not, by entering into this Agreement, assuming any such fiduciary obligations.
- F. The Petitioner acknowledges that the Corporation has been created under provisions of the Ohio Revised Code and that their authority, as well as the authority of their employees, agents and representatives, is limited under law.
- G. The Corporation may cause this Agreement to be recorded in the office of the Recorder. The obligations created by this Agreement shall run with and be binding upon the land regardless of the owner of Property until duly released by the Corporation.
- H. The Petitioner shall provide written notice to Corporation of any sale or transfer of the Property.
- I. The Petitioner shall disclose the existence of this Agreement to any purchaser or transferee of the Property and inform such purchaser or transferee of the nature and extent of the Special Assessments before entering into a binding agreement for the sale or transfer of the Property.
- J. The Petitioner acknowledges that the Special Assessments, when levied against the Property, will be payable in cash within thirty (30) days from the date of passage of the ordinance levying the final assessment if permitted by law and that if such Special Assessment is not paid in cash, the balance will be certified to the Auditor, as provided by law, to be placed by the Auditor on the tax list and duplicate and collected as other taxes are collected in such number of semiannual installments as determined by the Corporation and as allowed by law, together with interest at the same rate as shall be borne by the loans received or bonds issued to pay the costs of the Energy Project or in anticipation of the collection of the Special Assessments. Notwithstanding the foregoing, the Petitioner waives and authorizes the Corporation to waive on its behalf, the right to pay the Special Assessments in cash.
- K. At such time as the Special Assessments are no longer necessary to finance the Energy Project, the Corporation having recovered all of its costs, and all other requirements under this Agreement have been fulfilled, the Corporation will provide a release of this Agreement and cause the same to be recorded in the office of the Recorder.
- L. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio, without regard to its conflict of laws principles.

- M. Any legal proceeding, including any arbitration or litigation, concerning this agreement, directly or indirectly, shall be heard only in a state or federal court with proper jurisdiction in Medina County, Ohio.

[Remainder of Page Intentionally Left Blank]

[Signature Page Immediately Follows]

Petitioner:

CITY OF BRUNSWICK, OHIO

By: _____
Carl S. DeForest, City Manager

Date: _____

STATE OF OHIO)
) SS:
COUNTY OF MEDINA)

On this ___ day of _____, 2021 personally appeared before me, a notary public in and for the State of Ohio, Carl S. DeForest, City Manager, who acknowledged that he did execute the foregoing Energy Project Agreement on behalf of the City of Brunswick, Ohio and that the same was the free act and deed of the City of Brunswick, Ohio and himself as City Manager.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

Notary Public

Approved as to form:

Kenneth J. Fisher, Law Director

Corporation:

CITY OF MEDINA ENERGY SPECIAL
IMPROVEMENT DISTRICT, INC., DBA
MEDINA COUNTY ENERGY
IMPROVEMENT DISTRICT

By: _____
_____, Chairperson

Date: _____

STATE OF OHIO)
) SS:
COUNTY OF MEDINA)

On the __ day of _____, 2021 personally appeared before me, a notary public in and for the State of Ohio, _____, the Chairperson of the City of Medina Energy Special Improvement District, Inc., dba Medina County Energy Improvement District, who acknowledged that he/she did execute the foregoing Energy Project Agreement on behalf of the City of Medina Energy Special Improvement District, Inc., dba Medina County Energy Improvement District and that the same was the free act and deed of said City of Medina Energy Special Improvement District, Inc., dba Medina County Energy Improvement District and of himself/herself as such officer of the City of Medina Energy Special Improvement District, Inc., dba Medina County Energy Improvement District.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

Notary Public

EXHIBIT A

DESCRIPTION OF PROPERTY

Parcel No. 003-18B-43-010

Property Address: 4095 Center Road, Brunswick, Ohio 44212

EXHIBIT B

Project Plan for City of Brunswick, Ohio

The real property owned by the City of Brunswick, Ohio located at 4095 Center Road, Brunswick, Ohio 44212, serves as City Hall for the City of Brunswick. The description of the property is set forth on the attached Exhibit A. The property will be subject to special assessments for energy improvements in accordance with Ohio Revised Code Chapter 1710.

The energy efficiency savings for the project are expected to be 20% or more annually and consist of the following energy efficiency elements:

1. LED Lighting Replacement

Total Project Cost: \$35.96

Total cost including financing and other charges: \$35.96

Total direct payments collected: \$0.00

Total assessment payments to be collected: \$35.96

Estimated annual special assessment for 1 year: \$35.96

Estimated annual special assessments for 1 year*: 1

Number of annual installments: 1

First annual installment due: January 31, 2022

**Note: Numbers do not reflect additional charges the County Auditor may apply to the annual assessment.*

Year Payments Are Due	Total Annual Assessment Parcel 003-18B-43-010	1st Half (Due 1/31)	2nd Half (Due 7/31)
2022	\$35.96	\$35.96	\$0.00
Total Assessment	\$35.96		

Pursuant to Ohio Revised Code Chapter 323, the Assessment Payment Dates identified in this Exhibit B to the Plan are subject to adjustment by the Medina County Auditor under certain conditions.

The County Auditor of Medina County, Ohio may impose a special assessment collection fee with respect to each Annual Assessment payment. If imposed, this special assessment collection fee will be added by the County Auditor of Medina County, Ohio to each Annual Assessment payment.

PROPOSED LEGISLATION



DATE: 5/10/2021

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

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 50-2021** - An emergency resolution declaring it necessary to make certain energy improvements at property in the city by replacing and installing LED lighting, together with all necessary appurtenances thereto. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)

BACKGROUND: The City of Brunswick is seeking to establish the City as part of the Energy Special Improvement District (ESID) within Medina County for the betterment of the City, its stakeholders and business community to improve real property.

**PURPOSE AND
EXPLANATION:**

**IMPLEMENTATION
SCHEDULE:**

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:** Expected costs associated with this legislation or project would be minimal. Cost to the bulbs, which was submitted to the ESID in Medina County and accepted in the amount of, \$35.96 for four LED bulbs.

**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?

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 50-2021

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

AN EMERGENCY RESOLUTION DECLARING IT NECESSARY TO MAKE CERTAIN ENERGY IMPROVEMENTS AT PROPERTY IN THE CITY BY REPLACING AND INSTALLING LED LIGHTING, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO.

WHEREAS: The owner of 100% of the real property described on **Exhibit A** attached hereto wishes to complete the energy improvements as described above it the title of this Resolution and has demonstrated such through the signing of a petition in support of self-assessment for the cost associated with such; and

WHEREAS: The City desires to assist the owner of the real property located at 4095 Center Road, Brunswick, Ohio by making these improvements and permitting the property owner the benefit of paying for these improvements by way of special assessment.

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

SECTION 1: It is necessary to improve the real property located at 4095 Center Road, Brunswick, Ohio 44212 (the "Property") by installing and upgrading the lighting systems with energy efficient LED lighting, together with all necessary appurtenances thereto (the "Improvement").

SECTION 2: The plans, specifications and profiles of the Improvement and the estimate of cost of the Improvement, prepared by the City of Brunswick and now on file in the office of the Clerk of this Council, are approved.

SECTION 3: It is hereby determined and declared that said Improvement is conducive to the public health, convenience and welfare of said City and the inhabitants thereof, and the lots and lands to be assessed as described in Section 4 are specially benefited by the Improvement.

SECTION 4: Council hereby determines that the Property is specially benefited by said Improvement and shall be assessed 100% for said improvements. It is hereby determined that a petition requesting the improvement has been regularly presented to this Council and has been subscribed by 100% of the owners of the Property to be assessed for said Improvement. The Petition is accepted by this Council. The assessments shall cover the entire actual cost of engineering of, site preparation for and construction for and construction of said improvements and include the cost of preliminary and other surveys; publishing notices, resolutions and ordinances; the amount of damages resulting from the improvement assessed in favor of any owner of land affected by the improvement; the preparation, levy, and collection of the

special assessments; the cost of purchasing, appropriating and otherwise acquiring labor and material; together with all other necessary expenditures, such total amount of the assessment not to exceed Thirty-Five Dollars and Ninety-Six Cents (\$35.96). The assessments shall be levied, and shall be paid, when levied, in one (1) annual installment. Provided that the owner of any property assessed, at its option, pay the assessment in cash within thirty (30) days after passage of the Ordinance levying taxes.

SECTION 5: The Clerk of Council is hereby directed to deliver a certified copy of this Resolution to the Director of Finance of the City.

SECTION 6: The City is hereby authorized and directed to prepare and file with this Council the estimated assessments of the cost of the Improvement described in this Resolution, and sharing the amount of the assessment against each lot and parcel of land to be assessed. The estimated assessment shall be filed in the office of the Clerk of Council and kept available for public inspection.

SECTION 7: The assessments to be levied shall be paid in one (1) annual installments as provided herein, provided that the owner of any property assessed may, at his, her or its option, pay such assessment in whole within thirty (30) days after initial receipt of the City's invoice.

SECTION 8: When an owner of any property assessed elects to pay said assessment via installments as described above, additional fees and charges such as those imposed by the Medina County Auditor for special assessments shall be borne by said property owner.

SECTION 9: It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 10: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary in order to conserve energy and protect the environment of the City, as well as undertake the construction of the public improvements and enable and provide for the timely levying, certification and collection of the special assessments for the Project. 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
Fijabi Julien-Gallam, CMC

EXHIBIT A
DESCRIPTION OF PROPERTY

Parcel No. 003-18B-43-010

Property Address: 4095 Center Road, Brunswick, Ohio 44212

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 5/10/2021

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

FROM: Carl S. DeForest, City Manager
Ken Fisher

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 51-2021** - An emergency ordinance amending section 836.12 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Committee-of-the-Whole, Administration/Ken Fisher)

BACKGROUND: City Council adopted Ordinance No. 47-2020 on September 14, 2020 which amended Chapter 836 of the Codified Ordinances of the City of Brunswick. Members of City Council discussed revisions to the Frozen Dessert Peddlers and Vehicles language at the May 3, 2021 Planning and Zoning Committee meeting and suggest amendments.

**PURPOSE AND
EXPLANATION:**

**IMPLEMENTATION
SCHEDULE:**

**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?

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 51-2021

BY: Committee-of-the-Whole

AN EMERGENCY ORDINANCE AMENDING SECTION 836.12 OF THE
CITY OF BRUNSWICK CODIFIED ORDINANCES.

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

SECTION 1: That Section 836.12 of the Codified Ordinances is hereby amended to read as follows:

“836.12 FROZEN DESSERT PEDDLERS AND VEHICLES.

(a) ***

(b) ***

(c) ***

(d) ***

(e) ***

(f) No peddler of frozen desserts shall sell, attempt to sell or offer for sale any wares:

- (1) Within 100 feet of any street intersection.
- (2) Within 1,000 feet of any school premises, day care center, playground, church or place of worship during regular hours of operation unless these entities or facilities request the service.

(g) The following actions, without limitation, by a peddler of frozen desserts are hereby declared to be nuisances and are prohibited in the City:

- (1) ***
- (2) ***
- (3) ***

(4) Failure to maintain adequate provisions for the safety of children, including failure to provide for safe street crossings and to maintain a safe environment. The sale of frozen desserts to any person under the age of twelve years who has crossed the street to the peddler's vehicle unless under the supervision of a police officer, a parent/guardian or adult in charge of such minor.

~~(5) The failure to maintain a lookout for children under twelve years on the opposite side of the street from the place where the peddler's vehicle stops and to instruct them against crossing without supervision.~~

~~(6) The failure to supervise any person under the age of twelve years who has crossed the street to purchase a frozen dessert when such person thereafter attempts to recross the street.~~

~~(7) The departure the peddler's vehicle from the place where a sale is made before any person under twelve years of age who has made a purchase or attempted to make a purchase has reached a place of safety.~~

~~(85) Any other violation of this Section or this Chapter."~~

(h) All licenses issued hereunder to frozen dessert peddlers shall be valid for the entire calendar year in which same was issued."

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to allow for immediate updates to frozen dessert peddler regulations. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

PROPOSED LEGISLATION



DATE: 5/10/2021

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

FROM: Carl S. DeForest, City Manager
Paul Barnett

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 52-2021** - An emergency resolution amending Resolution NO. 38-19 to reflect that Zimmerman Paint Contractors, CO. has been purchased by and is now known as Griffin Pavement Striping, LLC. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

BACKGROUND: City Council previously approved resolution 38-19 allowing for an agreement with Zimmerman Paint Contractors, Co. This contract is to provide pavement markings throughout the City on an annual basis through 2021. In March of 2021, Zimmerman Paint Contractors, Co. was sold and is now doing business as Griffin Pavement Striping, LLC. There is one year remaining on this existing agreement for pavement striping.

PURPOSE AND EXPLANATION: The purpose of this amendment is to change the name of the contractor to Griffin Pavement Striping in order to complete the pavement striping per the referenced agreement with no additional cost.

IMPLEMENTATION SCHEDULE: Pavement striping is scheduled to occur the third week of May, 2021.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: 2021 - \$66,566.70 Account 117-0420-54259 (Roadway)
\$ 750.00 Account (City Hall) 001-0880-54253
\$ 2,200.00 Account 127-0810-54273 (Neura Park)
\$ 2,000.00 Account 131-0830-54236 (Recreation Center)

PO#202154248 was previously encumbered under Zimmerman Paint Contractors when Res#38-19 was adopted. If this legislation is approved, the vendor name will be amended to Griffin Pavement Striping, LLC.

RECOMMENDED

ACTION:

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

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

Emergency Suspension is requested in order to assure the roadway stripping can be completed in 2021.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 52-2021

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

AN EMERGENCY RESOLUTION AMENDING RESOLUTION NO. 38-19 TO REFLECT THAT ZIMMERMAN PAINT CONTRACTORS, CO. HAS BEEN PURCHASED BY AND IS NOW KNOWN AS GRIFFIN PAVEMENT STRIPING, LLC.

WHEREAS: City Council adopted Resolution No. 38-19 authorizing an Agreement with Zimmerman Paint Contractors, Co. for pavement striping services through 2021; and

WHEREAS: Zimmerman Paint Contractors, Co. was purchased by and is now known as Griffin Pavement Striping, LLC.

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

SECTION 1: That Resolution No. 38-19 is hereby amended to reflect that Zimmerman Paint Contractors, Co. has been purchased by and is now known as Griffin Pavement Striping, LLC.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to allow for continued pavement striping services. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

PHONE (419) 332-7009

FAX (419) 332-2165

ZIMMERMAN PAINT CONTRACTORS CO.

Member Sandusky County Chamber of Commerce

Paint Striping Parking Lots and Streets

EQUAL OPPORTUNITY EMPLOYER

2710 HAYES AVE

FREMONT, OH 43420

April 9, 2021

On 3/31/2021 Zimmerman Paint Contractors Co. was acquired by Griffin Pavement Striping LLC.

There have been some questions about the transition of Zimmerman Paint Contractors to Griffin Pavement Striping, LLC

All Contracts written AFTER APRIL 1, 2021 should be issued to and All existing contracts should be re-assigned to:

GRIFFIN PAVEMENT STRIPING, LLC

2710 HAYES AVE

FREMONT, OHIO 43420

FEDERAL TAX ID: 31-1339626

A DELAWARE CORPORATION

SAME NICE EMPLOYEES, SAME QUALITY WORK, JUST A DIFFERENT COMPANY NAME!

Respectfully,

Jack Zimmerman
Consultant

PROPOSED LEGISLATION



DATE: 5/10/2021

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

FROM: Carl S. DeForest, City Manager
Michael Abella Jr.

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 53-2021** - A resolution declaring use of E-Cigarettes and Vaping products by our youth as a Public Health Crisis; declaring the month of May 2021 as Youth Tobacco Prevention Month in the City of Brunswick; and declaring May 28, 2021 as Youth Tobacco Prevention Day in the City of Brunswick. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Michael Abella*)

BACKGROUND: Medina County Health Department Health Educators requested the City to adopt a Resolution for Youth Vaping Prevention. It is the duty of all Medina County Citizens to protect youth by abiding by; which prohibits children from possessing, using, purchasing or receiving tobacco products. 21 Ohio Rev. Code 2151.87 (2008), available at <http://codes.ohio.gov/orc/2151.87>.

PURPOSE AND EXPLANATION: Pursuant to Medina County Health Department estimates, Medina County has approximately 23,500 current tobacco users. There is a national epidemic of use of e-cigarettes and vaping products by our youth.

IMPLEMENTATION SCHEDULE: Two readings to declare the month of May 2021 as Youth Tobacco Prevention Month in the City of Brunswick; and declares May 28, 2021 as Youth Tobacco Prevention Day in the City of Brunswick.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	No
Two Readings	Yes
Three Readings	No

Emergency	No
Suspension of Rules	Yes

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

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 53-2021

BY: Committee-of-the-Whole

A RESOLUTION DECLARING USE OF E-CIGARETTES AND VAPING PRODUCTS BY OUR YOUTH AS A PUBLIC HEALTH CRISIS; DECLARING THE MONTH OF MAY 2021 AS YOUTH TOBACCO PREVENTION MONTH IN THE CITY OF BRUNSWICK; AND DECLARING MAY 28, 2021 AS YOUTH TOBACCO PREVENTION DAY IN THE CITY OF BRUNSWICK.

WHEREAS: Pursuant to Medina County Health Department estimates, Medina County has approximately 23,500 current tobacco users;

WHEREAS: There is a national epidemic of use of e-cigarettes and vaping products by our youth;

WHEREAS: Tobacco companies spend \$9.1 billion per year, equal to \$1 million per hour, to market their products;

WHEREAS: E-cigarettes and vaping products contain harmful chemicals;

WHEREAS: E-cigarette and vaping liquid contain the addictive chemical of nicotine, which is harmful to the brains of youth; and

WHEREAS: It is the duty of all Medina County citizens to protect our youth by abiding by legal requirements prohibiting youth under the age of 21 from possessing, using, purchasing or receiving tobacco or alternative nicotine products.

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

SECTION 1: That in testament of the City's commitment to the health and safety of the citizens of Medina County, this Council hereby declares the use of e-cigarettes and vaping products by our youth as a public health crisis; declares the month of May 2021 as Youth Tobacco Prevention Month in the City of Brunswick; and declares May 28, 2021 as Youth Tobacco Prevention Day in the City of Brunswick.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to confirm the City's commitment to the health and safety of the citizens of Medina County. 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_____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Fijabi Julien-Gallam, 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

58111440515		NEW	MEIJER STORES LP DBA MEIJER STORE 323 3800 CENTER RD BRUNSWICK OH 44212
PERMIT NUMBER		TYPE	
ISSUE DATE			
04 12 2021			
FILING DATE			
C1 C2			
PERMIT CLASSES			
52	022	C	C93460
TAX DISTRICT			RECEIPT NO.

FROM 04/28/2021

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



MAILED 04/28/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN. 06/01/2021

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 5811144-0515

(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:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF BRUNSWICK CITY COUNCIL
4095 CENTER RD
BRUNSWICK OHIO 44212



**Department
of Commerce**

Rev 2/10/2021

Mike DeWine, Governor
Jon Husted, Lt. Governor

Division of Liquor Control
Sheryl Maxfield, Director

Dear Local Legislative Authority Official:

Please find enclosed the legislative notice that is being sent to you regarding the applied for liquor permit as captioned on the notice. You must, within 30 days from the "mailed" date listed on the notice under the bar code:

- Notify the Division whether you object and want a hearing or not; or
- Ask for your one-time only, 30-day extension.
 - Any requests for a one-time, 30-day extension will be reviewed by the Division upon timely receipt. If granted, your additional 30-days runs from the expiration of the original 30-day period.

To be considered timely, your above response must be:

FAXED to the Division no later than 30 days after the "mailed" date (this is the date listed after the "responses must be postmarked no later than." You can fax your response to: (614) 644 - 3166

EMAILED to the Division no later than 30 days after the "mailed" date (this is the date listed after the "responses must be postmarked no later than." You can email your response to: LiquorLicensingMailUnit@com.state.oh.us

POSTMARKED, if mailed, no later than the date listed on the notice after "responses must be postmarked no later than." You can mail your response to

Ohio Division of Liquor Control
Attn: Licensing Unit
6606 Tussing Road
PO Box 4005
Reynoldsburg, Ohio 43068-9005

In an effort to speed up processing times and reduce paper, the Division respectfully asks that you either fax or email the above notice. In a similar effort, please note that the Division is no longer sending ownership information with this legislative notice. If you want to know who owns the applied for permit you can find that information in two ways:

- Go to https://www.comapps.ohio.gov/lqr/lqr_apps/PermitLookup/PermitHolderOwnership.aspx and enter the permit number listed on the legislative notice; or
- Contact your police department or county sheriff, if you are a township fiscal officer or county clerk, as the Division sends the applicable law enforcement agency the pertinent ownership disclosure information when it notifies them of the permit application.

Licensing Section
6606 Tussing Road
Reynoldsburg, OH 43068-9009

Fax 614-728-1281
TTY/TDD 800-750-0750
com.ohio.gov

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6806 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43088-9005
(614)644-2380 FAX(614)644-3166

TO

58111440520		NEW	MEIJER STORES LP DBA MEIJER EXPRESS 323 3750 CENTER RD BRUNSWICK OH 44212
PERMIT NUMBER		TYPE	
ISSUE DATE			
04 12 2021			
FILING DATE			
C1 C2			
PERMIT CLASSES			
52	022	C	C93466
TAX DISTRICT		RECEIPT NO.	

FROM 04/28/2021

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



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(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF BRUNSWICK CITY COUNCIL
4095 CENTER RD
BRUNSWICK OHIO 44212



**Department
of Commerce**

Rev 2/10/2021

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