

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda

MAY 10, 2021

6:25 PM

or immediately following the Services, Utilities, Technology & Cable Committee Meeting

REVISED

1. Motion Items

- (a) Motion to allow the City Manager to do an RFP for lease space and sponsorship of the Brunswick Recreation Center.
- (b) Motion for RFP's for personal training services at the Brunswick Recreation Center

2. Review 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*)

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. 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*)

3. General Discussion
4. Adjournment

THE CITY OF BRUNSWICK

PROPOSED MOTION



DATE: 5/10/2021

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

FROM: Carl S. DeForest, City Manager
John Piepsny

COPY: Mayor Ron Falconi

MOTION: Motion to allow the City Manager to do an RFP for lease space and sponsorship of the Brunswick Recreation Center.

BACKGROUND: The Lease and Sponsorship Agreement with Southwest Hospital for the Brunswick Recreation Center will be expiring in August, 2021. The administration would like to request to allow the City Manager to advertise Request for Proposals (RFP) for a possible new agreement in the future.

PURPOSE AND EXPLANATION:

IMPLEMENTATION SCHEDULE: If approved, the administration would start to work on advertisement for the RFP immediately.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: There will be no impact for the actual advertisement of the RFP. Once RFPs are received, they will need to be evaluated.

RECOMMENDED ACTION: It would be the recommendation of the administration to allow the City Manager to advertise for RFP's for the lease and sponsorship of the Brunswick Recreation Center.

ADDITIONAL INFORMATION:

PROPOSED MOTION



DATE: 5/10/2021

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

FROM: Carl S. DeForest, City Manager
John Piepsny

COPY: Mayor Ron Falconi

MOTION: Motion for RFP's for personal training services at the Brunswick Recreation Center

BACKGROUND: Motion to allow the City Manager to advertise for RFP's for personal training services at the Brunswick Recreation Center.

**PURPOSE AND
EXPLANATION:**

**IMPLEMENTATION
SCHEDULE:** If approved, the administration will start to work on the advertising of the RFP immediately.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

**RECOMMENDED
ACTION:** It is the recommendation of the administration that this be approved to allow the City Manager to advertise RFP's for personal training services at the Brunswick Recreation Center.

**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

TABLE OF CONTENTS

1. Consent to Special Assessments.....	2
2. Agreement to Cooperate.....	2
3. Execution of Documents; Appointment of Agent.	3
4. Waiver of Certain Rights.....	4
5. Representations and Warranties.	4
6. Assignment; Third Party Beneficiaries.	5
7. Default.	5
8. General.	5

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
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