



# BRUNSWICK CITY COUNCIL AGENDA

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

Administration Representatives

**MAY 24, 2021**  
**In Council Chambers**  
**At 7:00 PM**

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of Minutes
  - (a) Regular Council Meeting Minutes dated May 10, 2021
5. Mayor's Report:
  - (a) 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.

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

Building & Building Code Committee Meeting Minutes dated December 14, 2020
8. Reading of Legislation and Action on Legislation:
  - a. 3rd 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. -  
**3rd 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. -  
**3rd 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. -  
**3rd 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. -  
**3rd Reading** (Committee-of-the-Whole, *Administration/Ken Fisher*)

b. 2nd Reading(s)

**ORD. NO. 32-2021** - An ordinance repealing Chapter 1264 of the City of Brunswick Codified Ordinances and eliminating the I-D Industrial Distribution District. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

**ORD. NO. 33-2021** - An ordinance amending Chapter 1270 of the City of Brunswick Codified Ordinances.- **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

**ORD. NO. 34-2021** - An ordinance establishing Section 1274.09(k) of the City of Brunswick Codified Ordinances. - **2nd Reading** (Committee-of-the-Whole, *Administration/Grant Aungst*)

**ORD. NO. 35-2021** - An ordinance amending Section 1280.06 of the City of Brunswick Codified Ordinances. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

**ORD. NO. 47-2021** - An ordinance amending Section 220.01(a) of the Codified Ordinances of the City of Brunswick.- **2nd Reading** (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. -

**2nd Reading** (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. -

**2nd Reading** (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. - **2nd Reading** (Committee-of-the-Whole, *Administration/Grant Aungst*)

**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. - **2nd Reading** (Committee-of-the-Whole, *Administration/Michael Abella*)

c. 1st Reading(s)

**ORD. NO. 54-2021** - An emergency ordinance determining to proceed with certain Medina County Energy Improvement District Projects by way of Special Assessments in accordance with Chapters 1710 and 727 of the Ohio Revised Code. - **1st Reading** (To be brought from Economic Development Committee, *Administration/Grant Aungst*)

**ORD. NO. 55-2021** - An emergency ordinance levying special assessments for the Special Energy Improvement Project. - **1st Reading** (To be brought from Economic Development Committee, *Administration/Grant Aungst*)

**ORD. NO. 56-2021** - An emergency ordinance authorizing the transfer of the remaining balance in the Special Assessment South Industrial Parkway Bonds Retirement Sub-Fund to the General Obligation Bond Retirement Fund. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

**ORD. NO. 57-2021** - An emergency ordinance authorizing and adopting the proposed tax budget for the City of Brunswick, Ohio for the year beginning January 1, 2022, through December 31, 2022. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

**ORD. NO. 58-2021** - An emergency ordinance amending ordinances #85-2020, #13-2021 and #45-2021 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*)

**RES. NO. 59-2021** - An emergency resolution setting aside local funds in an amount not to exceed \$175,000 from the Parks City-Wide Capital Improvement Fund #341 for

the inclusive/accessible playground project - **1st Reading** (To be brought from Park, Recreation & Community Committee, *Administration/Todd Fischer*)

**RES. NO. 60-2021** - An emergency resolution authorizing the City Manager to enter into an agreement with Marks Construction, Inc. for the Plum Creek Greenway Phase I Project in an amount not to exceed \$444,909.00. - **1st Reading** (To be brought from Parks, Recreation & Community Committee, *Administration/Matt Jones*)

**RES. NO. 61-2021** - An emergency resolution authorizing the City Manager to enter into an agreement with Konstruction King, Inc. for the 2021 Concrete Repair Program in an amount not to exceed \$187,640.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

9. City Manager's Report
10. Unfinished Business
11. New Business
  - (a) Consideration of a new liquor permit for Baskets Galore LLC DBA Basket Galore, Brunswick, at 95 Pearl Road;
  - (b) Consideration of a new liquor permit for Bob Evans Restaurants LLC DBA Bob Evans Restaurant #266, Brunswick, at 3198 Center Road;
12. Adjournment

**CITY OF BRUNSWICK, OHIO**

**MINUTES OF COUNCIL**

**MONDAY, MAY 10, 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, Acting City Manager Paul Barnett, and Law Director Ken Fisher.

**Correspondence:** There was none.

**Approval of Minutes:**

Michael Abella Jr. moved to approve the Regular City Council Meeting Minutes dated April 26, 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:**

Proclamation to Designate May 21, 2021, and May 22, 2021, as Buddy Poppy Days:

Mayor Ron Falconi removed Item 5a of the City Council Agenda due to the Buddy Poppy Days being rescheduled to the Fall.

Anthony Capretta moved to appoint Howard Elko to fulfill an unexpired term on the Medina County Advisory Council on Aging and Disability expiring March 31, 2023, seconded by Valerie Zak. 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 Court Financial Report for the month ending April 2021 will be posted on the website and added to the minutes for the record.

**Clerk of Council's Report:**

Clerk of Council Fijabi Julien-Gallam announced that the Northern Medina County Chamber Alliance would like to honor the veteran-owned businesses in Medina County by offering a Special membership. The membership included an interview showcasing and highlighting their business and service throughout September and October in the media. for more information, the Northern Medina County Chamber Alliance is available at 330-225-8411.

## **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 November 16, 2020, seconded by Anthony Capretta. Roll Call - Ayes - 7, Anthony Capretta, Nicholas Hanek, Valerie Zak, Joseph Delsanter, Patricia Hanek, Brian Ousley, Michael Abella Jr. Nays - 0. Motion Carried.

Finance Committee.....Mrs. Hanek:

Councilwoman Patricia Hanek had no formal reports this evening.

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

Councilman Anthony Capretta had no formal reports this evening.

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

Councilman Joseph Delsanter had no formal reports this evening.

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

Councilwoman Valerie Zak had no formal reports this evening.

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

Councilman Brian Ousley had no formal reports this evening.

## **Reading of Legislation and Action on Legislation:**

### **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):

Anthony Capretta moved to adopt Resolution Number 38-2021, 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.

### **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. 27-2021 - Mr. Delsanter moved ordinance to third reading.

**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. 28-2021 - Mr. Delsanter moved ordinance to third reading.

**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. 29-2021 - Mr. Delsanter moved ordinance to third reading.

**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*):

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

#### **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*):

ORD. NO. 47-2021 - Mr. Abella moved ordinance to second reading.

**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. 48-2021 - Mr. Abella moved ordinance to second reading.

**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. 49-2021 - Mr. Abella moved ordinance to second reading.

**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*):

RES. NO. 50-2021 - Mr. Abella moved ordinance to second reading.

**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*):

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

Mr. Delsanter thanked the City Council for getting together to work on the modification of this legislation.

Mr. Capretta expressed that Mr. Hanek and Mr. Delsanter went over and above when it came to planning the modifications for this legislation.

Michael Abella Jr. moved to adopt Ordinance Number 51-2021, 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.

**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*):

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

Michael Abella Jr. moved to adopt Resolution Number 52-2021, 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.

**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*):

RES. NO. 53-2021 - Mr. Abella moved this resolution to second reading.

**City Manager's Report:**

**Acting City Manager Paul Barnett**

- Reminded everyone that Light Ohio Blue is from May 9-16, 2021, to support the Police Department. Mr. Barnett recommended everyone to put blue lights on their porch.
- Remarked that the Division of Fire is doing an Adopt a Fire Hydrant Program for 2021. The deadline to go to Fire Station #1 on Center Road to sign up for the program, and to grab a paintbrush and paint to paint the hydrant is May 28, 2021.
- Expressed that the North Carpenter Project is nearing completion - remaining are sidewalk installs and lawn restoration. Mr. Barnett added that the Laurel Road project is 50% completed.
- Added that the City had a preconstruction meeting on May 10, 2021, for the Road Resurfacing Program.
- Explained that Meijer's is coming along and they recently added a sanitation manhole in the middle of Center Road that caused some traffic delays.

**Unfinished Business:**

**Condolences to Herb Porter and Family**

Mr. Delsanter expressed that Herb Porter was the first person he met that worked for the Brunswick City Hall, and he was an amazing Electrical Inspector. Mr. Delsanter spoke highly about Herb. He added that it broke his heart when he heard of Herb's passing, and he would like to extend his condolences to the Porter family.

Mr. Capretta offered his condolences to the Porter family, and he expressed that Herb was a good friend.

**New Business:**

Consideration of a new liquor permit for Meijer Stores LP, DBA Meijer Store 323, Brunswick, at 3800 Center Road.

This liquor permit is for the main store on Center Road.

Consideration of a new liquor permit for Meijer Stores LP, DBA Meijer Express 323, Brunswick, at 3750 Center Road.

This permit is for the Gas Station on Center Road.

The administration had no objections to the liquor permit requests.

**Adjournment:**

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

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Mayor Ron Falconi

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Adopted

## BUILDING AND BUILDING CODE COMMITTEE

December 14, 2020

**IN ATTENDANCE:** Chairman Brian Ousley, Committee Member Anthony Capretta, Committee Member Michael Abella Jr., Joseph Delsanter, Valerie Zak, Patricia Hanek, Nicholas Hanek, City Manager Carl DeForest, Law Director Ken Fisher, Assistant Council Clerk Holly Quellos, Community and Economic Development Director Grant Aungst, News Media.

The meeting convened at 6:02 p.m.

### **DISCUSSION ITEM:**

**ORD. NO. 116-2020** – An ordinance amending Section 1472.03 of the Codified Ordinances of the City of Brunswick. – **1<sup>st</sup> Reading** (To be brought from Building & Building Code Committee, Administration/Grant Aungst)

Mr. Ousley provided background information for proposed Ordinance Number 116-2020. Mr. Ousley requested reasons for the changes to this code session. He expressed that he did not receive advance notice for this proposed legislation.

Mr. Aungst expressed that the changes to this code is for the benefit of the community. In the year of 2020, there was an increased demand in pool permits. Mr. Aungst explained that this legislation would clean up the language and resolve the issue involving a resident having an existing deck in place before having a pool installed. The pool must be ten feet away from the primary living structure.

Mr. Ousley confirmed that he understood the need for the legislation. He noted that decks are generally built attached to the home with a width of ten feet.

Mr. Abella questioned if the proposed legislation would have any bearing on existing decks or pools. Mr. Aungst responded that this does not affect residents existing pools or decks. If the residents would want to build the deck further out from the home they could do this, but they would have to ensure that they do not exceed the property line. Mr. Ousley questioned the set footage in the past. Mr. Aungst explained that in the past, residents would have to remove their deck or get a variance to meet the requirements of the code. Mr. Aungst reiterated that the legislation is to help the residents invest in their property.

Mr. Ousley expressed that he would have liked a phone call from the administration prior to the meeting to explain the legislation. Mr. Aungst expressed his apologies.

Mr. Capretta moved this Ordinance Number 116-2020 to tonight's Council Agenda of December 14, 2020 for three readings and back to Planning Commission for Review. Vote – 3 Ayes, 0 Nays.

#### **GENERAL DISCUSSION:**

Mr. Aungst provided an update: Meijer is on track to start building in spring of 2021. Chick-fil-A is getting close to an occupancy permit; however, no opening date has been set. The owner/operator of Chick-fil-A is looking forward to being an active member in the community. Also, the Rental Unit Registration cumulative total is 694 units in Brunswick.

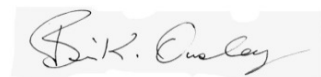
Mr. Delsanter inquired about the traffic flow at Chick fil-A. Mr. Aungst stated that there will be one way in and one way out (ingress and egress). Traffic would flow from Brunswick Town Center or Brunswick Lake Parkway. Traffic would flow around the loop to enter the location. The owner of Chick-fil-A has been in communication with the police chief regarding having off duty police officers monitoring traffic.

Mr. Delsanter further stated that the residents of the Southlake Development have expressed some concerns regarding the traffic. He would like to make sure that there is not a back-up of traffic on a city street. Mr. Aungst stated that Engineering has been working on traffic lights, although he is not sure where they are in the process. Mr. Aungst remarked that he would check with Engineering and get back with Mr. Delsanter with an update. Mr. Delsanter inquired as to whether it would be logical to tell Chick-fil-A that they are not allowed to have traffic back up onto Brunswick Lake Parkway. Mr. Aungst compared it to Dunkin Donuts traffic and the right lane is for slower traffic with the left lane being used to go around. Mr. Aungst pointed out that no residents expressed any concerns regarding the Chick-fil-A proposal, and a full traffic study has been done by Chick-fil-A. Mr. Delsanter compared the Chick-fil-A traffic concern to the Honey Hut traffic concern on Pearl Road. Mr. Delsanter confirmed that he understood the traffic flow for Chick-fil-A. Mr. Ousley agreed that the Chick-fil-A traffic concern is valid and would need to be monitored.

#### **ADJOURNMENT:**

Being no further business, Mr. Abella moved to adjourn at 6:16 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,



Brian Ousley  
Chairman

## PROPOSED LEGISLATION



**DATE:** 5/24/2021

**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. - **3rd 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.

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PASSED: 1<sup>st</sup> Reading\_\_\_\_\_

2<sup>nd</sup> Reading\_\_\_\_\_

3<sup>rd</sup> 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

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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:** 5/24/2021

**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. - **3rd 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.

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PASSED: 1<sup>st</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading \_\_\_\_\_

3<sup>rd</sup> 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

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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:** 5/24/2021

**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. - **3rd 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~~H~~otels; 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~~ (as detailed in the Main Street District, General Requirements, Section ~~A~~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)).~~ 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.~~”

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.

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PASSED: 1<sup>st</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading \_\_\_\_\_

3<sup>rd</sup> 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

THE CITY OF BRUNSWICK

**PROPOSED LEGISLATION**



**DATE:** 5/24/2021

**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. - **3rd 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.

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PASSED: 1<sup>st</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading \_\_\_\_\_

3<sup>rd</sup> 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.

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PASSED: 1<sup>st</sup> 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](mailto: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 18<sup>th</sup> 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

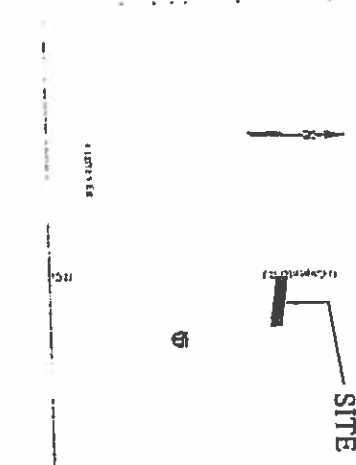
# EXHIBIT "B"

## 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



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. 001-028-05-003  
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. 001-028-05-004  
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. 001-028-05-004  
311 N Carpenter Road, Brunswick, OH 44212



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)

COMMISSIONER (PRINT & SIGN)

COMMISSIONER (PRINT & SIGN)

RECEIVED AND RECORDED THIS \_\_\_\_ DAY OF  
\_\_\_\_, 20\_\_

AT \_\_\_\_ A.M./P.M. RECORDED IN PLAT  
DOCUMENT NO. \_\_\_\_  
FILE \_\_\_\_

MEDINA COUNTY RECORDER (PRINT & SIGN)

ACCEPTANCE  
KNOW ALL MEN BY THESE PRESENTS THAT EMMANUEL 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*  
EMMANUEL SANTIAGO  
*Ada Iria Santiago*  
ADA IRIAS SANTIAGO

COUNTY OF MEDINA, STATE OF OHIO  
BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY  
APPEARED EMMANUEL 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  
LAFAYETTE, OHIO THIS \_\_\_\_ DAY OF \_\_\_\_ 20\_\_

*Notary Public*  
NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_



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

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



STATE OF OHIO  
INTERSTATE 71  
(P.P.N. 001-028-07-013)

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

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

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

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

|                                                                                                                                                                                                                           |                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>Enclave at Autumn Creek Homeowners Association Inc.</b><br>c/o Steven M. Ott, Statutory Agent<br>1300 E. 9 <sup>th</sup> Street, Suite 1520<br>Cleveland, Ohio 44114<br>&<br>5090 Park Avenue W<br>Seville, Ohio 44273 | 003-18B-22-254 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|

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.

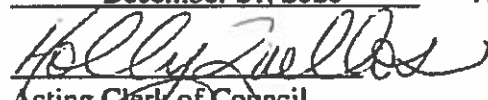
PASSED: 1<sup>st</sup> Reading November 23, 2020

2<sup>nd</sup> Reading December 14, 2020

3<sup>rd</sup> 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](mailto:jlemb@tschilaw.com)  
[fgallam@brunswick.oh.us](mailto:fgallam@brunswick.oh.us)  
[kesber@brunswickhillstwp.org](mailto: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:** 5/24/2021

**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. 32-2021** - An ordinance repealing Chapter 1264 of the City of Brunswick Codified Ordinances and eliminating the I-D Industrial Distribution District. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

**BACKGROUND:** There is no property located in the City of Brunswick that is zoned in the I-D Industrial Distribution District, and it has been determined that this district is no longer necessary and shall be eliminated in its entirety.

**PURPOSE AND EXPLANATION:** Chapter 1264 entitled I-D Industrial Distribution District was established on June 11, 1997 when the current Zoning Code was adopted. To date, there are no instances of this zoning district in the city. Per the recommendations of the Advance Brunswick Comprehensive Plan 2020 Update, the I-D District is no longer necessary.

**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 April 12th; then refer back to the Planning Commission for a public hearing.

**ADDITIONAL  
INFORMATION:**

CITY OF BRUNSWICK, OHIO  
ORDINANCE NO. 32-2021

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

AN ORDINANCE REPEALING CHAPTER 1264 OF THE CITY OF  
BRUNSWICK CODIFIED ORDINANCES AND ELIMINATING THE I-D  
INDUSTRIAL DISTRIBUTION DISTRICT.

WHEREAS: There is no property located in the City that is zoned in the I-D Industrial  
Distribution District; and

WHEREAS: It has been determined that the I-D Industrial Distribution District is no longer  
necessary.

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

SECTION 1: That Chapter 1264 of the City of Brunswick Codified Ordinances is hereby  
repealed in its entirety.

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

---

PASSED: 1<sup>st</sup> Reading\_\_\_\_\_

2<sup>nd</sup> Reading\_\_\_\_\_

3<sup>rd</sup> Reading\_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council  
Fijabi Julien-Gallam, CMC

## PROPOSED LEGISLATION



**DATE:** 5/24/2021

**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. 33-2021** - An ordinance amending Chapter 1270 of the City of Brunswick Codified Ordinances.- **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

**BACKGROUND:** Section 1270.05 - Tables A through C, Basic Design and Regulatory Elements of the Codified Ordinances, are hereby amended in accordance with attached Exhibit "A". These amendments state that Instructional Signs shall be permitted a maximum sign face area of four (4) square feet. Additionally, Section 1270.06(c) shall be repealed in its entirety, which shall eliminate the maximum two-inch height lettering on an instructional sign. Furthermore, Section 1270.10(a)(3) is amended to read "Temporary signs shall be removed with forty-eight (48) hours of expiration of the temporary sign permit. Temporary signs shall be permitted for not more than fifty (50) days per calendar year, except as otherwise provided by state and/or federal law."

**PURPOSE AND**

**EXPLANATION:** In order to provide a more business-friendly approach to instructional signs and temporary signs, the above amendments are proposed.

**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 April 12, 2021; then refer back to the Planning Commission for a public hearing.

**ADDITIONAL  
INFORMATION:**

1  
CITY OF BRUNSWICK, OHIO  
ORDINANCE NO. 33-2021

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

AN ORDINANCE AMENDING CHAPTER 1270 OF THE CITY OF  
BRUNSWICK CODIFIED ORDINANCES.

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

SECTION 1: That Tables A through C, Basic Design and Regulatory Elements, of Codified Ordinance Chapter 1270 are hereby amended in accordance with Exhibit “A” attached hereto and incorporated herein by reference.

SECTION 2: That Section 1270.06(c) of the Codified Ordinances is hereby repealed in its entirety.

SECTION 3: That Section 1270.10(a)(3) of the Codified Ordinances is hereby amended to read as follows:

“Temporary signs ~~that are erected in order to announce or advertise a specific event~~ shall be removed within forty-eight (48) hours of expiration of the temporary sign permit~~seven (7) days after the close of such event, except as otherwise provided by state and/or federal law.~~ Temporary signs shall be permitted for ~~a maximum of fifteen (15) consecutive days and~~ not more than a total of fifty (50) ~~seventy-five (75)~~ days per calendar year, except as otherwise provided by state and/or federal law.”

SECTION 4: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

---

PASSED: 1<sup>st</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading \_\_\_\_\_

3<sup>rd</sup> Reading \_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council  
Fijabi Julien-Gallam, CMC

## EXHIBIT A

| Table A: R-R, R-L, R-M Residential Districts<br>Basic Design and Regulatory Elements                   |                           |                          |                           |                         |                                                   |                 |                    |                                             |
|--------------------------------------------------------------------------------------------------------|---------------------------|--------------------------|---------------------------|-------------------------|---------------------------------------------------|-----------------|--------------------|---------------------------------------------|
| Type of Sign Permitted                                                                                 | Number of Signs Permitted | Maximum Sign Face (S.F.) | Minimum ROW Setback (ft.) | Side Line Setback (ft.) | Maximum Height (ft.)                              | Permit Required | Lighting Permitted | Other Special Requirements                  |
| Ground (multi-family, residential development and conditional uses permitted in Residential Districts) | 1/entrance                | 25                       | 10                        | 15                      | 7' for sign face and maximum 2' high exposed base | Yes             | Yes                |                                             |
| Wall                                                                                                   | 1                         | One times wall width     | Building                  | Building                | ---                                               | Yes             | Yes                |                                             |
| Temporary                                                                                              | 4                         | 32 sq. ft. /property     | Height of sign            | 15                      | 5                                                 | Yes             | No                 | See Sections 1270.10 and 1216.08            |
| Inflatable                                                                                             | 1                         | Not to exceed height     | Equal to height           | Equal to height         | 30                                                | Yes             | Yes<br>Int./Ext.   | See Sections 1270.10 (duration) and 1270.13 |
| <u>Instructional</u>                                                                                   | See Section 1270.06       | <del>24</del>            | 1                         | 5                       | 2                                                 | Yes             | Yes                | See Section 1270.06                         |

**Table B: C-N, C-G, GW-C, C-O, and C-H Commercial Districts  
Basic Design and Regulatory Elements**

| <b>Type of Sign Permitted</b>                                                                    | <b>Number of Signs Permitted</b> | <b>Maximum Sign Face (sq. ft.)</b> | <b>Minimum R.O.W. Setback (ft.)</b> | <b>Side Line Setback (ft.)</b> | <b>Maximum Height (ft.)</b>                       | <b>Permit Required</b> | <b>Lighting Permitted</b>   | <b>Other Special Requirements</b>                                                                                                                      |
|--------------------------------------------------------------------------------------------------|----------------------------------|------------------------------------|-------------------------------------|--------------------------------|---------------------------------------------------|------------------------|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Wall: C-N, C-G, GW-C, and C-H                                                                    | 1 per street frontage/tenant     | 2 times wall Width                 | Building                            | Building                       | ---                                               | Yes                    | Yes                         | Maximum area: 250 sq. ft. See Section 1270.07                                                                                                          |
| Wall: C-O                                                                                        | 1 per street frontage/tenant     | 1 times wall width                 | Building                            | Building                       | ---                                               | Yes                    | External only               | Limited to either wall or ground. See Section 1262.06(e)                                                                                               |
| Ground                                                                                           | 1 per street frontage            | 40                                 | 2                                   | 15                             | 7' for sign face and maximum 2' high exposed base | Yes                    | Yes<br>Back lit or Internal | 25 ft. from Residential District. See Section 1270.17 for electronic moving message/digital display requirements. 500' minimum distance between signs. |
| Monument - Unified Site with minimum of five (5) tenants and 15,000 square feet gross floor area | 1 per street frontage            | 90                                 | 2                                   | 15                             | 20                                                | Yes                    | Yes<br>Back lit or Internal | 25 ft. from Residential District. 500' minimum distance between signs.                                                                                 |
| Monument – Unified Site with minimum ten (10) tenants and 60,000 square feet gross floor area    | 1 per street frontage            | 160                                | 2                                   | 15                             | 40                                                | Yes                    | Yes<br>Back lit or Internal | 25 ft. from Residential District. 500' minimum distance between signs.                                                                                 |
| Pole                                                                                             | ---                              | ---                                | ---                                 | ---                            | ---                                               | ---                    | ---                         | Pole signs are prohibited. See Sections 1270.11.                                                                                                       |

**Table B: C-N, C-G, GW-C, C-O, and C-H Commercial Districts (Continued)**  
**Basic Design and Regulatory Elements**

| <b>Type of Sign Permitted</b> | <b>Number of Signs Permitted</b> | <b>Maximum Sign Face (sq. ft.)</b>               | <b>Minimum R.O.W. Setback (ft.)</b>                                                   | <b>Side Line Setback (ft.)</b>                                                        | <b>Maximum Height (ft.)</b>                                       | <b>Permit Required</b> | <b>Lighting Permitted</b> | <b>Other Special Requirements</b>                                                                         |
|-------------------------------|----------------------------------|--------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-------------------------------------------------------------------|------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------|
| High Rise                     | 1                                | 120                                              | Located within 900' of the I-71 centerline & within 50' of the principal parking area | Located within 900' of the I-71 centerline & within 50' of the principal parking area | 55' above the pavement elevation of I-71 at the S.R. 303 overpass | Yes                    | Yes                       | See Section 1270.08<br>Permitted in C-H District or conditionally permitted use under Section 1266.04(d). |
| Inflatable                    | 1                                | Not to exceed height                             | Equal to height                                                                       | Equal to height                                                                       | 30                                                                | Yes                    | Yes Int./Ext.             | See Sections 1270.10 (duration) and 1270.13                                                               |
| Murals                        | 1 per building                   | Entire area of bldg. wall on uninterrupted plane | ---                                                                                   | ---                                                                                   | ---                                                               | Yes                    | Yes                       | See Section 1270.16                                                                                       |
| Temporary                     | 4                                | 32/property                                      | Height of sign                                                                        | 15                                                                                    | 5                                                                 | Yes                    | No                        | See Sections 1270.10 and 1216.08                                                                          |
| Instructional                 | See Section 1270.06              | 24                                               | 1                                                                                     | 5                                                                                     | 2                                                                 | Yes                    | Yes                       | See Section 1270.06                                                                                       |

**Table C: I-L and I-D Industrial Districts  
Basic Design and Regulatory Elements**

| Type of Sign Permitted | Number of Signs Permitted      | Maximum Sign Face (S.F.) | Minimum ROW Setback (ft.) | Side Line Setback (ft.) | Maximum Height (ft.)                              | Permit Required | Lighting Permitted | Other Special Requirements                                                             |
|------------------------|--------------------------------|--------------------------|---------------------------|-------------------------|---------------------------------------------------|-----------------|--------------------|----------------------------------------------------------------------------------------|
| Wall                   | 1 per street frontage/tenant   | 3 times the wall width   | Building                  | Building                | --                                                | Yes             | Yes                | See Section 1270.07                                                                    |
| Ground                 | 1 per street frontage/entrance | 40                       | 5                         | 15                      | 7' for sign face and maximum 2' high exposed base | Yes             | Yes                | More than 200 ft. from a residential district.<br>500' minimum distance between signs. |
| Pole Sign              | ---                            | ---                      | ---                       | ---                     | ---                                               | ---             | ---                | Pole signs are prohibited.<br>See Sections 1270.11.                                    |
| Temporary              | 4                              | 32/property              | Height of sign            | 15                      | 5                                                 | Yes             | No                 | See Sections 1270.10 and 1216.08                                                       |
| Inflatable             | 1                              | Not to exceed height     | Equal to height           | Equal to height         | 30                                                | Yes             | Yes Int./Ext.      | See Sections 1270.10 (duration) and 1270.13                                            |
| Instructional          | See Section 1270.06            | 24                       | 1                         | 5                       | 2                                                 | Yes             | Yes                | See Section 1270.06                                                                    |

## PROPOSED LEGISLATION



**DATE:** 5/24/2021

**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. 34-2021** - An ordinance establishing Section 1274.09(k) of the City of Brunswick Codified Ordinances. - **2nd Reading** (Committee-of-the-Whole, *Administration/Grant Aungst*)

**BACKGROUND:** Section 1274.09(k) of the Codified Ordinances is hereby established to read as follows: "Customers shall not be permitted to enter upon the property or dwelling unit upon which the home occupation is conducted."

**PURPOSE AND EXPLANATION:** This will provide continuity with Section 1280.11 Home Offices, subsection (c) of the Codified Ordinances, which states "Customers shall not come to the dwelling."

**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 April 12, 2021; then refer back to the Planning Commission for a public hearing.

**ADDITIONAL  
INFORMATION:**

CITY OF BRUNSWICK, OHIO  
ORDINANCE NO. 34-2021

BY: Committee-of-the-Whole

AN ORDINANCE ESTABLISHING SECTION 1274.09(k) OF THE CITY OF  
BRUNSWICK CODIFIED ORDINANCES.

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

SECTION 1: That Section 1274.09(k) of the Codified Ordinances is hereby established to read  
as follows:

“(k) Customers shall not be permitted to enter upon the property or dwelling unit  
upon which the home occupation is conducted.”

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:** 5/24/2021

**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. 35-2021** - An ordinance amending Section 1280.06 of the City of Brunswick Codified Ordinances. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

**BACKGROUND:** Section 1280.06(c) of the Codified Ordinances is hereby amended to read as follows: "Detached Buildings. In residential districts, detached accessory buildings, including private garages, shall be located between the front of the dwelling and the rear lot line. Detached accessory buildings shall be located a minimum of 10 feet from the side and rear property lines and a minimum of 15 feet from the rear of the principal building." Additionally, Section 1280.06(f) of the Codified Ordinances is hereby amended to read as follows: Commercial or Industrial Districts. Accessory buildings in commercial or industrial districts shall be located in compliance with the minimum side and rear yard setbacks established for the principal building."

**PURPOSE AND  
EXPLANATION:**

The above proposed amendments will allow residents with smaller yards to have sufficient space to construct an accessory building, while maintaining adequate distance between adjacent residential properties. Additionally, increasing the setbacks for commercial and industrial accessory buildings will provide greater protection for adjacent residential properties.

**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 April 12, 2021; then refer back to the Planning Commission for a public hearing.

**ADDITIONAL  
INFORMATION:**

1  
CITY OF BRUNSWICK, OHIO  
ORDINANCE NO. 35-2021

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

AN ORDINANCE AMENDING SECTION 1280.06 OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES.

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

SECTION 1: That Section 1280.06(c) of the Codified Ordinances is hereby amended to read as follows:

“(c) Detached Buildings. In residential districts, detached accessory buildings, including private garages, shall be located between the front of the dwelling and the rear lot line. Detached accessory buildings shall ~~comply with all side and rear yard requirements. However, no more than one such building per lot may be located 5 feet from a side and/or rear property line, provided it is located at least 20 feet from the principal building~~ be located a minimum of 10 feet from the side and rear property lines and a minimum of 15 feet from the rear of the principal building.”

SECTION 2: That Section 1280.06(f) of the Codified Ordinances is hereby amended to read as follows:

“(f) Commercial or Industrial Districts. Accessory buildings in commercial or industrial districts shall be located ~~a minimum of five feet from a side or rear property line~~ in compliance with the minimum side and rear yard setbacks established for the principal building.”

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

---

PASSED: 1<sup>st</sup> Reading \_\_\_\_\_

2<sup>nd</sup> Reading \_\_\_\_\_

3<sup>rd</sup> Reading \_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council



## PROPOSED LEGISLATION



**DATE:** 5/24/2021

**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.- **2nd Reading** (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.

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PASSED: 1<sup>st</sup> Reading\_\_\_\_\_

2<sup>nd</sup> Reading\_\_\_\_\_

3<sup>rd</sup> Reading\_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council  
Fijabi Julien-Gallam, CMC

## PROPOSED LEGISLATION



**DATE:** 5/24/2021

**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. - **2nd Reading** (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.

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PASSED:     1<sup>st</sup> Reading\_\_\_\_\_

                  2<sup>nd</sup> Reading\_\_\_\_\_

3<sup>rd</sup> 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<br>003-18B-43-010 | 1st Half (Due 1/31) | 2nd Half (Due 7/31) |
|-------------------------|--------------------------------------------------|---------------------|---------------------|
| 2022                    | \$35.96                                          | \$35.96             | \$0.00              |
| <b>Total Assessment</b> | \$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:** 5/24/2021

**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. - **2nd Reading** (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: 1<sup>st</sup> Reading \_\_\_\_\_  
2<sup>nd</sup> Reading \_\_\_\_\_  
3<sup>rd</sup> 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<br>003-18B-43-010 | 1st Half (Due 1/31) | 2nd Half (Due 7/31) |
|-------------------------|--------------------------------------------------|---------------------|---------------------|
| 2022                    | \$35.96                                          | \$35.96             | \$0.00              |
| <b>Total Assessment</b> | \$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:** 5/24/2021

**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. - **2nd Reading** (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: 1<sup>st</sup> Reading\_\_\_\_\_

2<sup>nd</sup> Reading\_\_\_\_\_

3<sup>rd</sup> 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

## PROPOSED LEGISLATION



**DATE:** 5/24/2021

**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. - **2nd Reading** (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: 1<sup>st</sup> Reading\_\_\_\_\_

2<sup>nd</sup> Reading\_\_\_\_\_

Rules Suspended:    AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_

Clerk of Council  
Fijabi Julien-Gallam, CMC

## PROPOSED LEGISLATION



**DATE:** 5/24/2021

**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. 54-2021** - An emergency ordinance determining to proceed with certain Medina County Energy Improvement District Projects by way of Special Assessments in accordance with Chapters 1710 and 727 of the Ohio Revised Code. - **1st Reading** (To be brought from Economic Development Committee, *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 the 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?

Upcoming project timing and needing to pair with agreements with the Medina County ESID.

**ADDITIONAL  
INFORMATION:**

CITY OF BRUNSWICK, OHIO  
ORDINANCE NO. 54-2021

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

AN EMERGENCY ORDINANCE DETERMINING TO PROCEED WITH CERTAIN MEDINA COUNTY ENERGY IMPROVEMENT DISTRICT PROJECTS BY WAY OF SPECIAL ASSESSMENTS IN ACCORDANCE WITH CHAPTERS 1710 AND 727 OF THE OHIO REVISED CODE.

- WHEREAS: The City of Medina created an Energy Special Improvement District (“District”) under Ohio Revised Code Chapter 1710 and a non-profit corporation, known as 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. Ohio 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 Medina and the City of Brunswick have partnered to expand an Energy Special Improvement District under Ohio Revised Code Chapter 1710 and the Corporation, known as the City of Medina Energy Special Improvement District, Inc. dba County of Medina Energy Improvement District, to govern the district;
- 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 executed an Energy Project Agreement (the “Agreement”) with the Corporation. A copy of the Agreement is attached to the Petition as **Exhibit C**;
- WHEREAS: Pursuant to the Agreement, the Corporation and the Petitioner have caused an energy audit to the Property to be completed;
- WHEREAS: The energy audit has identified energy conservation measures, all of which qualify as energy efficiency improvements as defined in Ohio Revised Code Section 1710.01(K), which the Petitioner has determined to proceed with implementation, and to pay by way of special assessments;
- WHEREAS: The Petitioner has submitted to this Council a petition (“Petition”) seeking (i) the expansion of the District; (ii) the addition certain of its property to the District; and (iii) approval of the District's amended 2021 comprehensive plan for special energy improvement projects, (the “Plan”) including the City of Brunswick Special Energy Improvement Project (the “Project”) and requesting that this Project be undertaken by the District and that the costs thereof be specially assessed against the properties of the Petitioner specially benefited thereby;

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

1. Identification of the parcel numbers 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;
3. The estimated amount of the special assessment to be levied against each parcel of property 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).

The Petitioner expressly waives the right to pay the assessments in cash within 30 days after passage of the assessing ordinance.

WHEREAS: The total dollar cost of the Project, is Thirty-Five Dollars and Ninety-Six Cents (\$35.96). Each annual payment represents the payment of a portion of the principal of and interest. The 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 Auditor of Medina County, Ohio to each annual assessment payment;

WHEREAS: The annual special assessments for the Project are to be paid in one (1) annual payment over one (1) year. The plans and specifications for the Project are on file with the Clerk of Council. The Petitioner's petition 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 Ohio Revised Code, the City of Brunswick Charter and Codified Ordinances. The Petitioner consents to the immediate imposition of the special assessments upon the various properties specially benefited by Special Energy Improvement Projects; and

WHEREAS: This special assessment process is a voluntary process with one hundred percent of the cost of the special energy improvement projects being assigned to the specially benefited properties. When the Project is complete and the final costs known, an assessing ordinance directing that the necessary special assessments be made against the benefited properties will be presented to the Council.

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

SECTION 1: That this Council hereby determines to proceed with the Project as described in the Petitioner's Petition and in the Resolution of Necessity, including the **Exhibit B** attached thereto, and in accordance with the plans, specifications, profiles and estimates of costs previously approved and now on file with the Clerk of Council.

SECTION 2: That the Corporation and Petitioner shall cause the Project to be constructed under such contracts as they determine to be appropriate under law and in accordance with the plans and specifications approved by this Council.

SECTION 3: That the total cost of the Project to be assessed in accordance with the Resolution of Necessity shall be assessed on the properties in the manner and pursuant to the payment schedule set forth in the Resolution of Necessity, and the estimated special assessments prepared and filed in the Office of the Clerk of Council are adopted.

SECTION 4: That the Clerk of Council is hereby directed to deliver a certified copy of this Ordinance to the County Auditor within fifteen (15) days after its passage (or by such other date as may be specified in the Ohio Revised Code or acceptable to the County Auditor of Medina County, Ohio for the certification of assessments in connection with the preparation of the general tax list for tax year 2021).

SECTION 5: 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 or any of its Committees that resulted in such formal action were held in meetings open to the public, in compliance with all legal requirements including those of Section 121.22 of the Ohio Revised Code.

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 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: 1<sup>st</sup> Reading\_\_\_\_\_

2<sup>nd</sup> Reading\_\_\_\_\_

3<sup>rd</sup> 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<br>003-18B-43-010 | 1st Half (Due 1/31) | 2nd Half (Due 7/31) |
|-------------------------|--------------------------------------------------|---------------------|---------------------|
| 2022                    | \$35.96                                          | \$35.96             | \$0.00              |
| <b>Total Assessment</b> | <b>\$35.96</b>                                   |                     |                     |

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.

**EXHIBIT C**  
**ENERGY PROJECT AGREEMENT**

**[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:

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 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.

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

5.1 Petitioner is a duly organized and validly existing chartered municipal corporation under the laws of the State of Ohio;

5.2 Petitioner is the owner of the Property with the legal authority to subject the Property to the Special Assessments;

5.3 Petitioner and the individual executing this Agreement on behalf of the Petitioner are duly authorized to enter into this Agreement;

5.4 Entering into this Agreement will not result in the breach of any other agreement to which the Petitioner is a party;

5.5 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

5.6 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.

**SECTION 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.

**SECTION 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:

7.1 The Petitioner fails to pay an installment of any Special Assessment when due.

7.2 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.

7.3 The Petitioner is in breach of any of its representations or warranties under this Agreement.

7.4 The Petitioner abandons the Property.

7.5 The Petitioner commits waste upon the Property.

7.6 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.

**SECTION 8. General.**

8.1 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.

8.2 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.

8.3 This Agreement shall not be modified or altered except as by a written instrument duly executed by all of the parties.

8.4 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.

8.5 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.

8.6 The Petitioner acknowledges that the Corporation has been created under provisions of the Ohio Revised Code and that and that their authority, as well as the authority of their employees, agents and representatives, is limited under law.

8.7 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.

8.8 The Petitioner shall provide written notice to Corporation of any sale or transfer of the Property.

8.9 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.

8.10 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.

8.11 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.

8.12 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.

8.13 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<br>003-18B-43-010 | 1st Half (Due 1/31) | 2nd Half (Due 7/31) |
|-------------------------|--------------------------------------------------|---------------------|---------------------|
| 2022                    | \$35.96                                          | \$35.96             | \$0.00              |
| <b>Total Assessment</b> | \$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:** 5/24/2021

**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. 55-2021** - An emergency ordinance levying special assessments for the Special Energy Improvement Project. - **1st Reading** (To be brought from Economic Development Committee, 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:**

The City will self fund a Special Assessment, total amount of \$35.96 for four LED light bulbs for the ESID project. The cost for each bulb was \$8.99 and was part of the re-bulbing project for City Hall. This specific four bulb project was approved by the County of Medina ESID.

**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?

Upcoming project timing and needing to pair with agreements with the Medina County ESID.

**ADDITIONAL  
INFORMATION:**

CITY OF BRUNSWICK, OHIO  
ORDINANCE NO. 55-2021

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

AN EMERGENCY ORDINANCE LEVYING SPECIAL ASSESSMENTS  
FOR THE SPECIAL ENERGY IMPROVEMENT PROJECT.

- WHEREAS: The City of Medina 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. Ohio 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 executed an Energy Project Agreement (the “Agreement”) with the Corporation. A copy of the Agreement is attached to the Petition as **Exhibit C**.
- WHEREAS: Pursuant to the Agreement, the Petitioner has caused an energy audit to the property to be completed, which is on file with the Clerk of Brunswick City Council.
- WHEREAS: The energy audit has identified energy conservation measures, all of which qualify as energy efficiency improvements as defined in Ohio Revised Code Section 1710.01(K), which the Petitioner, has determined to proceed with implementation, and to pay by way of special assessments.
- WHEREAS: The Petitioner has submitted to this Council a petition (“Petition”) seeking (i) the addition of certain of its property to the District and (ii) approval of the District’s comprehensive plan for special energy improvement projects, including the Project (as described herein) and requesting that this Project be undertaken by the District and that the costs thereof be specially assessed against the properties of the Petitioner, specially benefited thereby.
- WHEREAS: A complete list and description of the Project is on file with the Clerk of Council and is attached as **Exhibit B** to this Ordinance. **Exhibit B** provides the following information for the Project:

1. Identification of the parcel numbers 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;
3. The estimated amount of the special assessment to be levied against each parcel of property 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 Petitioner expressly waives the right to pay the assessments in cash within 30 days after passage of the assessing Ordinance.

WHEREAS: The annual special assessments for the Project are to be paid in a single annual payment. The plans and specifications for the Project are on file with the Clerk of Council. The Petitioner's petition 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 Ohio Revised Code, the Charter and Codified Ordinances of the City. The Petitioner, consents to the immediate imposition of the special assessments upon the various properties specially benefited by the Project. This special assessment process is a voluntary process with one hundred percent of the cost of the special energy improvement projects being assigned to the specially benefited properties. Final costs for the Project are now known and this assessing ordinance completes the assessing process, which included the adoption of a Resolution of Necessity (Resolution No. 50-2021) and an Ordinance to Proceed (Ordinance No. 54-2021) by levying the assessments against the benefitted properties.

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

SECTION 1: That the special assessments for the cost of providing the Project in the District pursuant to Resolution No. 50-2021 adopted by this Council on June 14, 2021 (the Resolution of Necessity), which were filed and are on file in the office of the Clerk of Council are adopted and confirmed; provided that the cost of providing such Projects are reduced to the aggregate amount of Thirty-Five Dollars and Ninety-Six Cents (\$35.96) which reduction is adopted and confirmed. Those special assessments are levied and assessed upon the properties in the respective amounts set forth in the payment schedule attached as **Exhibit B** and on file with the Clerk of Council, which special assessments have been calculated in a manner provided for in the Resolution of Necessity and are not in excess of the special benefits or any statutory limitation. The special assessments are levied and assessed in accordance with the payment schedule attached hereto as **Exhibit B** in the amounts sufficient to pay the principal of and interest and the scheduled amounts payable as the Authority administrative fees due with respect to each annual period identified in such payment schedule. The 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 Auditor of Medina County, Ohio to each semi-annual assessment payment.

SECTION 2: That Petitioner, waives the right to pay the special assessments in cash within thirty days after the passage of this ordinance, and shall pay the assessments in one (1) annual installment in accordance with the schedules attached hereto as **Exhibit B**. All special assessments shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected. All payments shall be made to the Treasurer of Medina County, Ohio and shall be subject to the same delinquency procedures, penalties, and interest as the payment of real property taxes in accordance with Ohio Revised Code Chapter 323.

Notwithstanding the foregoing, pursuant to the Agreement between the Petitioner and the Corporation, attached and providing that the Petitioner, grants the Corporation the authority to determine, in its sole discretion, the amount of the special assessments, the Corporation, acting through its Chairman or other authorized representative, may annually, on or before August 15th, deliver to the City's assessment officer or other appropriate official, a certificate signed by the Chairman reflecting a reduction, in whole or in part, in the amount of the special assessment to be certified by the City assessment officer to the County Auditor in that year for placement onto the tax duplicate the following year and collected as other taxes and assessments are collected. The Corporation's certificate shall reflect payments made by or on behalf of the Petitioner, or its successors, directly to the Corporation or to the Corporation's designee for some or all of the cost of the special energy improvement project thereby resulting in a reduction in the required annual special assessment. The City's assessment officer and all officials with authority to certify special assessments to the County Auditor shall, without any further action by this Council, rely upon the Corporation's certificate and take all actions necessary to implement the annual reduction of the special assessment, if any, evidenced by the certificate. In the event the City's assessment officer does not receive such a certificate in any given year on or before August 15th, the assessment officer shall certify the full amount of the annual special assessment as provided herein to the County Auditor.

SECTION 3: The Council finds and determines that it has previously waived notice of the passage of this assessing Ordinance and therefore no notice need be published in a newspaper of general circulation in the City.

SECTION 4: That the Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within fifteen (15) days after its passage or by such other date as may be specified in the Ohio Revised Code or acceptable to the County Auditor of Medina County, Ohio for the certification of assessments in connection with the preparation of the general tax list for tax year 2021.

SECTION 5: That the proceeds of the special assessments levied by this Ordinance that are received by the City shall be applied as provided in Section 1710.12 of the Ohio

Revised Code and are hereby appropriated for that purpose. This Council covenants and agrees that it will give effect to the appropriation in the ordinances it hereafter adopts appropriating money for expenditure or encumbrance. The Director of Finance is authorized and directed to make appropriate accounting entries and adjustments to reflect the City's receipt and disbursement of those proceeds.

SECTION 6: 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 7: 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 in order to conserve energy and protect the environment of the City, as well as undertake the construction of 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:    1<sup>st</sup> Reading \_\_\_\_\_  
                  2<sup>nd</sup> Reading \_\_\_\_\_  
                  3<sup>rd</sup> 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<br>003-18B-43-010 | 1st Half (Due 1/31) | 2nd Half (Due 7/31) |
|-------------------------|--------------------------------------------------|---------------------|---------------------|
| 2022                    | \$35.96                                          | \$35.96             | \$0.00              |
| <b>Total Assessment</b> | \$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.

**EXHIBIT C**  
**ENERGY PROJECT AGREEMENT**

**[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:

**SECTION 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.

**SECTION 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.

**SECTION 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.

**SECTION 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.

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

5.1 Petitioner is a duly organized and validly existing chartered municipal corporation under the laws of the State of Ohio;

5.2 Petitioner is the owner of the Property with the legal authority to subject the Property to the Special Assessments;

5.3 Petitioner and the individual executing this Agreement on behalf of the Petitioner are duly authorized to enter into this Agreement;

5.4 Entering into this Agreement will not result in the breach of any other agreement to which the Petitioner is a party;

5.5 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

5.6 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.

**SECTION 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.

**SECTION 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:

7.1 The Petitioner fails to pay an installment of any Special Assessment when due.

7.2 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.

7.3 The Petitioner is in breach of any of its representations or warranties under this Agreement.

7.4 The Petitioner abandons the Property.

7.5 The Petitioner commits waste upon the Property.

7.6 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.

**SECTION 8. General.**

8.1 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.

8.2 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.

8.3 This Agreement shall not be modified or altered except as by a written instrument duly executed by all of the parties.

8.4 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.

8.5 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.

8.6 The Petitioner acknowledges that the Corporation has been created under provisions of the Ohio Revised Code and that and that their authority, as well as the authority of their employees, agents and representatives, is limited under law.

8.7 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.

8.8 The Petitioner shall provide written notice to Corporation of any sale or transfer of the Property.

8.9 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.

8.10 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.

8.11 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.

8.12 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.

8.13 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<br>003-18B-43-010 | 1st Half (Due 1/31) | 2nd Half (Due 7/31) |
|-------------------------|--------------------------------------------------|---------------------|---------------------|
| 2022                    | \$35.96                                          | \$35.96             | \$0.00              |
| <b>Total Assessment</b> | \$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:** 5/24/2021

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

**FROM:** Carl S. DeForest, City Manager  
Todd Fischer

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **ORD. NO. 56-2021** - An emergency ordinance authorizing the transfer of the remaining balance in the Special Assessment South Industrial Parkway Bonds Retirement Sub-Fund to the General Obligation Bond Retirement Fund. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

**BACKGROUND:** On September 27, 1999, the City Council of the City of Brunswick, Ohio, adopted Ordinance Number 114-99, creating Special Assessment South Industrial Parkway Bonds Retirement Sub-Fund to account for special assessments collected by the County Auditor for the payment of bond principal and interest.

By December 1, 2019, the City of Brunswick had paid all of the remaining debt services on the Special Assessment South Industrial Parkway Bonds Retirement Sub-Fund.

All obligations, for the listed funds, have been incurred, paid, and that there are no outstanding obligations owed.

The unexpended balance is no longer needed for the retirement of bond principal and interest and therefore shall be transferred to the General Obligation Bond Retirement Fund.

**PURPOSE AND  
EXPLANATION:**

To authorize and direct the Director of Finance to 1) transfer to the General Obligation Bond Retirement Fund (Fund #771), all money remaining in the Special Assessment South Industrial Parkway Bonds Retirement Sub-Fund #781 and 2) close Special Assessment South Industrial Parkway Bonds Retirement (Sub-Fund #781) as created by Council Ordinances #114-99.

**IMPLEMENTATION  
SCHEDULE:**

Discuss at the May 24, 2021, Finance Committee meeting and move to the May 24, 2021, Council agenda as an emergency for 2 readings with the suspension of the rules.

**FINANCIAL  
INFORMATION:**

**FINANCIAL**

**SUMMARY:** Transfers do not have a financial impact on the City funds as a collective whole. Transfers are merely permanent movement of money from one fund to another to comply with the Ohio Revised Code Section 5705.14. The transfer process is audited by the Auditor of State or independent auditor. Transfers between eligible funds are included in the City’s adopted budget and are required to be approved by City Council. The closing of funds also have no financial impact but do keep the accounting records of the City up to date.

**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?  
Recommendation is for emergency and suspension of the rules (with requested passage after 2 readings and to line up with the 2022 Tax Budget legislation timeframes). Will keep accounting records up to date and move funding sources (left over interest revenue and transfers) to proper place now that the Special Assessment debt obligations have been paid in full. Will also allow for current records to be more in synch with future financial planning or forecasted records. Anticipated passage to be June 14, 2021.

**ADDITIONAL INFORMATION:** None.

CITY OF BRUNSWICK, OHIO  
ORDINANCE NO. 56-2021

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

AN EMERGENCY ORDINANCE AUTHORIZING THE TRANSFER OF THE  
REMAINING BALANCE IN THE SPECIAL ASSESSMENT SOUTH  
INDUSTRIAL PARKWAY BONDS RETIREMENT SUB-FUND TO THE  
GENERAL OBLIGATION BOND RETIREMENT FUND.

WHEREAS: On September 27, 1999, City Council of the City of Brunswick, Ohio, adopted Ordinance Number 114-99, creating Special Assessment South Industrial Parkway Bonds Retirement Sub-Fund to account for special assessments collected by the County Auditor for the payment of bond principal and interest; and

WHEREAS: By December 1, 2019, the City of Brunswick had paid all of the remaining debt service on the Special Assessment South Industrial Parkway Bonds Retirement Sub-Fund; and

WHEREAS: All obligations, for the listed funds, have been incurred, paid, and that there are no outstanding obligations owed; and

WHEREAS: The unexpended balance is no longer needed for the retirement of bond principal and interest and therefore shall be transferred to the General Obligation Bond Retirement Fund; and

WHEREAS: Any remaining special assessment delinquency collections shall be credited to the General Bond Retirement Fund.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: This Council confirms all of the findings and determinations set forth in the preambles to this Ordinance.

SECTION 2: This Council authorizes and directs the Director of Finance to transfer to the General Obligation Bond Retirement Fund (Fund #771), all moneys remaining in the South Industrial Parkway Bonds Retirement Sub-Fund #781.

SECTION 3: This Council authorizes and directs the Director of Finance to close Special Assessment South Industrial Parkway Bonds Retirement (Sub-Fund #781) as created by City Council Ordinance #114-99.

SECTION 4: This Ordinance 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 municipal department, and for the further reasons that the accounting records be kept up to date and proper funding sources be transferred.

Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

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PASSED:        1<sup>st</sup> Reading\_\_\_\_\_

Rules Suspended:    AYES \_\_\_\_NAYS \_\_\_\_

ADOPTED:        \_\_\_\_\_ AYES \_\_\_\_NAYS \_\_\_\_

ATTEST:        \_\_\_\_\_  
Clerk of Council  
Fijabi Julien-Gallam, CMC

## PROPOSED LEGISLATION



**DATE:** 5/24/2021

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

**FROM:** Carl S. DeForest, City Manager  
Todd Fischer

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **ORD. NO. 57-2021** - An emergency ordinance authorizing and adopting the proposed tax budget for the City of Brunswick, Ohio for the year beginning January 1, 2022, through December 31, 2022. - **1st Reading** (To be brought from Finance Committee, Administration/Todd Fischer)

**BACKGROUND:** In order to comply with the Ohio Revised Code Section 5705, the City must annually adopt a tax budget and submit the tax budget to the County Budget Commission in July. This process is audited under the direction of the Auditor of State for compliance each year.

**PURPOSE AND EXPLANATION:** This Ordinance would adopt the 2022 tax budget and allow it to be submitted in a timely fashion to the County Budget Commission. This will allow the County Auditor to formalize next year's property tax revenue estimates that are necessary to begin the City's annual appropriation budget process. The property tax estimates are expected to be released by fall of 2021.

### IMPLEMENTATION

**SCHEDULE:** Recommended time schedule is for 2 readings with emergency clause and suspension of the rules. Anticipated passage is anticipated to be June 14, 2021.

### 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?

Recommend approval as an emergency with the suspension of the rules in order to allow for compliance with the filing requirements of the Ohio Revised Code, allow for timely property tax estimates from the County, and allow for the daily operations of the City of Brunswick to continue without interruptions.

**ADDITIONAL  
INFORMATION:**

The Finance Director signed the submitted tax budget to indicate the document has been vetted through the Finance Department's review and process. It was also signed as a result of the agenda software process and official minute record as it cannot be changed once the agenda is set. The Finance Director's signature is in draft form until Council formally adopts the Tax Budget by legislation. If Council does not adopt the tax budget by legislation, this document shall simply remain as a draft.

CITY OF BRUNSWICK, OHIO  
ORDINANCE NO. 57-2021

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

AN EMERGENCY ORDINANCE AUTHORIZING AND ADOPTING THE  
PROPOSED TAX BUDGET FOR THE CITY OF BRUNSWICK, OHIO FOR  
THE YEAR BEGINNING JANUARY 1, 2022 THROUGH DECEMBER 31,  
2022

WHEREAS: The State statute requires that the legislative authority of the City of Brunswick submit to the County Budget Commission a proposed tax budget for the City.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the attached Tax Budget is hereby authorized and adopted as the Tax Budget for the City of Brunswick for the year beginning January 1, 2022 and ending December 31, 2022.

SECTION 2: That the Finance Director is hereby directed to transcribe this tax budget and all other information required to the official budget form prescribed by the County of Medina, Ohio.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the additional reason that the State statute prescribes time limitation on the adoption and certification of this budget. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes

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PASSED: 1st Reading \_\_\_\_\_

RULES SUSPENDED                      AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council  
Fijabi Julien-Gallam, CMC

This Budget must be adopted by the Council or other legislative body on or before July 15th, and two copies must be submitted to the County Auditor on or before July 20th. FAILURE TO COMPLY WITH SEC. 5705.28 R.C. SHALL RESULT IN LOSS OF LOCAL GOVERNMENT FUND ALLOCATION.

To the Auditor of Medina County:

The following Budget for the budget year beginning January 1, 2022 has been adopted by Council and is herewith submitted for consideration of the Budget Commission.

Signed:

*Nicole R. Frick*  
Finance Director, City of Brunswick

# Schedule A

## SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED RATES

| FUND                         | For Municipal Use                                                   | For Budget Commission Use                                                              |                                                                           | For County Auditor Use                                                                          |                                       |
|------------------------------|---------------------------------------------------------------------|----------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|---------------------------------------|
|                              | BUDGET YEAR<br>AMOUNT REQUEST<br>OF BUDGET COM.<br>INSIDE / OUTSIDE | BUDGET YEAR<br>AMOUNT APPROVED BY<br>BUDGET COMMISSION<br>INSIDE 10 MILL<br>LIMITATION | BUDGET YEAR<br>TO BE DERIVED FROM<br>LEEVES OUTSIDE<br>10 MILL LIMITATION | COUNTY AUDITOR'S ESTIMATE<br>OF TAX RATE TO BE LEVIED<br>INSIDE 10 MILL<br>LIMIT<br>BUDGET YEAR | OUTSIDE 10 M.<br>LIMIT<br>BUDGET YEAR |
| GOVERNMENTAL FUNDS:          | 1                                                                   | 2                                                                                      | 3                                                                         | 4                                                                                               | 5                                     |
| GENERAL FUND                 | \$ 2,014,900                                                        |                                                                                        |                                                                           |                                                                                                 |                                       |
| SPECIAL REVENUE FUNDS:       |                                                                     |                                                                                        |                                                                           |                                                                                                 |                                       |
| FIRE FUND                    | 262,800                                                             | *                                                                                      |                                                                           |                                                                                                 |                                       |
| POLICE FUND - POLICE PENSION | 855,800                                                             | *                                                                                      |                                                                           |                                                                                                 |                                       |
| ROAD LEVY FUND               |                                                                     |                                                                                        |                                                                           |                                                                                                 |                                       |
| PROPRIETARY FUNDS            |                                                                     |                                                                                        |                                                                           |                                                                                                 |                                       |
| DEBT SERVICE FUNDS:          |                                                                     |                                                                                        |                                                                           |                                                                                                 |                                       |
| GENERAL OBLIGATION           | \$ -                                                                |                                                                                        |                                                                           |                                                                                                 |                                       |
| FIDUCIARY FUNDS              |                                                                     |                                                                                        |                                                                           |                                                                                                 |                                       |
| TOTAL ALL FUNDS              | \$ 3,133,500                                                        | \$ -                                                                                   | \$ -                                                                      | \$ -                                                                                            | \$ -                                  |

\* Includes homestead and rollback amounts since the County includes these amounts in the Certificate of Estimated Resources. However, the City separately reports Homestead and Rollback amounts as intergovernmental revenue (not as tax revenue) on its financial reports pursuant to Auditor of State/GASB requirements. The above tax estimates match the County Auditor's estimated tax revenue on the February 19, 2021 Certificate of Estimated Resources. Property tax revenue estimates for next year will more than likely be updated by the Medina County Auditor's Office in August/September of 2021.

Note: The above also excludes any additional property taxes that may be passed by the voters subsequent to this tax budget submission.

## LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

| FUND                                                                                                                                                        | Maximum Rate<br>Authorized to be<br>Levied | Tax Year<br>County Auditor's<br>Estimate of<br>Yield of Levy<br>(Carry to schedule<br>A, column 3) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------------------------------------------|
| GENERAL FUND:                                                                                                                                               |                                            |                                                                                                    |
| Current Expense Levy authorized by voters on ___/___/___,<br>not to exceed ___ years. Authorized under Section ___, R.C.                                    |                                            |                                                                                                    |
| Current Expense Levy authorized by voters on ___/___/___,<br>not to exceed ___ years. Authorized under Section ___, R.C.                                    |                                            |                                                                                                    |
| Current Expense Levy authorized by voters on ___/___/___,<br>not to exceed ___ years. Authorized under Section ___, R.C.                                    |                                            |                                                                                                    |
| Current Expense Levy authorized by voters on ___/___/___,<br>not to exceed ___ years. Authorized under Section ___, R.C.                                    |                                            |                                                                                                    |
| Current Expense Levy authorized by voters on ___/___/___,<br>not to exceed ___ years. Authorized under Section ___, R.C.                                    |                                            |                                                                                                    |
| Current Expense Levy authorized by voters on ___/___/___,<br>not to exceed ___ years. Authorized under Section ___, R.C.                                    |                                            |                                                                                                    |
| TOTAL GENERAL FUND OUTSIDE 10 MILL LIMITATION                                                                                                               | -                                          | -                                                                                                  |
| SPECIAL LEVY FUNDS:                                                                                                                                         |                                            |                                                                                                    |
| Road Levy Capital Improvement Fund, Levy authorized by voters on 05/06/2014,<br>not to exceed 10 years. Authorized purposes under Section 5705.19 (G), R.C. | 1.2 mills                                  | 855,800                                                                                            |
| Fund, Levy authorized by voters on ___/___/___,<br>not to exceed ___ years. Authorized under Section ___, R.C.                                              |                                            |                                                                                                    |
| Fund, Levy authorized by voters on ___/___/___,<br>not to exceed ___ years. Authorized under Section ___, R.C.                                              |                                            |                                                                                                    |
| Fund, Levy authorized by voters on ___/___/___,<br>not to exceed ___ years. Authorized under Section ___, R.C.                                              |                                            |                                                                                                    |
| Fund, Levy authorized by voters on ___/___/___,<br>not to exceed ___ years. Authorized under Section ___, R.C.                                              |                                            |                                                                                                    |
| Fund, Levy authorized by voters on ___/___/___,<br>not to exceed ___ years. Authorized under Section ___, R.C.                                              |                                            |                                                                                                    |
| TOTAL SPECIAL LEVY FUNDS:                                                                                                                                   | -                                          | 855,800                                                                                            |
| TOTAL ALL FUNDS                                                                                                                                             | \$ -                                       | \$ 855,800                                                                                         |

\*\* Agrees to the amount listed on the County Auditor's Certificate of Estimated Resources dated February 19, 2021. Tax revenue estimate for next year will more than likely be updated by the Medina County Auditor's Office in August/September of 2021.

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MEDINA COUNTY  
BUDGET  
OF

CITY OF BRUNSWICK

FOR FISCAL YEAR  
BEGINNING JANUARY 1, 2022

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, 20 \_\_\_\_

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County Auditor

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Deputy Auditor

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# COUNTY AUDITOR'S ESTIMATE

TAX LEVIES AND RATES FOR 2022, IN BRUNSWICK

CITY / VILLAGE

TAX VALUATION: \$ \_\_\_\_\_

|                                   | Amount Approved<br>By Budget<br>Commission | County Auditor's<br>Estimate of<br>Rate in Mills |
|-----------------------------------|--------------------------------------------|--------------------------------------------------|
| LEVIES WITHIN 10 MILL LIMITATION  |                                            |                                                  |
| County                            |                                            |                                                  |
| Township                          |                                            |                                                  |
| School                            |                                            |                                                  |
| Village                           |                                            |                                                  |
| City                              |                                            |                                                  |
| State                             |                                            |                                                  |
| TOTAL                             | -                                          | -                                                |
| LEVIES OUTSIDE 10 MILL LIMITATION |                                            |                                                  |
| County                            |                                            |                                                  |
| Township                          |                                            |                                                  |
| School                            |                                            |                                                  |
| Village                           |                                            |                                                  |
| City                              |                                            |                                                  |
| State                             |                                            |                                                  |
| TOTAL                             | -                                          | -                                                |
| TOTAL LEVY FOR ALL PURPOSES       | \$ -                                       | \$ -                                             |

# OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES

The Budget Commission of Medina County, Ohio, hereby makes the following Official Certificate of Estimated Resources  
Resources for the City of Brunswick for the Budget Year beginning: January 1, 2022

| FUND                           | Estimated Unencumbered Balance<br>January 1, 2022 | Real Estate<br>Property<br>Tax | Personal<br>Property<br>Tax | Local<br>Government<br>Money | Rollback, Homestead<br>and Personal<br>Property Tax<br>Exemption | Other<br>Sources | Total          |
|--------------------------------|---------------------------------------------------|--------------------------------|-----------------------------|------------------------------|------------------------------------------------------------------|------------------|----------------|
| <b>GOVERNMENTAL FUND TYPE:</b> |                                                   |                                |                             |                              |                                                                  |                  |                |
| General Fund                   | 13,802,045                                        | 1,794,900                      | -                           | 525,000                      | 220,000                                                          | 25,275,003       | 41,616,948     |
| Special Revenue Funds          | 24,311,838                                        | 231,130                        | -                           | -                            | 31,670                                                           | 20,317,335       | 44,891,993     |
| Debt Service Funds             | 1,227,508                                         | -                              | -                           | -                            | -                                                                | 72,429           | 1,299,937      |
| Capital Project Funds          | 14,155,625                                        | 836,964                        | -                           | -                            | 18,836                                                           | 11,006,418       | 26,017,843     |
| INTERNAL SERVICE FUND          | 310,504                                           | -                              | -                           | -                            | -                                                                | 3,617,250        | 3,927,754      |
| <b>PROPRIETARY FUND TYPE:</b>  |                                                   |                                |                             |                              |                                                                  |                  |                |
| Enterprise Funds               | 4,571,037                                         | -                              | -                           | -                            | -                                                                | 4,254,676        | 8,825,713      |
| <b>FIDUCIARY FUND TYPE:</b>    |                                                   |                                |                             |                              |                                                                  |                  |                |
| Trust and Agency Funds         | 290,282                                           | -                              | -                           | -                            | -                                                                | 955,000          | 1,245,282      |
| TOTAL ALL FUNDS                | \$ 58,668,859                                     | \$ 2,862,994                   | \$ -                        | \$ 525,000                   | \$ 270,506                                                       | \$ 65,498,111    | \$ 127,825,470 |

The Budget Commission further certifies that its action on the foregoing budget and the County Auditor's estimate of the rate of each tax necessary to be levied within and outside the 10 mill limitation is set forth in the proper columns of the preceding pages and the total amounts approved for each fund must govern the amount of appropriation from such fund.

DATE \_\_\_\_\_, 20\_\_\_\_

Budget  
Commission

OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES

| FUND                                         | Estimated Unincumbered Balance<br>January 1, 2022 | Real Estate<br>Property<br>Tax | Personal<br>Property<br>Tax | Local<br>Government<br>Money | Rollback, Homestead<br>and Personal<br>Property Tax<br>Exemption | Other<br>Sources  | Total             |
|----------------------------------------------|---------------------------------------------------|--------------------------------|-----------------------------|------------------------------|------------------------------------------------------------------|-------------------|-------------------|
| <b>GOVERNMENTAL FUND TYPE:</b>               |                                                   |                                |                             |                              |                                                                  |                   |                   |
| <b>GENERAL FUND</b>                          |                                                   |                                |                             |                              |                                                                  |                   |                   |
| General Fund                                 | 13,802,045                                        | 1,794,900                      | -                           | 525,000                      | 220,000                                                          | 25,275,003        | 41,616,948        |
|                                              | 13,802,045                                        | 1,794,900                      | -                           | 525,000                      | 220,000                                                          | 25,275,003        | 41,616,948        |
| <b>SPECIAL REVENUE FUNDS:</b>                |                                                   |                                |                             |                              |                                                                  |                   |                   |
| Court Fees Fund                              | 22,558                                            | -                              | -                           | -                            | -                                                                | 29,000            | 51,558            |
| FEMA Grant Fund                              | -                                                 | -                              | -                           | -                            | -                                                                | -                 | -                 |
| Police Fund                                  | 8,842,316                                         | 231,130                        | -                           | -                            | 31,670                                                           | 8,904,988         | 18,010,104        |
| Fire Fund                                    | 6,801,775                                         | -                              | -                           | -                            | -                                                                | 5,824,800         | 12,626,575        |
| Street Repair & Maintenance Fund             | 4,520,754                                         | -                              | -                           | -                            | -                                                                | 3,638,214         | 8,158,968         |
| State Highway Fund                           | 476,420                                           | -                              | -                           | -                            | -                                                                | 180,000           | 656,420           |
| Law Enforcement Trust Fund                   | 58,848                                            | -                              | -                           | -                            | -                                                                | 500               | 59,348            |
| Brunswick Transit Alternative Fund           | 702,476                                           | -                              | -                           | -                            | -                                                                | 15,000            | 717,476           |
| RLF CDBG Fund                                | -                                                 | -                              | -                           | -                            | -                                                                | -                 | -                 |
| Brunswick Area Television Fund               | 808,731                                           | -                              | -                           | -                            | -                                                                | 438,579           | 1,247,310         |
| Parks Fund                                   | 1,361,099                                         | -                              | -                           | -                            | -                                                                | 576,000           | 1,937,099         |
| DOJ Federal Grant Fund                       | -                                                 | -                              | -                           | -                            | -                                                                | -                 | -                 |
| Enforcement & Education                      | 27,440                                            | -                              | -                           | -                            | -                                                                | 3,250             | 30,690            |
| Recreation Center Fund                       | 680,973                                           | -                              | -                           | -                            | -                                                                | 707,000           | 1,387,973         |
| CHIP (HOME) Fund                             | 8,468                                             | -                              | -                           | -                            | -                                                                | 4                 | 8,472             |
| <b>TOTAL SPECIAL REVENUE FUNDS</b>           | <b>24,311,858</b>                                 | <b>231,130</b>                 | -                           | -                            | <b>31,670</b>                                                    | <b>20,317,335</b> | <b>44,891,993</b> |
| <b>DEBT SERVICE FUNDS:</b>                   |                                                   |                                |                             |                              |                                                                  |                   |                   |
| General Obligation Debt Fund                 | 1,196,799                                         | -                              | -                           | -                            | -                                                                | -                 | 1,196,799         |
| S.A. South Industrial Park Improvement Fund  | -                                                 | -                              | -                           | -                            | -                                                                | -                 | -                 |
| S.A. Laurel Road Improvement Fund (2006)     | 16,074                                            | -                              | -                           | -                            | -                                                                | 42,358            | 58,432            |
| S. A. Bruns Lake - Dam Improvement Fund      | 7,705                                             | -                              | -                           | -                            | -                                                                | 18,513            | 26,218            |
| S. A. Bruns Lake - Dredging Improvement Fund | 6,930                                             | -                              | -                           | -                            | -                                                                | 11,558            | 18,488            |
| <b>TOTAL DEBT SERVICE FUNDS</b>              | <b>1,227,508</b>                                  | -                              | -                           | -                            | -                                                                | <b>72,429</b>     | <b>1,299,937</b>  |
| <b>CAPITAL PROJECT FUNDS:</b>                |                                                   |                                |                             |                              |                                                                  |                   |                   |
| CDBG Fund                                    | -                                                 | -                              | -                           | -                            | -                                                                | -                 | -                 |
| Capital Project Improvement Fund             | 6,379,768                                         | -                              | -                           | -                            | -                                                                | 1,261,710         | 7,641,478         |
| Road Levy Improvement Fund                   | 162,515                                           | 836,964                        | -                           | -                            | 18,836                                                           | 855,000           | 1,873,315         |
| Road Capital Improvement Fund                | 6,493,782                                         | -                              | -                           | -                            | -                                                                | 8,889,708         | 15,383,490        |
| Traffic Control Improvement Fund             | 3,125                                             | -                              | -                           | -                            | -                                                                | -                 | 3,125             |
| Public Square Improvement Fund               | 12,298                                            | -                              | -                           | -                            | -                                                                | -                 | 12,298            |
| City Hall Expansion/Improvement Fund         | 463                                               | -                              | -                           | -                            | -                                                                | -                 | 463               |
| Fire Improvement Fund                        | 79,618                                            | -                              | -                           | -                            | -                                                                | -                 | 79,618            |
| Parks City-Wide Improvement Fund             | 588,821                                           | -                              | -                           | -                            | -                                                                | -                 | 588,821           |
| Ohio Environ Improv Program Fed Grant Fund   | -                                                 | -                              | -                           | -                            | -                                                                | -                 | -                 |
| North Carpenter Road Improvement Fund        | -                                                 | -                              | -                           | -                            | -                                                                | -                 | -                 |
| Boston Road Improvement Fund                 | 431,340                                           | -                              | -                           | -                            | -                                                                | -                 | 431,340           |
| I-71 / Route 303 Enhancement Fund            | 3,895                                             | -                              | -                           | -                            | -                                                                | -                 | 3,895             |
| Brunswick Lake Improvement Fund              | -                                                 | -                              | -                           | -                            | -                                                                | -                 | -                 |
| OPWC Grafton Road Imp Fund                   | -                                                 | -                              | -                           | -                            | -                                                                | -                 | -                 |
| OPWC Center Road Imp Fund                    | -                                                 | -                              | -                           | -                            | -                                                                | -                 | -                 |
| OPWC Multi Roads Imp Fund                    | -                                                 | -                              | -                           | -                            | -                                                                | -                 | -                 |
| OPWC Laurel Road Imp Fund                    | -                                                 | -                              | -                           | -                            | -                                                                | -                 | -                 |
| OPWC Sleepy Hollow & Old Eagle Road Imp Fu   | -                                                 | -                              | -                           | -                            | -                                                                | -                 | -                 |
| <b>TOTAL CAPITAL PROJECT FUNDS</b>           | <b>14,155,625</b>                                 | <b>836,964</b>                 | -                           | -                            | <b>18,836</b>                                                    | <b>11,006,418</b> | <b>26,017,843</b> |

OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES

| FUND                                        | Estimated Unencumbered Balance January 1, 2022 | Real Estate Property Tax | Personal Property Tax | Local Government Money | Rollback, Homestead and Personal Property Tax Exemption | Other Sources | Total          |
|---------------------------------------------|------------------------------------------------|--------------------------|-----------------------|------------------------|---------------------------------------------------------|---------------|----------------|
| INTERNAL SERVICE FUNDS:                     |                                                |                          |                       |                        |                                                         |               |                |
| Internal Service Fund                       | 310,504                                        | -                        | -                     | -                      | -                                                       | 3,617,250     | 3,927,754      |
| INTERNAL SERVICE FUNDS                      | 310,504                                        | -                        | -                     | -                      | -                                                       | 3,617,250     | 3,927,754      |
| ENTERPRISE FUNDS:                           |                                                |                          |                       |                        |                                                         |               |                |
| Storm Water Management Fund                 | 2,618,954                                      | -                        | -                     | -                      | -                                                       | 1,293,291     | 3,912,245      |
| Refuse Fund                                 | 1,952,083                                      | -                        | -                     | -                      | -                                                       | 2,961,385     | 4,913,468      |
| TOTAL ENTERPRISE FUNDS                      | 4,571,037                                      | -                        | -                     | -                      | -                                                       | 4,254,676     | 8,825,713      |
| TRUST AND AGENCY FUNDS                      |                                                |                          |                       |                        |                                                         |               |                |
| Recreation Programs Fund                    | 1,030                                          | -                        | -                     | -                      | -                                                       | -             | 1,030          |
| General Trust Fund                          | 189,627                                        | -                        | -                     | -                      | -                                                       | 750,000       | 939,627        |
| Unclaimed Money Fund                        | 59,429                                         | -                        | -                     | -                      | -                                                       | 20,000        | 79,429         |
| Twelve Step Recovery Fund                   | -                                              | -                        | -                     | -                      | -                                                       | -             | -              |
| Family Violence Program Fund                | 3,307                                          | -                        | -                     | -                      | -                                                       | -             | 3,307          |
| Flex Spending Plan Fund                     | 34,477                                         | -                        | -                     | -                      | -                                                       | 140,000       | 174,477        |
| Non-Residential 3% Assessment               | 2,102                                          | -                        | -                     | -                      | -                                                       | 35,000        | 37,102         |
| Residential 1% Assessment                   | 310                                            | -                        | -                     | -                      | -                                                       | 10,310        | 10,310         |
| TOTAL TRUST AND AGENCY FUNDS                | 290,282                                        | -                        | -                     | -                      | -                                                       | 955,000       | 1,245,282      |
| TOTAL ESTIMATED RESOURCES (memorandum Only) | \$ 58,668,859                                  | \$ 2,862,994             | \$ -                  | \$ 525,000             | \$ 270,506                                              | \$ 65,498,111 | \$ 127,825,470 |

FUND NAME : GENERAL FUND  
FUND TYPE/CLASSIFICATION : GOVERNMENTAL - GENERAL

EXHIBIT 1

This Exhibit is to be used for the General Fund Only

| DESCRIPTION                            | 2019<br>ACTUAL | 2020<br>ACTUAL | BUDGET YEAR<br>ESTIMATED FOR<br>2021 | BUDGET YEAR<br>ESTIMATED FOR<br>2022 |
|----------------------------------------|----------------|----------------|--------------------------------------|--------------------------------------|
| 1                                      | 2              | 3              | 4                                    | 5                                    |
| REVENUES:                              |                |                |                                      |                                      |
| Local Taxes:                           |                |                |                                      |                                      |
| General Property Tax - Real Estate     | \$ 1,578,379   | \$ 1,800,215   | \$ 1,794,900                         | \$ 1,794,900                         |
| Tangible Personal Property Tax         | \$ -           | \$ -           | \$ -                                 | \$ -                                 |
| Municipal Income Tax                   | 20,103,431     | 20,818,570     | 20,376,857                           | 20,988,163                           |
| Other Local Taxes - Police Pension     | -              | -              | -                                    | -                                    |
| Total Local Taxes                      | \$ 21,681,810  | \$ 22,618,785  | \$ 22,171,757                        | \$ 22,783,063                        |
| Intergovernmental Revenues:            |                |                |                                      |                                      |
| State Shared Taxes & Permits:          |                |                |                                      |                                      |
| Local Government                       | 598,634        | 665,379        | 601,392                              | 525,000                              |
| Estate Tax                             | -              | -              | -                                    | -                                    |
| Cigarette Tax                          | 1,006          | 1,007          | 1,100                                | 1,100                                |
| Lodging Tax                            | 59,413         | 38,481         | 40,000                               | 55,000                               |
| Liquor and Beer Permits                | 31,307         | 5,042          | 28,500                               | 30,000                               |
| Deregulation - Municipal Income Tax    | 86,377         | 39,537         | 40,000                               | 50,000                               |
| Deregulation - Property Tax            | -              | -              | -                                    | -                                    |
| Property Tax Allocation - Rollback     | 219,064        | 246,669        | 220,000                              | 220,000                              |
| Immobilization                         | -              | -              | -                                    | -                                    |
| Personal Property Tax Exemption        | -              | -              | -                                    | -                                    |
| Other Charges for Services - Govt Only | -              | -              | -                                    | -                                    |
| Other State Shared Taxes and Permits   | -              | -              | -                                    | -                                    |
| Total State Shared Taxes and Permits   | \$ 995,801     | \$ 996,115     | \$ 930,992                           | \$ 881,100                           |
| Grants or Aid                          |                |                |                                      |                                      |
| Federal Grants                         | -              | -              | -                                    | -                                    |
| Other Grants or Aid                    | -              | 929,980        | -                                    | -                                    |
| Total Grants or Aid                    | -              | 929,980        | -                                    | -                                    |
| Total Intergovernmental Revenues       | \$ 995,801     | \$ 1,926,095   | \$ 930,992                           | \$ 881,100                           |
| Special Assessments - Weeds            | 50,318         | 65,971         | 60,000                               | 60,000                               |
| Charges for Services                   |                |                |                                      |                                      |
| Fees/Lease Income                      | 14,930         | 10,300         | 12,350                               | 12,350                               |
| Cemetery                               | 3,400          | 3,500          | 2,500                                | 2,500                                |
| Dispatch                               | -              | -              | -                                    | -                                    |
| Senior Activities                      | -              | -              | -                                    | -                                    |
| Total Charges for Services             | \$ 18,330      | \$ 13,800      | \$ 14,850                            | \$ 14,850                            |
| Fines, Licenses, and Permits           | 1,203,523      | 588,460        | 1,039,905                            | 956,200                              |
| Interest Earnings                      | 917,535        | 596,372        | 400,600                              | 430,000                              |
| Miscellaneous - Miscellaneous          | 8,023          | 17,526         | 5,151                                | 5,000                                |
| Other Financing Sources:               |                |                |                                      |                                      |
| Transfers                              | 248,811        | 178,500        | 100,000                              | 70,000                               |
| Advances                               | 1,600,455      | 1,813,178      | 1,968,995                            | 2,614,690                            |
| Total Other Financing Sources          | \$ 1,849,266   | \$ 1,991,678   | \$ 2,068,995                         | \$ 2,684,690                         |
| TOTAL REVENUE                          | \$ 26,724,606  | \$ 27,818,687  | \$ 26,692,250                        | \$ 27,814,903                        |

FUND NAME : GENERAL FUND  
FUND TYPE/CLASSIFICATION : GOVERNMENTAL - GENERAL

EXHIBIT 2

This Exhibit is to be used for the General Fund Only

| DESCRIPTION                          | 2019<br>ACTUAL | 2020<br>ACTUAL | BUDGET YEAR<br>ESTIMATED FOR<br>2021 | FORECASTED<br>2022 |
|--------------------------------------|----------------|----------------|--------------------------------------|--------------------|
| 1                                    | 2              | 3              | 4                                    | 5                  |
| EXPENDITURES:                        |                |                |                                      |                    |
| Security of Persons & Property**     |                |                |                                      |                    |
| Personal Services                    | \$ 63,972      | \$ 68,830      | \$ 75,237                            | \$ 77,118          |
| Benefits & Insurance                 | 46,768         | 47,010         | 55,926                               | 58,710             |
| Contractual Services                 | 662            | 790            | 6,000                                | 6,000              |
| Supplies & Materials                 | 1,691          | 1,076          | 4,500                                | 4,500              |
| Capital Outlay                       | 645            | -              | -                                    | -                  |
| Total Security of Persons & Property | 113,738        | 117,726        | 141,663                              | 146,328            |
| Public Health Services               |                |                |                                      |                    |
| Personal Services                    | -              | -              | -                                    | -                  |
| Benefits & Insurance                 | -              | -              | -                                    | -                  |
| Contractual Services - Cemetery      | 14,159         | 18,509         | 28,925                               | 25,000             |
| Supplies & Materials                 | 111            | 225            | 150                                  | 150                |
| Capital Outlay                       | -              | -              | -                                    | -                  |
| Total Public Health Services         | 14,270         | 18,734         | 29,075                               | 25,150             |
| Leisure Time Activities              |                |                |                                      |                    |
| Personal Services                    | 84,445         | 89,999         | 88,938                               | 91,161             |
| Benefits & Insurance                 | 57,030         | 56,252         | 65,654                               | 68,912             |
| Contractual Services                 | 938            | 1,013          | 1,200                                | 1,200              |
| Supplies & Materials                 | 52             | -              | 150                                  | 150                |
| Capital Outlay                       | 366            | -              | -                                    | 1,250              |
| Total Leisure Time Activities        | 142,831        | 147,264        | 155,942                              | 162,673            |
| Community Environment                |                |                |                                      |                    |
| Personal Services                    | 461,600        | 463,457        | 522,372                              | 535,431            |
| Benefits & Insurance                 | 209,433        | 182,965        | 274,512                              | 287,582            |
| Contractual Services                 | 241,089        | 226,157        | 588,070                              | 600,975            |
| Supplies & Materials                 | 18,625         | 19,092         | 23,450                               | 23,450             |
| Capital Outlay                       | 2,704          | 934            | 9,500                                | 30,800             |
| Total Community Environment          | 933,451        | 892,605        | 1,417,904                            | 1,478,239          |
| Basic Utility Services               |                |                |                                      |                    |
| Personal Services                    | -              | -              | -                                    | -                  |
| Benefits & Insurance                 | -              | -              | -                                    | -                  |
| Contractual Services                 | -              | -              | -                                    | -                  |
| Supplies & Materials                 | -              | -              | -                                    | -                  |
| Capital Outlay                       | -              | -              | -                                    | -                  |
| Total Basic Utility Services         | \$ -           | \$ -           | \$ -                                 | \$ -               |

FUND NAME : GENERAL FUND  
FUND TYPE/CLASSIFICATION : GOVERNMENTAL - GENERAL

EXHIBIT 2

| DESCRIPTION                                      | 2019<br>ACTUAL | 2020<br>ACTUAL | BUDGET YEAR<br>ESTIMATED FOR<br>2021 | FORECASTED<br>2022 |
|--------------------------------------------------|----------------|----------------|--------------------------------------|--------------------|
| (Expenditures Continued)                         | 1              | 2              | 3                                    | 4                  |
| Transportation                                   |                |                |                                      |                    |
| Personal Services                                | -              | -              | -                                    | -                  |
| Benefits & Insurance                             | -              | -              | -                                    | -                  |
| Contractual Services                             | -              | -              | -                                    | -                  |
| Supplies & Materials                             | -              | -              | -                                    | -                  |
| Capital Outlay                                   | -              | -              | -                                    | -                  |
| Total Transportation                             | \$ -           | \$ -           | \$ -                                 | \$ -               |
| General Government                               |                |                |                                      |                    |
| Personal Services                                | 1,268,424      | 1,312,369      | 1,382,063                            | 1,417,142          |
| Benefits & Insurance                             | 731,903        | 674,127        | 853,283                              | 892,012            |
| Contractual Services                             | 958,612        | 1,041,539      | 1,436,966                            | 1,473,171          |
| Supplies & Materials                             | 28,209         | 28,174         | 62,785                               | 62,785             |
| Capital Outlay                                   | 146,091        | 106,805        | 110,470                              | 172,400            |
| Total General Government                         | \$ 3,133,239   | \$ 3,163,014   | \$ 3,845,567                         | \$ 4,017,510       |
| Debt Service                                     |                |                |                                      |                    |
| Redemption of Principal                          | -              | -              | -                                    | -                  |
| Interest                                         | -              | -              | -                                    | -                  |
| Other - Debt Service                             | -              | -              | -                                    | -                  |
| Total Debt Service                               | \$ -           | \$ -           | \$ -                                 | \$ -               |
| Other Uses of Funds                              |                |                |                                      |                    |
| Transfers / Advances Out                         | 20,092,422     | 20,867,368     | 22,628,953                           | 21,632,500         |
| Contingencies                                    | -              | -              | -                                    | -                  |
| Other Uses of Funds                              | -              | -              | -                                    | -                  |
| Total Other Uses of Funds                        | \$ 20,092,422  | \$ 20,867,368  | \$ 22,628,953                        | \$ 21,632,500      |
| TOTAL EXPENDITURES                               | \$ 24,429,951  | \$ 25,206,711  | \$ 28,219,104                        | \$ 27,462,400      |
| Revenues Over / (Under) Expenditures             | 2,294,655      | 2,611,976      | (1,526,854)                          | 352,503            |
| Beginning Fund Balance                           | 10,951,824     | 13,246,479     | 15,328,900                           | 13,802,046         |
| Ending Cash Fund Balance                         | 13,246,479     | 15,858,455     | 13,802,046                           | 14,154,549         |
| Estimated Encumbrances (outstanding at year end) |                | 529,555        | -                                    | -                  |
| Estimated Ending Unencumbered Fund Balances      | \$ 13,246,479  | \$ 15,328,900  | \$ 13,802,046                        | \$ 14,154,549      |

FUND NAME : GENERAL BOND RETIREMENT FUND  
 FUND TYPE/CLASSIFICATION : DEBT SERVICE FUND  
 This Exhibit is to be used for the General Bond Retirement Fund Only

| DESCRIPTION                                      | 2019<br>ACTUAL | 2020<br>ACTUAL | BUDGET YEAR<br>ESTIMATED FOR<br>2021 | FORECASTED<br>2022 |
|--------------------------------------------------|----------------|----------------|--------------------------------------|--------------------|
| REVENUES:                                        | 1              | 2              | 3                                    | 4                  |
| Local Taxes:                                     |                |                |                                      |                    |
| General Property Tax - Real Estate               | \$ -           | \$ -           | \$ -                                 | \$ -               |
| Tangible Personal Property Tax                   | -              | -              | -                                    | -                  |
| Municipal Income Tax                             | -              | -              | -                                    | -                  |
| Total Local Taxes                                | \$ -           | \$ -           | \$ -                                 | \$ -               |
| Intergovernmental:                               |                |                |                                      |                    |
| Rollback                                         | -              | -              | -                                    | -                  |
| Total Intergovernmental                          | \$ -           | \$ -           | \$ -                                 | \$ -               |
| Other Financing Sources:                         |                |                |                                      |                    |
| Bond Proceeds                                    | -              | -              | -                                    | -                  |
| Premium on Note Sale                             | -              | -              | -                                    | -                  |
| Miscellaneous                                    | -              | -              | -                                    | -                  |
| Total Other Financing Sources                    | \$ -           | \$ -           | \$ -                                 | \$ -               |
| Other Financing Sources:                         |                |                |                                      |                    |
| Transfers In                                     | 568            | -              | 45,694                               | -                  |
| Total Other Financing Sources                    | \$ 568         | \$ -           | \$ 45,694                            | \$ -               |
| TOTAL REVENUE                                    | \$ 568         | \$ -           | \$ 45,694                            | \$ -               |
| EXPENDITURES:                                    |                |                |                                      |                    |
| General Government                               |                |                |                                      |                    |
| Auditor / Treasurer Fees                         | -              | -              | -                                    | -                  |
| Legal Fees/Cost of Issuance                      | -              | -              | -                                    | -                  |
| Total General Government                         | \$ -           | \$ -           | \$ -                                 | \$ -               |
| Debt Service                                     |                |                |                                      |                    |
| Bond and Note Principal Payment                  | -              | -              | -                                    | -                  |
| Bond and Notes Interest Payment                  | -              | -              | -                                    | -                  |
| Total Debt Service                               | \$ -           | \$ -           | \$ -                                 | \$ -               |
| TOTAL EXPENDITURES                               | \$ -           | \$ -           | \$ -                                 | \$ -               |
| Revenues Over / (Under) Expenditures             | 568            | -              | 45,694                               | -                  |
| Beginning Uncumbered Balance                     | 1,150,537      | 1,150,537      | 1,151,105                            | 1,196,799          |
| Ending Cash Fund Balance                         | 1,151,105      | 1,150,537      | 1,196,799                            | 1,196,799          |
| Estimated Encumbrances (outstanding at year end) | -              | -              | -                                    | -                  |
| Estimated Ending Uncumbered Fund Balances        | \$ 1,151,105   | \$ 1,150,537   | \$ 1,196,799                         | \$ 1,196,799       |

\*Since 2013, all storm water debt has been paid from the Storm Water Enterprise Fund. The City's current debt service plan is to provide a dedicated funding source that can be available for larger capital improvement projects and related debt obligations. Currently this fund's balance is informally earmarked for future debt service if needed for future major road projects or building improvements for 2022 and beyond. Project discussions are ongoing.

| FUND                                         | Estimated Un-<br>cumbered Balance<br>January 1, 2022 | Budget Year<br>Tex (Only)<br>Receipts | Budget Year<br>Homestead & Rollback<br>(Only) Receipts | Budget Year<br>Other<br>Receipts | Budget Year<br>Estimated Total<br>Receipts | Total Available<br>for Expenditures | BUDGET YEAR EXPENDITURES AND ENCUMBRANCES | Estimated<br>Uncumbered<br>Balance<br>December 31, 2022 |
|----------------------------------------------|------------------------------------------------------|---------------------------------------|--------------------------------------------------------|----------------------------------|--------------------------------------------|-------------------------------------|-------------------------------------------|---------------------------------------------------------|
| GOVERNMENTAL FUND TYPE                       |                                                      |                                       |                                                        |                                  |                                            |                                     |                                           |                                                         |
| SPECIAL REVENUE FUNDS                        |                                                      |                                       |                                                        |                                  |                                            |                                     |                                           |                                                         |
| Court Fees Fund                              | 22,558                                               | -                                     | -                                                      | 29,000                           | 29,000                                     | 51,558                              | 10,807                                    | 21,218                                                  |
| FEMA Grant Fund                              | 8,842,316                                            | 231,130                               | 31,670                                                 | 8,904,988                        | 9,167,788                                  | 18,010,104                          | 4,617,793                                 | 8,889,197                                               |
| Police Fund                                  | 6,801,775                                            | -                                     | -                                                      | 5,824,800                        | 5,824,800                                  | 12,626,575                          | 2,575,890                                 | 7,353,363                                               |
| Fire Fund                                    | 4,520,754                                            | -                                     | -                                                      | 3,638,214                        | 3,638,214                                  | 8,158,968                           | 1,210,608                                 | 4,217,435                                               |
| Street Repair & Maintenance Fund             | 476,420                                              | -                                     | -                                                      | 180,000                          | 180,000                                    | 656,420                             | 146,675                                   | 509,745                                                 |
| State Highway Fund                           | 58,848                                               | -                                     | -                                                      | 500                              | 500                                        | 59,348                              | 15,000                                    | 44,348                                                  |
| Law Enforcement Trust Fund                   | 702,476                                              | -                                     | -                                                      | 15,000                           | 15,000                                     | 717,476                             | 45,000                                    | 672,476                                                 |
| Brunswick Transit Alternative Fund           | -                                                    | -                                     | -                                                      | -                                | -                                          | -                                   | -                                         | -                                                       |
| RLE CDBG Fund                                | 808,731                                              | -                                     | -                                                      | 438,579                          | 438,579                                    | 1,247,310                           | 132,041                                   | 836,636                                                 |
| Brunswick Area Television Fund               | 1,361,099                                            | -                                     | -                                                      | 576,000                          | 576,000                                    | 1,937,099                           | 214,020                                   | 1,408,752                                               |
| POJ Grant Fund                               | 27,440                                               | -                                     | -                                                      | 3,250                            | 3,250                                      | 30,690                              | -                                         | 27,440                                                  |
| Enforcement & Education                      | 680,973                                              | -                                     | -                                                      | 707,000                          | 707,000                                    | 1,387,973                           | 424,977                                   | 310,168                                                 |
| Recreation Center Fund                       | 8,468                                                | -                                     | -                                                      | 4                                | 4                                          | 8,472                               | -                                         | 8,472                                                   |
| CHRF (HOME) Fund                             | 24,311,858                                           | 231,130                               | 31,670                                                 | 20,317,335                       | 20,580,135                                 | 44,891,993                          | 9,206,135                                 | 24,319,249                                              |
| TOTAL SPECIAL REVENUE FUNDS                  |                                                      |                                       |                                                        |                                  |                                            |                                     |                                           |                                                         |
| DEBT SERVICE FUNDS:                          |                                                      |                                       |                                                        |                                  |                                            |                                     |                                           |                                                         |
| General Obligation Debt Fund                 | 1,196,799                                            | -                                     | -                                                      | -                                | -                                          | 1,196,799                           | -                                         | 1,196,799                                               |
| S. A. South Industrial Park Improvement Fund | 16,074                                               | -                                     | -                                                      | 42,358                           | 42,358                                     | 58,432                              | -                                         | 19,819                                                  |
| S. A. Laurel Road (2006) Improvement Fund    | 7,205                                                | -                                     | -                                                      | 18,513                           | 18,513                                     | 26,218                              | -                                         | 7,205                                                   |
| S. A. Burns Lake - Dam Improvement Fund      | 6,930                                                | -                                     | -                                                      | 11,558                           | 11,558                                     | 18,488                              | -                                         | 6,662                                                   |
| S. A. Burns Lake - Dredging Improvement Fund | 1,227,508                                            | -                                     | -                                                      | 72,429                           | 72,429                                     | 1,299,937                           | -                                         | 1,230,549                                               |
| TOTAL DEBT SERVICE FUNDS                     |                                                      |                                       |                                                        |                                  |                                            |                                     |                                           |                                                         |
| CAPITAL PROJECT FUNDS                        |                                                      |                                       |                                                        |                                  |                                            |                                     |                                           |                                                         |
| CDBG Fund                                    | -                                                    | -                                     | -                                                      | 1,261,710                        | 1,261,710                                  | 7,641,478                           | -                                         | 7,141,478                                               |
| Capital Project Improvement Fund             | 6,379,768                                            | -                                     | -                                                      | 855,000                          | 1,873,315                                  | 1,873,315                           | -                                         | 1,625,515                                               |
| Road Levy Improvement Fund                   | 1,625,515                                            | 836,964                               | 18,836                                                 | 8,889,708                        | 8,889,708                                  | 15,383,490                          | 7,813,600                                 | 7,569,890                                               |
| Road Capital Improvement Fund                | 6,493,782                                            | -                                     | -                                                      | -                                | -                                          | 3,125                               | -                                         | 3,125                                                   |
| Traffic Control Improvement Fund             | 3,125                                                | -                                     | -                                                      | -                                | -                                          | 12,298                              | -                                         | 12,298                                                  |
| Public Square Improvement Fund               | 12,298                                               | -                                     | -                                                      | -                                | -                                          | 463                                 | -                                         | 463                                                     |
| City Building Improvement Fund               | 463                                                  | -                                     | -                                                      | -                                | -                                          | 79,618                              | -                                         | 79,618                                                  |
| Fire Improvement Fund                        | 79,618                                               | -                                     | -                                                      | -                                | -                                          | 588,821                             | -                                         | 338,821                                                 |
| Parks City Wide Improvement Fund             | 588,821                                              | -                                     | -                                                      | -                                | -                                          | -                                   | -                                         | -                                                       |
| Ohio Environ Improv Program Fed Grant Fund   | -                                                    | -                                     | -                                                      | -                                | -                                          | -                                   | -                                         | -                                                       |
| Boston Road Improvement Fund                 | -                                                    | -                                     | -                                                      | -                                | -                                          | -                                   | -                                         | -                                                       |
| 1-71 Route 303 Enhancement Fund              | 431,340                                              | -                                     | -                                                      | -                                | -                                          | 431,340                             | -                                         | 431,340                                                 |
| Brunswick Lake Improvement Fund              | 3,895                                                | -                                     | -                                                      | -                                | -                                          | 3,895                               | -                                         | 3,895                                                   |
| OPWC Grifton Road Imp. Fund                  | -                                                    | -                                     | -                                                      | -                                | -                                          | -                                   | -                                         | -                                                       |
| OPWC Center Road Imp. Fund                   | -                                                    | -                                     | -                                                      | -                                | -                                          | -                                   | -                                         | -                                                       |
| OPWC Multi Roads Imp. Fund                   | -                                                    | -                                     | -                                                      | -                                | -                                          | -                                   | -                                         | -                                                       |
| OPWC Laurel Road Imp. Fund                   | -                                                    | -                                     | -                                                      | -                                | -                                          | -                                   | -                                         | -                                                       |
| OPWC Sleepy Hollow & Old Eagle Imp. Fund     | -                                                    | -                                     | -                                                      | -                                | -                                          | -                                   | -                                         | -                                                       |
| TOTAL CAPITAL PROJECT FUNDS                  | 14,155,625                                           | 836,964                               | 18,836                                                 | 11,006,418                       | 11,862,218                                 | 26,017,843                          | 10,274,400                                | 15,743,443                                              |
| INTERNAL SERVICE FUNDS:                      |                                                      |                                       |                                                        |                                  |                                            |                                     |                                           |                                                         |
| Internal Service Fund                        | 310,504                                              | -                                     | -                                                      | 3,617,250                        | 3,617,250                                  | 3,927,754                           | -                                         | 310,504                                                 |
| TOTAL INTERNAL SERVICE FUNDS                 | 310,504                                              | -                                     | -                                                      | 3,617,250                        | 3,617,250                                  | 3,927,754                           | -                                         | 310,504                                                 |
| PROPRIETARY                                  |                                                      |                                       |                                                        |                                  |                                            |                                     |                                           |                                                         |
| ENTERPRISE FUNDS                             |                                                      |                                       |                                                        |                                  |                                            |                                     |                                           |                                                         |
| Storm Water Management Fund                  | 2,618,954                                            | -                                     | -                                                      | 1,297,291                        | 1,297,291                                  | 3,912,245                           | 33,280                                    | 2,028,965                                               |
| Refuse Fund                                  | 1,952,083                                            | -                                     | -                                                      | 2,961,385                        | 2,961,385                                  | 4,913,468                           | 69,169                                    | 2,282,768                                               |
| TOTAL ENTERPRISE FUNDS                       | 4,571,037                                            | -                                     | -                                                      | 4,258,676                        | 4,258,676                                  | 8,825,713                           | 102,449                                   | 4,311,733                                               |
| FIDUCIARY                                    |                                                      |                                       |                                                        |                                  |                                            |                                     |                                           |                                                         |
| TRUST AND AGENCY FUNDS                       |                                                      |                                       |                                                        |                                  |                                            |                                     |                                           |                                                         |
| Recreation Programs Fund                     | 1,030                                                | -                                     | -                                                      | -                                | -                                          | 1,030                               | -                                         | 1,030                                                   |
| General Trust Fund                           | 189,627                                              | -                                     | -                                                      | 750,000                          | 750,000                                    | 939,627                             | -                                         | 189,627                                                 |
| Uncollected Money Fund                       | 59,429                                               | -                                     | -                                                      | 20,000                           | 20,000                                     | 79,429                              | -                                         | 59,429                                                  |
| Family Violence Program Fund                 | 3,307                                                | -                                     | -                                                      | -                                | -                                          | 3,307                               | -                                         | 3,307                                                   |
| Pics Spending Plan Fund                      | 34,477                                               | -                                     | -                                                      | 140,000                          | 140,000                                    | 174,477                             | -                                         | 34,477                                                  |
| Non-Residential 3% Assessment Fee            | 2,102                                                | -                                     | -                                                      | 35,000                           | 35,000                                     | 37,102                              | -                                         | 2,102                                                   |
| Residential 1% Assessment Fee                | 310                                                  | -                                     | -                                                      | 10,000                           | 10,000                                     | 10,310                              | -                                         | 310                                                     |
| TOTAL TRUST AND AGENCY FUNDS                 | 290,282                                              | -                                     | -                                                      | 955,000                          | 955,000                                    | 1,245,282                           | -                                         | 290,282                                                 |
| TOTAL FOR MEMORANDUM ONLY                    | 44,866,814                                           | 1,068,094                             | 50,506                                                 | 40,223,108                       | 41,341,708                                 | 86,208,522                          | 9,308,585                                 | 46,205,760                                              |

STATEMENT OF AMOUNTS REQUIRED FOR  
PAYMENT OF FINAL JUDGMENTS  
(Section 5705.29, Revised Code)

[illegible]

List the amounts required for the payment of each judgment expected to be paid during the year being budgeted.

|                                                      |                                                     |                  |               |                                                                      |                                |                                                                                                       |                                                                         |                                                                                         | BUDGET YEAR |  |
|------------------------------------------------------|-----------------------------------------------------|------------------|---------------|----------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|-------------|--|
| PURPOSE OF BONDS<br>AND NOTES                        | Authority for<br>Levy Outside<br>10 Mill<br>Limit * | Date<br>of Issue | Due<br>Date   | Last Effective<br>Ordinance(s)<br>at time Tax Budget<br>was prepared | Forecasted<br>Interest<br>Rate | Forecasted amounts of<br>G O Bonds<br>Outstanding at<br>Beginning of Budgeted<br>Year January 1, 2022 | Amount Required<br>for Principal<br>and Interest<br>1/1 - 12/31<br>2022 | Amount Receivable<br>from Other Sources<br>to Meet Debt Payments<br>1/1 - 12/31<br>2022 |             |  |
| INSIDE 10 MILL LIMIT:                                |                                                     |                  |               |                                                                      |                                |                                                                                                       |                                                                         |                                                                                         |             |  |
| <u>Payable from Bond Retirement Fund</u>             |                                                     |                  |               |                                                                      |                                |                                                                                                       |                                                                         |                                                                                         |             |  |
| None Known at this time.                             |                                                     |                  |               |                                                                      |                                |                                                                                                       |                                                                         |                                                                                         |             |  |
| <u>Payable from Other Sources</u>                    |                                                     |                  |               |                                                                      |                                |                                                                                                       |                                                                         |                                                                                         |             |  |
| Traffic Signalization Imp. Bonds \$1,320,000 @       | n/a                                                 | November 2012    | December 2031 | #86-12                                                               | 2.00%-4.00%                    | 800,000                                                                                               | 96,675                                                                  | 96,675                                                                                  |             |  |
| Storm Sewer Improvement Bonds \$1,155,000* @         | n/a                                                 | November 2012    | December 2031 | #87-12                                                               | 2.00%-4.00%                    | 600,000                                                                                               | 83,700                                                                  | 83,700                                                                                  |             |  |
| Capital Improv (Storm Water Mgt) Bonds \$4,672,492 * | n/a                                                 | September 2009   | December 2029 | # 80-09, 81-09 & 82-09                                               | 2.00% - 4.20%                  | 2,274,931                                                                                             | 334,838                                                                 | 334,838                                                                                 |             |  |
| TOTAL                                                |                                                     |                  |               |                                                                      |                                |                                                                                                       |                                                                         |                                                                                         |             |  |
| OUTSIDE 10 MILL LIMIT:                               |                                                     |                  |               |                                                                      |                                |                                                                                                       |                                                                         |                                                                                         |             |  |
| TOTAL                                                |                                                     |                  |               |                                                                      |                                | \$ 3,674,931                                                                                          | \$ 515,213                                                              | \$ 515,213                                                                              |             |  |

\* Debt obligations associated with storm water drainage and improvements are budgeted to be paid off with the stormwater fee. Council authorized this fee and related Enterprise Fund via Ord#31-11. A financial statement beginning balance restatement was required for moving debt obligations from the General Obligation Bond Retirement Fund to the City's new Stormwater Management Enterprise Fund in the City's FY 2012 CAFR.

@The Traffic Signalization and Storm Sewer Bonds were broken out separately since the revenue sources to retire the debt obligations will come from two different funds. The traffic signalization debt obligations are to come from revenue sources in the State Highway Fund and the Storm Sewer debt obligations are to come from the storm water fees collected in the Storm Water Fund.

Note: The above includes General Obligation Bonds issued by the City but excludes OPWC loans and Special Assessment Debt. Furthermore any new projects that may be initiated after the submission of this tax budget are also excluded

## PROPOSED LEGISLATION



**DATE:** 5/24/2021

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

**FROM:** Carl S. DeForest, City Manager  
Todd Fischer

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **ORD. NO. 58-2021** - An emergency ordinance amending ordinances #85-2020, #13-2021 and #45-2021 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*)

**BACKGROUND:** In order to comply with the Ohio Revised Code Section 5705, any and all activity of the City must be included in the budget. As actual information is obtained and compared to estimates or new items are requested to be added or deleted by the respective departments, it is necessary and required to present the proposed budget amendments to Council for approval. This process is required by law and audited under the direction of the Auditor of State for compliance every year.

**PURPOSE AND EXPLANATION:** See fiscal section and related attachments for additional information.

**IMPLEMENTATION SCHEDULE:** Discuss at the May 24, 2021, Finance Committee meeting and move to the May 24, 2021, Council agenda as an emergency with the suspension of the rules.

**FINANCIAL INFORMATION:**

**FINANCIAL SUMMARY:** The total financial impact of this legislation is a net increase to the overall City appropriation budget by \$211,321.23. The largest components of the net increase, in no particular order, relate to:

- 1) Local funds set aside for the inclusive/accessible playground project not to exceed \$175,000. Amount of local funds committed to this project will depend on various factors, including but not limited to, grant funding, donations, fundraising efforts, etc. Separate legislation expected to be presented to Council on May 24, 2021.
- 2) \$10,757.47 in forfeited cash per the final disposition from the Court of Common Pleas Judge

Joyce V. Kimbler. Forfeiture was based on a completed investigation conducted by the Division of Police and other agencies.

All other items not specifically listed in this summary are detailed with a description with listed amounts in the attached Exhibit B.

Exhibit A is the legal document required to be reviewed and adopted by Council pursuant to Ohio Revised Code Section 5705 for these budget amendments to be adopted.

Exhibit B is provided for informational and review purposes only.

It's important to note that this legislation only has a budgetary impact and actual expenditures are still subject to state and local laws.

**RECOMMENDED  
ACTION:**

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

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

Recommended approval as an emergency with the suspension of the rules. The emergency clause is necessary in order to remain in compliance with the Ohio Revised Code, allow for the daily operations of the City of Brunswick to continue without interruptions, and keep the budget as up-to-date as possible in order to provide accurate accountability to the City's financial readers and interested parties.

**ADDITIONAL  
INFORMATION:**

CITY OF BRUNSWICK, OHIO  
ORDINANCE NO. 58-2021

By: Mrs. Hanek, Mrs. Zak and Mr. Delsanter

AN EMERGENCY ORDINANCE AMENDING ORDINANCES #85-2020, #13-2021 AND #45-2021 TO INCLUDE AMENDMENTS TO THE APPROPRIATION BUDGET FOR THE YEAR ENDING DECEMBER 31, 2021 AS INCORPORATED IN EXHIBIT "A" ATTACHED HERETO.

WHEREAS: Ordinance #85-2020 adopted appropriations for 2021; and Ordinances #13-2021 and #45-2021 regarding amendments to the 2021 appropriation budget, were previously adopted by Council; and

WHEREAS: "Exhibit A" reflects the appropriations as required by the Ohio Revised Code Section 5705.38(C); and

WHEREAS: The amendments are described in detail and attached hereto as "Exhibit B" for informational purposes only; and

WHEREAS: In order to properly budget in accordance with State law for expenditures presently anticipated it is necessary to amend Ordinances #85-2020, #13-2021 and #45-2021.

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

SECTION 1: Ordinances #85-2020, #13-2021 and #45-2021 are hereby amended to reflect the appropriations as attached hereto and incorporated herein as Exhibit "A."

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the usual daily operation of a municipal government and for the additional reason that Council wishes to maintain accurate appropriations. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

---

PASSED: 1<sup>st</sup> Reading \_\_\_\_\_

RULES SUSPENDED: AYES \_\_\_\_ NAYS \_\_\_\_

ADOPTED: \_\_\_\_\_AYES \_\_\_\_ NAYS \_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council  
Fijabi Julien-Gallam, CMC

**EXHIBIT A**

May 24, 2021

| Fund Number                       |  | Fund Name / Department                   | Personal Service | Other            | Total            |
|-----------------------------------|--|------------------------------------------|------------------|------------------|------------------|
| <b>General Fund</b>               |  |                                          |                  |                  |                  |
| 001                               |  | General Fund                             |                  |                  |                  |
|                                   |  | City Council                             | 170,488.00       | 83,320.00        | \$ 253,808.00    |
|                                   |  | Mayor                                    | 96,309.00        | 87,595.42        | \$ 183,904.42    |
|                                   |  | City Manager                             | 187,768.00       | 133,659.44       | \$ 321,427.44    |
|                                   |  | Information Technologies                 | 168,918.00       | 289,878.54       | \$ 458,796.54    |
|                                   |  | Engineering                              | 23,769.00        | 368,748.00       | \$ 392,517.00    |
|                                   |  | Building Department                      | 336,552.00       | 226,072.04       | \$ 562,624.04    |
|                                   |  | Cemetery Maintenance                     | -                | 29,075.00        | \$ 29,075.00     |
|                                   |  | Janitorial Contract                      | -                | 21,627.00        | \$ 21,627.00     |
|                                   |  | City Hall Building & Grounds             | 17,851.00        | 66,979.00        | \$ 84,830.00     |
|                                   |  | Administrative Services                  | 94,967.76        | 56,702.00        | \$ 151,669.76    |
|                                   |  | Economic Development                     | 111,361.00       | 277,282.51       | \$ 388,643.51    |
|                                   |  | Animal Control                           | 75,237.00        | 71,425.62        | \$ 146,662.62    |
|                                   |  | Law Department                           | 187,380.00       | 254,906.00       | \$ 442,286.00    |
|                                   |  | Finance Department                       | 251,803.00       | 231,701.93       | \$ 483,504.93    |
|                                   |  | Income Tax Department                    | 197,040.00       | 218,442.15       | \$ 415,482.15    |
|                                   |  | Parks & Recreation Director              | 88,938.00        | 67,004.00        | \$ 155,942.00    |
|                                   |  | General Fund Administration              | -                | 1,061,378.70     | \$ 1,061,378.70  |
|                                   |  | Planning Division/Community Development  | 46,935.00        | 35,265.58        | \$ 82,200.58     |
|                                   |  | Board of Building Appeals                | 468.00           | 1,215.00         | \$ 1,683.00      |
|                                   |  | Board of Zoning Appeals                  | 3,287.00         | 4,949.00         | \$ 8,236.00      |
|                                   |  | Board of Civil Service                   | 10,550.00        | 26,921.00        | \$ 37,471.00     |
|                                   |  | Board of Ethics                          | 5,330.00         | 4,615.00         | \$ 9,945.00      |
|                                   |  | Board of Charter Review                  | -                | -                | \$ -             |
|                                   |  | Board of Commemorative Affairs           | -                | 22,000.00        | \$ 22,000.00     |
|                                   |  | General Fund Transfers / Advances        | -                | 22,528,953.47    | \$ 22,528,953.47 |
| 001                               |  | Total General Fund                       | \$ 2,074,951.76  | \$ 26,169,716.40 | \$ 28,244,668.16 |
| <b>Special Revenue Funds:</b>     |  |                                          |                  |                  |                  |
| 110                               |  | Court Computerization Fund               | 10,543.00        | 18,782.06        | \$ 29,325.06     |
| 111                               |  | FEMA Grant Fund                          | -                | 4,742.77         | \$ 4,742.77      |
| 112                               |  | Local CoronaVirus Relief Fund            | -                | -                | \$ -             |
| 114                               |  | Police Fund                              | 4,505,164.00     | 4,210,019.36     | \$ 8,715,183.36  |
| 115                               |  | Fire Fund                                | 2,500,864.00     | 3,330,414.46     | \$ 5,831,278.46  |
| 117                               |  | Street Repair & Maintenance Fund         | 1,181,081.00     | 2,404,024.52     | \$ 3,585,105.52  |
| 118                               |  | State Highway Fund                       | -                | 134,275.00       | \$ 134,275.00    |
| 119                               |  | Law Enforcement Fund                     | -                | 10,757.47        | \$ 10,757.47     |
| 120                               |  | Brunswick Transit Alternative (BTA) Fund | -                | 45,000.00        | \$ 45,000.00     |
| 123                               |  | Brunswick Area Television (BAT) Fund     | 148,333.00       | 289,322.62       | \$ 437,655.62    |
| 127                               |  | Parks Fund                               | 208,800.00       | 306,616.02       | \$ 515,416.02    |
| 129                               |  | Department of Justice Federal Grant Fund | -                | 115,618.01       | \$ 115,618.01    |
| 130                               |  | DUI Enforcement & Education Fund         | -                | -                | \$ -             |
| 131                               |  | Recreation Center Fund                   | 390,221.00       | 573,019.52       | \$ 963,240.52    |
| 133                               |  | Home Improvement Grant Fund (CDBG)       | -                | 39,162.40        | \$ 39,162.40     |
| <b>Enterprise Funds:</b>          |  |                                          |                  |                  |                  |
| 223                               |  | Refuse Fund                              | 67,482.00        | 2,722,732.98     | \$ 2,790,214.98  |
| 224                               |  | Storm Water Management Fund              | 32,073.00        | 1,828,009.73     | \$ 1,860,082.73  |
| <b>Capital Improvement Funds:</b> |  |                                          |                  |                  |                  |
| 300                               |  | General Permanent Improvement Fund       | -                | 2,276,453.06     | \$ 2,276,453.06  |
| 332                               |  | Road Levy Fund                           | -                | 2,566,250.00     | \$ 2,566,250.00  |
| 333                               |  | Road Improvement Fund                    | -                | 5,368,003.78     | \$ 5,368,003.78  |
| 334                               |  | Traffic Control Fund                     | -                | -                | \$ -             |
| 335                               |  | Public Square Fund                       | -                | -                | \$ -             |

|                             |                                                   |   |              |           |                      |
|-----------------------------|---------------------------------------------------|---|--------------|-----------|----------------------|
| 336                         | City Building Improvement Fund                    | - | 593,557.74   | \$        | 593,557.74           |
| 337                         | EPA Grant Fund                                    | - | -            | \$        | -                    |
| 339                         | Fire Improvement Fund                             | - | -            | \$        | -                    |
| 341                         | Park Improvement Fund                             | - | 1,925,629.18 | \$        | 1,925,629.18         |
| 347                         | North Carpenter Road Improvement Fund             | - | 2,734,017.93 | \$        | 2,734,017.93         |
| 348                         | Boston Road Improvement Fund                      | - | 93,519.24    | \$        | 93,519.24            |
| 360                         | Brunswick Lake Improvement Fund                   | - | 712,951.05   | \$        | 712,951.05           |
| 370                         | OPWC Multi Roads Improvement Fund                 | - | -            | \$        | -                    |
| 371                         | OPWC Laurel Road Improvement Fund                 | - | 1,810,938.89 | \$        | 1,810,938.89         |
| 372                         | OPWC Old Eagle Drive Improvement Fund             | - | 994,330.00   | \$        | 994,330.00           |
| <b>Self Insurance Fund:</b> |                                                   |   |              |           |                      |
| 600                         | Self Insurance Fund                               | - | 3,445,000.00 | \$        | 3,445,000.00         |
| <b>Debt Service Funds:</b>  |                                                   |   |              |           |                      |
| 771                         | General Obligation Bond Retirement Fund           | - | -            | \$        | -                    |
| 781                         | Special Assessment BRF: South Industrial Parkway  | - | 45,693.90    | \$        | 45,693.90            |
| 782                         | Special Assessment BRF: Laurel Road (2006)        | - | 40,187.50    | \$        | 40,187.50            |
| 783                         | Special Assessment BRF: Brunswick Lake - Dam      | - | 18,948.81    | \$        | 18,948.81            |
| 784                         | Special Assessment BRF: Brunswick Lake - Dredging | - | 11,826.19    | \$        | 11,826.19            |
| <b>Agency Funds:</b>        |                                                   |   |              |           |                      |
| 881                         | General Trust Agency Fund                         | - | 750,000.00   | \$        | 750,000.00           |
| 882                         | Unclaimed Money Agency Fund                       | - | 20,000.00    | \$        | 20,000.00            |
| 885                         | Flexible Spending Agency Fund                     | - | 140,000.00   | \$        | 140,000.00           |
| 886                         | Non-Residential 3% Building Permit Agency Fund    | - | 36,566.50    | \$        | 36,566.50            |
| 887                         | Residential 1% Building Permit Agency Fund        | - | 10,000.00    | \$        | 10,000.00            |
| <b>Grand Total</b>          |                                                   |   |              | <b>\$</b> | <b>76,915,599.85</b> |

**City of Brunswick, Finance Office**

**"Exhibit B" : Schedule of Amendments to the Permanent Budget #3 - For informational purposes only**

For the Budget Year Ending December 31, 2021

5/24/2021

| <b>Fund Name /<br/>Account Name</b>            | <b>Account<br/>Number</b> | <b>Appropriation<br/>Adjustment<br/>Amount</b> | <b>Description</b>                                                                                                                                                                                                                                                                       |
|------------------------------------------------|---------------------------|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>General (#001)</b>                          |                           |                                                |                                                                                                                                                                                                                                                                                          |
| SITE DEPOSITS                                  | 001-0410-54265            | 8,000.00                                       | Increase site deposit estimated receipts and appropriations by \$8,000 to a total of \$200,000 for the year. Building activity will continue to be monitored.                                                                                                                            |
| ARCHITECT REVIEW                               | 001-0430-54263            | 10,000.00                                      | 2021 building activity has increased above original estimates. Increase both est receipts and appropriations for architect fees by the same amount                                                                                                                                       |
| ADMIN ASST - FT                                | 001-0461-51100            | 6,341.76                                       | Temporary coverage plan to hire part-time assistance to cover department during FMLA leave of another employee.                                                                                                                                                                          |
| PERS                                           | 001-0461-52223            | 890.00                                         | Temporary coverage plan to hire part-time assistance to cover department during FMLA leave of another employee.                                                                                                                                                                          |
| MEDITAX                                        | 001-0461-52226            | 92.00                                          | Temporary coverage plan to hire part-time assistance to cover department during FMLA leave of another employee.                                                                                                                                                                          |
| WORKER'S COMP - ADM SERVICES                   | 001-0461-52274            | 190.00                                         | Temporary coverage plan to hire part-time assistance to cover department during FMLA leave of another employee.                                                                                                                                                                          |
| PRE-EMPLOYMENT SERVICES                        | 001-0461-54234            | 50.00                                          | Temporary coverage plan to hire part-time assistance to cover department during FMLA leave of another employee.                                                                                                                                                                          |
| <b>General Fund Total</b>                      |                           | <b><u>25,563.76</u></b>                        |                                                                                                                                                                                                                                                                                          |
| <b>Law Enforcement Trust Fund (#119)</b>       |                           |                                                |                                                                                                                                                                                                                                                                                          |
| INVESTIGATIONS                                 | 119-0523-53230            | <u>10,757.47</u>                               | Forfeiture of cash from investigation. Final disposition from Court of Common Pleas Judge Joyce V. Kimbler issued. Incident report #16-16446.                                                                                                                                            |
| <b>Total Law Enforcement Trust Fund (#119)</b> |                           | <b><u>10,757.47</u></b>                        |                                                                                                                                                                                                                                                                                          |
| <b>Park Improvement Fund (#341)</b>            |                           |                                                |                                                                                                                                                                                                                                                                                          |
| INCLUSIVE/ACCESIBLE PLAYGROUND                 | 341-0812-56870            | 175,000.00                                     | Maximum local funds set aside to \$175,000. Amount of local funds committed to this project will depend on various factors, including but not limited to, grant funding, donations, fund raising efforts, etc. Separate legislation expected to be presented to Council on May 24, 2021. |
| <b>Total Park Improvement Fund</b>             |                           | <b><u>175,000.00</u></b>                       |                                                                                                                                                                                                                                                                                          |

## PROPOSED LEGISLATION



**DATE:** 5/24/2021

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

**FROM:** Carl S. DeForest, City Manager  
Todd Fischer

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **RES. NO. 59-2021** - An emergency resolution setting aside local funds in an amount not to exceed \$175,000 from the Parks City-Wide Capital Improvement Fund #341 for the inclusive/accessible playground project - **1st Reading** (To be brought from Park, Recreation & Community Committee, *Administration/Todd Fischer*)

**BACKGROUND:** An emergency resolution to set aside local funds up to a maximum of \$175,000 from the Parks City-Wide Capital Improvement Fund #341 for the inclusive/accessible playground project

Actual amount of local funds committed for this project will depend upon various outside factors, including but not limited to, grant funding, donations fundraising efforts, etc. Committing local funds to this project would greatly enhance the City's chances of obtaining grant funding or outside assistance. It is our goal to see this project through provided enough outside funds are available for this project. If the City is unable to obtain sufficient grant and/or outside agency monies to cover certain costs of this project, then the City would be under no obligation to complete the project. If this were to occur, this resolution and local funding commitment could be rescinded at that time.

The City and contracted consultant are expected to apply for a Nature Works Grant for this project. Local funding commitments included with the grant application would increase our chances of obtaining grant funding. The grant application is due by June 1, 2021, and thus the Administration is requesting that Council consider passing this resolution as an emergency with the suspension of the rules on May 24, 2021.

**PURPOSE AND EXPLANATION:** See background above.

**IMPLEMENTATION SCHEDULE:** Consideration for passage as emergency and suspension of the rules on May 24, 2021.

**FINANCIAL INFORMATION:**

**FINANCIAL**

**SUMMARY:** Local set aside funds for this project will come from acct#341-0812-56870. Not to exceed \$175,000 or cap noted in this legislation.

**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?  
The emergency clause and suspension of the rules are deemed necessary to increase the City's chances of obtaining grant funding.

The City and consultant are expected to apply for a Nature Works Grant for this project. Local funding commitments included with the grant application would increase our chances of obtaining grant funding. The grant application is due by June 1, 2021, and thus the Administration is requesting that Council consider passing this resolution as an emergency with the suspension of the rules on May 24, 2021.

**ADDITIONAL  
INFORMATION:**

CITY OF BRUNSWICK, OHIO  
RESOLUTION NO. 59-2021

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

AN EMERGENCY RESOLUTION SETTING ASIDE LOCAL FUNDS IN AN AMOUNT NOT TO EXCEED \$175,000.00 FROM THE PARKS CITY-WIDE CAPITAL IMPROVEMENT FUND #341 FOR THE INCLUSIVE/ACCESSIBLE PLAYGROUND PROJECT.

WHEREAS: The actual amount of local funds to be committed for the Inclusive/Accessible Playground Project (the “Project”) will depend upon various factors, including, without limitation, grant funding and donation fundraising efforts;

WHEREAS: Committing local funds for the Project will enhance the City’s chances to obtain grant funding and/or outside assistance; and

WHEREAS: Setting aside local funds as provided herein does not create an obligation to proceed with the Project in the event that sufficient grant funding and/or outside assistance is not received.

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

SECTION 1: That local funds in an amount not to exceed \$175,000.00 are set aside from the Parks City-Wide Capital Improvement Fund #341 for the Project.

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 include same within a Nature Works Grant Application that must be submitted by June 1, 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: 1<sup>st</sup> Reading \_\_\_\_\_

Rules Suspended: AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council  
Fijabi Julien-Gallam, CMC

## PROPOSED LEGISLATION



**DATE:** 5/24/2021

**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. 60-2021** - An emergency resolution authorizing the City Manager to enter into an agreement with Marks Construction, Inc. for the Plum Creek Greenway Phase I Project in an amount not to exceed \$444,909.00. - **1st Reading** (To be brought from Parks, Recreation & Community Committee, *Administration/Matt Jones*)

**BACKGROUND:** Authorization for public bid granted by City Council motion on June 22, 2020.

**PURPOSE AND  
EXPLANATION:**

The Plum Creek Greenway Trail is a planned multi-phase project that will link Plum Creek Park with Brunswick Lake and beyond. Phase 1 will construct the trail between Plum Creek Park and Mooney Park. This project is being partially funded by a \$301,500 Clean Ohio Trails Fund grant from the Ohio Department of Natural Resources. This resolution is contingent upon the finalization of the property transfer from the Brunswick City School District to the City of Brunswick for a 0.7636-acre portion of the property behind Huntington Elementary School that is needed to construct a portion of the trail.

**IMPLEMENTATION  
SCHEDULE:**

The Phase 1 project will begin in June and be completed in October.

**FINANCIAL  
INFORMATION:**

Trail PH1 - Plum Creek Greenway Trail - - Parks City-Wide Cap Improv Fund #341 Grant Portion and Capital Improvement Fund #300 for local match and remaining City Funds - 341-0812-56880 (Grant Portion) \$254,510.46 & 300-2019-56700 (City portion) \$190,398.54 - - 444909

**FINANCIAL  
SUMMARY:**

Per current information the remaining eligible ODNR grant amount for this contract (as of May 20, 2021) = \$254,510.46. All other costs expected to be borne by the City.

**RECOMMENDED  
ACTION:**

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

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

It is requested that legislation is passed by emergency measure with the suspension of the rules for the immediate preservation of the public peace, property, health, safety, or welfare, and providing for the usual daily operation of a municipality, and for the further reason that this project may commence and be completed during the 2021 construction season.

**ADDITIONAL  
INFORMATION:**

Competitive bids were received on May 19, 2021, for this project. The lowest and best bid received is Marks Construction Inc., in the amount of \$444,909.

CITY OF BRUNSWICK, OHIO  
RESOLUTION NO. 60-2021

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

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MARKS CONSTRUCTION, INC. FOR THE PLUM CREEK GREENWAY PHASE I PROJECT IN AN AMOUNT NOT TO EXCEED \$444,909.00.

WHEREAS: The City of Brunswick received two (2) bids for the Plum Creek Greenway Phase I Project (the "Project"), in accordance with public bidding requirements;

WHEREAS: The two (2) received public bids were opened on May 19, 2021, with Marks Construction, Inc. determined to be the lowest and best bidder; and

WHEREAS: The Project is being partially funded by a \$301,500.00 Clean Ohio Trails Fund grant from the Ohio Department of Natural Resources.

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

SECTION 1: That the City Manager, with the approval of the Law Director and subject to the finalization of a real property transfer wherein the City will acquire a 0.7636 acre portion of PPN 003-18D-22-029 from the Brunswick City School District as necessary for the Project, is hereby authorized and directed to enter into an Agreement with Marks Construction, Inc., the lowest and best bidder, for the Plum Creek Greenway Phase I Project in an amount not to exceed \$444,909.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary for completion of the Project during the 2021 construction season. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

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PASSED: 1st Reading \_\_\_\_\_

Rules Suspended: AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council  
Fijabi Julien-Gallam, CMC

# MEMO

Engineering Department



TO: City Council  
FROM: Matthew M. Jones, P.E.  
DATE: May 24, 2021  
RE: Plum Creek Greenway Phase 1

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On May 19, 2021, public bids were opened for the Plum Creek Greenway Phase 1 project. A tabulation of the bid results is attached for your reference. Two companies submitted bids for the project. The low bidder for the project was Marks Construction, Inc. at \$444,909.00. The Engineer's estimate was \$460,000.00. Cook Paving and Construction Co., Inc. was the second low bidder with a bid of \$494,320.00.

This project will facilitate the installation of a nearly one mile long asphalt multi-purpose trail that will link Plum Creek Park with Mooney Park. The project will also include drainage improvements and a crosswalk with flashing beacon signal at the trail's intersection with Sleepy Hollow Road.

CVE staff has contacted a sampling of municipal references provided by Marks Construction. The reference check did not find any reoccurring issues with Marks. Three municipalities were contacted and all characterized them as an above average contractor. Additionally, Marks was the contractor on the recently completed Plum Creek Restoration and Drainage project which was completed to the City's satisfaction.

Based upon a review of the bid documents and other municipal references, it is my opinion that Marks Construction has the needed experience, personnel and equipment to successfully complete the work as bid and should be considered the lowest and best bidder for this project.

Therefore, I respectfully request that City Council consider emergency legislation to award a contract in the amount of \$444,909.00 to Marks Construction, Inc. to complete the Plum Creek Greenway Phase 1 project.

If you have any questions or require any additional information please contact me at your convenience.

## Attachments

C: Carl DeForest, City Manager  
Paul Barnett, Service Director  
Todd Fischer, Finance Director  
Ken Fisher, Law Director

**BID TABULATION****Plum Creek Greenway Phase I****City of Brunswick****DATE: May 19, 2021**CVE JOB NO. **20129** Engineer's Estimate **\$460,000.00**

| DATE: May 19, 2021<br>CVE JOB NO. 20129 Engineer's Estimate \$460,000.00 |                                                                                     |      |        | Marks Construction, Inc.                                       |              | Cook Paving & Construction Co., Inc. |              |
|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------|------|--------|----------------------------------------------------------------|--------------|--------------------------------------|--------------|
| ITEM                                                                     | DESCRIPTION                                                                         | UNIT | QTY.   | UNIT PRICE                                                     | TOTAL PRICE  | UNIT PRICE                           | TOTAL PRICE  |
| 1                                                                        | CLEARING AND GRUBBING                                                               | LUMP | 1      | \$45,432.00                                                    | \$45,432.00  | \$38,000.00                          | \$38,000.00  |
| 2                                                                        | TREE REMOVAL OVER 12 INCHES TO 24 INCHES                                            | EACH | 33     | \$551.00                                                       | \$18,183.00  | \$635.00                             | \$20,955.00  |
| 3                                                                        | TREE REMOVAL OVER 24 INCHES TO 36 INCHES                                            | EACH | 2      | \$1,942.00                                                     | \$3,884.00   | \$930.00                             | \$1,860.00   |
| 4                                                                        | EXCAVATION                                                                          | LUMP | 1      | \$27,000.00                                                    | \$27,000.00  | \$65,000.00                          | \$65,000.00  |
| 5                                                                        | EMBANKMENT                                                                          | CY   | 400    | \$15.00                                                        | \$6,000.00   | \$12.50                              | \$5,000.00   |
| 6                                                                        | SUBGRADE REMOVAL AND REPLACEMENT                                                    | CY   | 560    | \$71.00                                                        | \$39,760.00  | \$60.00                              | \$33,600.00  |
| 7                                                                        | SUBGRADE COMPACTION                                                                 | SY   | 4,960  | \$2.00                                                         | \$9,920.00   | \$3.00                               | \$14,880.00  |
| 8                                                                        | ODOT 304 AGGREGATE BASE                                                             | CY   | 550    | \$80.00                                                        | \$44,000.00  | \$92.00                              | \$50,600.00  |
| 9                                                                        | ODOT 441 ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE 2, (448), PG 64-22              | CY   | 220    | \$196.00                                                       | \$43,120.00  | \$270.00                             | \$59,400.00  |
| 10                                                                       | ODOT 441 ASPHALT CONCRETE SURFACE COURSE, TYPE 1, (448), PG 64-22                   | CY   | 160    | \$208.00                                                       | \$33,280.00  | \$325.00                             | \$52,000.00  |
| 11                                                                       | RECYCLED ASPHALT SHOULDER                                                           | CY   | 150    | \$103.00                                                       | \$15,450.00  | \$110.00                             | \$16,500.00  |
| 12                                                                       | CONCRETE ADA RAMP                                                                   | SF   | 120    | \$32.00                                                        | \$3,840.00   | \$25.00                              | \$3,000.00   |
| 13                                                                       | 8" STORM SEWER                                                                      | LF   | 103    | \$51.00                                                        | \$5,253.00   | \$35.00                              | \$3,605.00   |
| 14                                                                       | 12" STORM SEWER                                                                     | LF   | 60     | \$36.00                                                        | \$2,160.00   | \$37.00                              | \$2,220.00   |
| 15                                                                       | 18" STORM SEWER                                                                     | LF   | 100    | \$40.00                                                        | \$4,000.00   | \$50.00                              | \$5,000.00   |
| 16                                                                       | 48" STORM SEWER                                                                     | LF   | 31     | \$294.00                                                       | \$9,114.00   | \$200.00                             | \$6,200.00   |
| 17                                                                       | YARD DRAIN                                                                          | EACH | 2      | \$1,800.00                                                     | \$3,600.00   | \$1,200.00                           | \$2,400.00   |
| 18                                                                       | CONCRETE HW-1.1 HEADWALL                                                            | EACH | 2      | \$9,000.00                                                     | \$18,000.00  | \$12,500.00                          | \$25,000.00  |
| 19                                                                       | CONCRETE HW 2.1 HEADWALL                                                            | EACH | 2      | \$1,050.00                                                     | \$2,100.00   | \$800.00                             | \$1,600.00   |
| 20                                                                       | ROCK CHANNEL PROTECTION                                                             | CY   | 16     | \$130.00                                                       | \$2,080.00   | \$150.00                             | \$2,400.00   |
| 21                                                                       | 4" UNDERDRAIN W/FABRIC WRAP                                                         | LF   | 250    | \$16.00                                                        | \$4,000.00   | \$15.00                              | \$3,750.00   |
| 22                                                                       | SAFETY RAILING                                                                      | LF   | 220    | \$57.00                                                        | \$12,540.00  | \$85.00                              | \$18,700.00  |
| 23                                                                       | FENCE AND GATE REMOVAL AND REPLACEMENT                                              | LUMP | 1      | \$380.00                                                       | \$380.00     | \$2,000.00                           | \$2,000.00   |
| 24                                                                       | COLLAPSIBLE BOLLARDS                                                                | EACH | 3      | \$683.00                                                       | \$2,049.00   | \$800.00                             | \$2,400.00   |
| 25                                                                       | ODNR TRAIL SIGNS                                                                    | LUMP | 1      | \$210.00                                                       | \$210.00     | \$250.00                             | \$250.00     |
| 26                                                                       | SIGNING MISC.: SOLAR POWERED RECTANGULAR RAPID FLASHING BEACON (RRFB) SIGN ASSEMBLY | EACH | 2      | \$7,560.00                                                     | \$15,120.00  | \$9,000.00                           | \$18,000.00  |
| 27                                                                       | PAVEMENT MARKINGS AND SIGNAGE                                                       | LUMP | 1      | \$2,834.00                                                     | \$2,834.00   | \$4,000.00                           | \$4,000.00   |
| 28                                                                       | TOPSOIL, SEEDING & MULCHING                                                         | SY   | 10,000 | \$2.92                                                         | \$29,200.00  | \$2.00                               | \$20,000.00  |
| 29                                                                       | EROSION CONTROL                                                                     | LUMP | 1      | \$42,400.00                                                    | \$42,400.00  | \$16,000.00                          | \$16,000.00  |
|                                                                          | TOTAL PROJECT COST                                                                  |      |        | TOTAL                                                          | \$444,909.00 | TOTAL                                | \$494,320.00 |
|                                                                          |                                                                                     |      |        | NUMBER OF DAYS TO COMPLETE: 50 working days weather permitting |              | NUMBER OF DAYS TO COMPLETE: 90       |              |

## PROPOSED LEGISLATION



**DATE:** 5/24/2021

**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. 61-2021** - An emergency resolution authorizing the City Manager to enter into an agreement with Konstruction King, Inc. for the 2021 Concrete Repair Program in an amount not to exceed \$187,640.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

**BACKGROUND:** Authorization for public bid granted by City Council motion on March 8, 2021.

**PURPOSE AND EXPLANATION:** The proposed project will remove and replace deteriorated concrete pavement joints and slabs on residential streets in Wards 3 and 4 and in the north industrial park.

**IMPLEMENTATION SCHEDULE:** This project is anticipated to commence in June and be completed in September.

**FINANCIAL INFORMATION:** 2021 Concrete Repair Program - - Street R & M Fund #117 - 117-0420-56881 - - 187640

**FINANCIAL SUMMARY:**

**RECOMMENDED ACTION:**

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

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

It is requested that legislation is passed by emergency measure with the suspension of the rules for the immediate preservation of the public peace, property, health, safety, or welfare,

and providing for the usual daily operation of a municipality, and for the further reason that this project may commence and be completed during the 2021 construction season.

**ADDITIONAL  
INFORMATION:**

Competitive bids were received on May 19, 2021. The lowest and best bid was Konstruction King, Inc. in the amount of \$187,640.

CITY OF BRUNSWICK, OHIO  
RESOLUTION NO. 61-2021

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

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH KONSTRUCTION KING, INC. FOR THE 2021 CONCRETE REPAIR PROGRAM IN AN AMOUNT NOT TO EXCEED \$187,640.00.

WHEREAS: The City of Brunswick received five (5) bids for the 2021 Concrete Repair Program (the "Project"), in accordance with public bidding requirements, for concrete repairs throughout the City; and

WHEREAS: The five (5) received public bids were opened on May 19, 2021, with Konstruction King, 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 an Agreement with Konstruction King, Inc., the lowest and best bidder, for the 2021 Concrete Repair Program in an amount not to exceed \$187,640.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary for completion of the Project during the 2021 construction season. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

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PASSED: 1st Reading\_\_\_\_\_

Rules Suspended: AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ADOPTED: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council  
Fijabi Julien-Gallam, CMC

# MEMO

Engineering Department



TO: City Council  
FROM: Matthew M. Jones, P.E.  
DATE: May 24, 2021  
RE: 2021 Concrete Repair Program

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On May 19, 2021, public bids were opened for the 2021 Concrete Repair Program. A tabulation of the bid results is attached for your reference. Five companies submitted bids for the project. The low bidder for the project was Konstruction King, Inc. at \$187,640.00. The Engineer's estimate was \$205,000.00. Set In Stone Contracting, LLC was the second low bidder with a bid of \$192,001.00.

This project will facilitate the repair of approximately 2,100 square yards of concrete roadway panels and joints at various locations on residential streets in Wards 3 and 4 and in the north industrial park. The bids included allotments for base repairs, curb ramps, underdrain, casting adjustments and catch basin / manhole reconstruction to be used as needed. A listing of the repairs included in the bid is attached for reference as well.

CVE staff has contacted a sampling of municipal references provided by Konstruction King. The reference check did not find any reoccurring issues with Konstruction King. Two municipalities were contacted regarding three separate projects, and all characterized them as an above average contractor. Additionally, Konstruction King was the contractor on the 2017, 2018, and 2019 Concrete Repair Programs and the 2020 Catch Basin Repair Program and performed all these contracts to the City's satisfaction.

Based upon a review of the bid documents and other municipal references, it is my opinion that Konstruction King has the needed experience, personnel and equipment to successfully complete the work as bid and should be considered the lowest and best bidder for this project.

Therefore, I respectfully request that City Council consider emergency legislation to award a contract in the amount of \$187,640.00 to Konstruction King, Inc. to complete the 2021 Concrete Repair Program.

If you have any questions or require any additional information please contact me at your convenience.

## Attachments

C: Carl DeForest, City Manager  
Paul Barnett, Service Director  
Todd Fischer, Finance Director  
Ken Fisher, Law Director

## REPAIR SUMMARY

| REF # | STREET                 | REPAIR LOCATION<br>(Address)       | Length<br>(Ft) | Width<br>(Ft) | Panels | Item 1 - 7" Conc.<br>Slab Repair | Item 2 - 7" Conc.<br>Joint Repair | Item x - 9" Conc.<br>Slab Repair | Item x - 9" Conc.<br>Joint Repair |
|-------|------------------------|------------------------------------|----------------|---------------|--------|----------------------------------|-----------------------------------|----------------------------------|-----------------------------------|
|       | <b>WARD 1</b>          |                                    |                |               |        | (SY)                             | (SY)                              | (SY)                             | (SY)                              |
| 1     | Bettie                 | Near #60                           | 11             | 13            | 1      | 15.9                             |                                   |                                  |                                   |
| 2     | Nancy                  | Near #2911                         | 12             | 12            | 1      | 16.0                             |                                   |                                  |                                   |
| 3     | North Industrial       | at Crestmont Hyundai drive         | 13             | 15            | 1      |                                  |                                   | 21.7                             |                                   |
| 4     | North Industrial       | at Crestmont Hyundai drive         | 4              | 11            | 3      |                                  |                                   |                                  | 14.7                              |
| 5     | North Industrial       | at Mazda north drive               | 4              | 12            | 23     |                                  |                                   |                                  | 122.7                             |
| 6     | North Industrial       | Mack Industries area               | 16             | 15            | 2      |                                  |                                   | 53.3                             |                                   |
| 7     | North Industrial       | Mack Industries area               | 4              | 15            | 4      |                                  |                                   |                                  | 26.7                              |
| 8     | North Industrial       | Digestive Disease Consultants area | 16             | 15            | 3      |                                  |                                   | 80.0                             |                                   |
| 9     | North Industrial       | Digestive Disease Consultants area | 4              | 15            | 10     |                                  |                                   |                                  | 66.7                              |
| 10    | North Industrial       | at Skate Station east drive        | 15             | 15            | 1      |                                  |                                   | 25.0                             |                                   |
| 11    | North Industrial       | near #1300 west drive              | 18             | 20            | 1      |                                  |                                   | 40.0                             |                                   |
| 12    | North Industrial       | Near #1256                         | 4              | 20            | 1      |                                  |                                   |                                  | 8.9                               |
|       |                        |                                    |                |               |        |                                  |                                   |                                  |                                   |
|       |                        |                                    |                |               |        |                                  |                                   |                                  |                                   |
|       | <b>WARD 2</b>          |                                    |                |               |        |                                  |                                   |                                  |                                   |
| 13    | Paul                   | #1897 (Drive Apron)                | 14             | 17.5 avg      |        |                                  |                                   |                                  |                                   |
|       |                        |                                    |                |               |        |                                  |                                   |                                  |                                   |
|       |                        |                                    |                |               |        |                                  |                                   |                                  |                                   |
|       | <b>WARD 3</b>          |                                    |                |               |        |                                  |                                   |                                  |                                   |
| 14    | Monticello             | Skyview to cul-de-sac              | 15             | 13            | 20     | 433.3                            |                                   |                                  |                                   |
| 15    | Monticello             | Skyview to cul-de-sac              | 4              | 13            | 10     |                                  | 57.8                              |                                  |                                   |
| 16    | Vineyard               | Skyview to Ashlawn                 | 4              | 13            | 12     |                                  | 69.3                              |                                  |                                   |
| 17    | Ashlawn                | Near #3910                         | 15             | 13            | 10     | 216.7                            |                                   |                                  |                                   |
|       |                        |                                    |                |               |        |                                  |                                   |                                  |                                   |
|       |                        |                                    |                |               |        |                                  |                                   |                                  |                                   |
|       | <b>WARD 4</b>          |                                    |                |               |        |                                  |                                   |                                  |                                   |
| 18    | Persimmon / Cottonwood | Intersection                       | 15             | 13            | 7      | 151.7                            |                                   |                                  |                                   |
| 19    | Persimmon              | Various Cottonwood to Pepperwood   | 15             | 13            | 2      | 43.3                             |                                   |                                  |                                   |
| 20    | Persimmon              | Various Cottonwood to Pepperwood   | 4              | 13            | 12     |                                  | 69.3                              |                                  |                                   |
| 21    | Persimmon              | Near #4747                         | 15             | 13            | 2      | 43.3                             |                                   |                                  |                                   |
| 22    | Briar / Pepperwood     | Intersection                       | 15             | 13            | 8      | 173.3                            |                                   |                                  |                                   |
| 23    | Shenandoah             | Near Plaza Entrance                | 16             | 14            | 12     | 298.7                            |                                   |                                  |                                   |
|       |                        |                                    |                |               |        |                                  |                                   |                                  |                                   |
|       |                        |                                    |                |               |        |                                  |                                   |                                  |                                   |

**BID TABULATION****2021 Concrete Program****City of Brunswick****DATE: May 19, 2021****CVE JOB NO. 21099 Engineer's Estimate \$205,000.00**

|             |                                                  |             |             | <b>Konstruktion King Inc.</b> |                     | <b>Set In Stone Contracting, LLC</b> |                     |
|-------------|--------------------------------------------------|-------------|-------------|-------------------------------|---------------------|--------------------------------------|---------------------|
| <b>ITEM</b> | <b>DESCRIPTION</b>                               | <b>UNIT</b> | <b>QTY.</b> | <b>UNIT PRICE</b>             | <b>TOTAL PRICE</b>  | <b>UNIT PRICE</b>                    | <b>TOTAL PRICE</b>  |
| 1           | 7" CONCRETE SLAB REPAIR                          | SY          | 1,400       | \$81.00                       | \$113,400.00        | \$80.00                              | \$112,000.00        |
| 2           | 7" CONCRETE JOINT REPAIR                         | SY          | 200         | \$85.00                       | \$17,000.00         | \$87.00                              | \$17,400.00         |
| 3           | 9" CONCRETE SLAB REPAIR                          | SY          | 220         | \$85.00                       | \$18,700.00         | \$93.00                              | \$20,460.00         |
| 4           | 9" CONCRETE JOINT REPAIR                         | SY          | 240         | \$88.00                       | \$21,120.00         | \$99.00                              | \$23,760.00         |
| 5           | ODOT 304 AGGREGATE BASE                          | CY          | 150         | \$5.00                        | \$750.00            | \$9.75                               | \$1,462.50          |
| 6           | SUBGRADE REMOVAL AND REPLACEMENT                 | CY          | 300         | \$5.00                        | \$1,500.00          | \$7.00                               | \$2,100.00          |
| 7           | CONCRETE WALK                                    | SF          | 400         | \$5.00                        | \$2,000.00          | \$5.00                               | \$2,000.00          |
| 8           | CURB RAMP                                        | SF          | 600         | \$7.00                        | \$4,200.00          | \$7.10                               | \$4,260.00          |
| 9           | CONCRETE DRIVE APRON                             | SF          | 245         | \$6.00                        | \$1,470.00          | \$7.30                               | \$1,788.50          |
| 10          | MANHOLE OR CATCH BASIN CASTING ADJUSTED TO GRADE | EACH        | 7           | \$250.00                      | \$1,750.00          | \$385.00                             | \$2,695.00          |
| 11          | CASTING ADJUSTED TO GRADE                        | EACH        | 5           | \$50.00                       | \$250.00            | \$40.00                              | \$200.00            |
| 12          | CATCH BASIN OR MANHOLE RECONSTRUCTED             | EACH        | 5           | \$400.00                      | \$2,000.00          | \$525.00                             | \$2,625.00          |
| 13          | 4" UNDERDRAIN                                    | LF          | 1,500       | \$1.50                        | \$2,250.00          | \$0.50                               | \$750.00            |
| 14          | MISCELLANEOUS METAL                              | LBS         | 2,500       | \$0.50                        | \$1,250.00          | \$0.20                               | \$500.00            |
|             | <b>TOTAL PROJECT COST</b>                        |             |             | <b>TOTAL</b>                  | <b>\$187,640.00</b> | <b>TOTAL</b>                         | <b>\$192,001.00</b> |
|             |                                                  |             |             | DAYS TO COMPLETE: 100         |                     | DAYS TO COMPLETE: 40                 |                     |
|             |                                                  |             |             | EARLIEST START DATE: 7/1/2021 |                     | EARLIEST START DATE: 7/12/2021       |                     |

**2021 Concrete Program**  
**Brunswick, OH**  
**#21099**

|      |                                                  |      |       | Denes Concrete, Inc.           |                     | DiGioia-Suburban Excavating, LLC |                     |
|------|--------------------------------------------------|------|-------|--------------------------------|---------------------|----------------------------------|---------------------|
| ITEM | DESCRIPTION                                      | UNIT | QTY.  | UNIT PRICE                     | TOTAL PRICE         | UNIT PRICE                       | TOTAL PRICE         |
| 1    | 7" CONCRETE SLAB REPAIR                          | SY   | 1,400 | \$85.00                        | \$119,000.00        | \$107.00                         | \$149,800.00        |
| 2    | 7" CONCRETE JOINT REPAIR                         | SY   | 200   | \$95.00                        | \$19,000.00         | \$128.00                         | \$25,600.00         |
| 3    | 9" CONCRETE SLAB REPAIR                          | SY   | 220   | \$105.00                       | \$23,100.00         | \$157.50                         | \$34,650.00         |
| 4    | 9" CONCRETE JOINT REPAIR                         | SY   | 240   | \$115.00                       | \$27,600.00         | \$171.00                         | \$41,040.00         |
| 5    | ODOT 304 AGGREGATE BASE                          | CY   | 150   | \$35.00                        | \$5,250.00          | \$46.50                          | \$6,975.00          |
| 6    | SUBGRADE REMOVAL AND REPLACEMENT                 | CY   | 300   | \$15.00                        | \$4,500.00          | \$27.50                          | \$8,250.00          |
| 7    | CONCRETE WALK                                    | SF   | 400   | \$8.50                         | \$3,400.00          | \$9.00                           | \$3,600.00          |
| 8    | CURB RAMP                                        | SF   | 600   | \$12.00                        | \$7,200.00          | \$10.75                          | \$6,450.00          |
| 9    | CONCRETE DRIVE APRON                             | SF   | 245   | \$8.50                         | \$2,082.50          | \$8.00                           | \$1,960.00          |
| 10   | MANHOLE OR CATCH BASIN CASTING ADJUSTED TO GRADE | EACH | 7     | \$350.00                       | \$2,450.00          | \$950.00                         | \$6,650.00          |
| 11   | CASTING ADJUSTED TO GRADE                        | EACH | 5     | \$100.00                       | \$500.00            | \$350.00                         | \$1,750.00          |
| 12   | CATCH BASIN OR MANHOLE RECONSTRUCTED             | EACH | 5     | \$500.00                       | \$2,500.00          | \$1,115.00                       | \$5,575.00          |
| 13   | 4" UNDERDRAIN                                    | LF   | 1,500 | \$10.00                        | \$15,000.00         | \$13.50                          | \$20,250.00         |
| 14   | MISCELLANEOUS METAL                              | LBS  | 2,500 | \$2.00                         | \$5,000.00          | \$5.50                           | \$13,750.00         |
|      | <b>TOTAL PROJECT COST</b>                        |      |       | <b>TOTAL</b>                   | <b>\$236,582.50</b> | <b>TOTAL</b>                     | <b>\$326,300.00</b> |
|      |                                                  |      |       | DAYS TO COMPLETE: 20           |                     | DAYS TO COMPLETE: 90             |                     |
|      |                                                  |      |       | EARLIEST START DATE: 8/15/2021 |                     | EARLIEST START DATE: 6/7/2021    |                     |

|      |                                                  |      |       | Tri Mor Corporation           |                     |
|------|--------------------------------------------------|------|-------|-------------------------------|---------------------|
| ITEM | DESCRIPTION                                      | UNIT | QTY.  | UNIT PRICE                    | TOTAL PRICE         |
| 1    | 7" CONCRETE SLAB REPAIR                          | SY   | 1,400 | \$95.00                       | \$133,000.00        |
| 2    | 7" CONCRETE JOINT REPAIR                         | SY   | 200   | \$145.00                      | \$29,000.00         |
| 3    | 9" CONCRETE SLAB REPAIR                          | SY   | 220   | \$115.00                      | \$25,300.00         |
| 4    | 9" CONCRETE JOINT REPAIR                         | SY   | 240   | \$168.00                      | \$40,320.00         |
| 5    | ODOT 304 AGGREGATE BASE                          | CY   | 150   | \$80.00                       | \$12,000.00         |
| 6    | SUBGRADE REMOVAL AND REPLACEMENT                 | CY   | 300   | \$110.00                      | \$33,000.00         |
| 7    | CONCRETE WALK                                    | SF   | 400   | \$12.00                       | \$4,800.00          |
| 8    | CURB RAMP                                        | SF   | 600   | \$20.00                       | \$12,000.00         |
| 9    | CONCRETE DRIVE APRON                             | SF   | 245   | \$10.00                       | \$2,450.00          |
| 10   | MANHOLE OR CATCH BASIN CASTING ADJUSTED TO GRADE | EACH | 7     | \$550.00                      | \$3,850.00          |
| 11   | CASTING ADJUSTED TO GRADE                        | EACH | 5     | \$200.00                      | \$1,000.00          |
| 12   | CATCH BASIN OR MANHOLE RECONSTRUCTED             | EACH | 5     | \$1,200.00                    | \$6,000.00          |
| 13   | 4" UNDERDRAIN                                    | LF   | 1,500 | \$15.00                       | \$22,500.00         |
| 14   | MISCELLANEOUS METAL                              | LBS  | 2,500 | \$2.00                        | \$5,000.00          |
|      | <b>TOTAL PROJECT COST</b>                        |      |       | <b>TOTAL</b>                  | <b>\$330,220.00</b> |
|      |                                                  |      |       | DAYS TO COMPLETE: 67          |                     |
|      |                                                  |      |       | EARLIEST START DATE: 7/5/2021 |                     |

NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2380 FAX(614)644-3186

TO

|               |     |                |        |                                                                              |  |
|---------------|-----|----------------|--------|------------------------------------------------------------------------------|--|
| 0461014       |     | NEW            |        | BASKETS GALORE LLC<br>DBA BASKET GALORE<br>95 PEARL RD<br>BRUNSWICK OH 44212 |  |
| PERMIT NUMBER |     | TYPE           |        |                                                                              |  |
| ISSUE DATE    |     |                |        |                                                                              |  |
| 03 30 2021    |     |                |        |                                                                              |  |
| FILING DATE   |     |                |        |                                                                              |  |
| C1 C2         |     | PERMIT CLASSES |        |                                                                              |  |
| 52            | 022 | C              | C91450 |                                                                              |  |
| TAX DISTRICT  |     | RECEIPT NO.    |        |                                                                              |  |

FROM 04/14/2021

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



MAILED 04/14/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN. 05/17/2021

**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 0461014

(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](mailto: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/liqr/liqr\\_apps/PermitLookup/PermitHolderOwnership.aspx](https://www.comapps.ohio.gov/liqr/liqr_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](http://com.ohio.gov)

An Equal Opportunity Employer and Service Provider

NOTICE TO LEGISLATIVE  
AUTHORITY

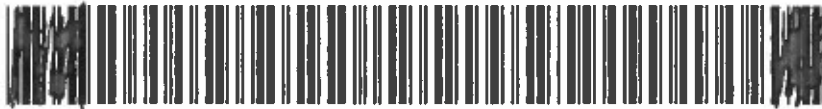
OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

|                |     |             |        |                                                                                                    |
|----------------|-----|-------------|--------|----------------------------------------------------------------------------------------------------|
| 03207030080    |     | NEW         |        | BOB EVANS RESTAURANTS LLC<br>DBA BOB EVANS RESTAURANT #266<br>3198 CENTER RD<br>BRUNSWICK OH 44212 |
| PERMIT NUMBER  |     | TYPE        |        |                                                                                                    |
| ISSUE DATE     |     |             |        |                                                                                                    |
| 03 24 2021     |     |             |        |                                                                                                    |
| FILING DATE    |     |             |        |                                                                                                    |
| D1 D2          |     |             |        |                                                                                                    |
| PERMIT CLASSES |     |             |        |                                                                                                    |
| 52             | 022 | C           | C92280 |                                                                                                    |
| TAX DISTRICT   |     | RECEIPT NO. |        |                                                                                                    |

FROM 04/21/2021

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



MAILED 04/21/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN. 05/24/2021

**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 0320703-0080**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

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☐ Township Fiscal Officer

CLERK OF BRUNSWICK CITY COUNCIL  
4095 CENTER RD  
BRUNSWICK OHIO 44212

Mike DeWine, Governor  
Jon Husted, Lt. Governor

Division of Liquor Control  
Sheryl Maxfield, Director

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Reynoldsburg, Ohio 43068-9005

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