

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda OCTOBER 25, 2021 6:30 PM In Caucus Room

1. Discussion Items
2. Motion Items
 - (a) Motion authorizing the City Manager to advertise for bids for the pavement striping and painting of city streets for a 3-year period and 2 one-year options starting in 2022.
 - (b) Motion for City Council to approve a comparable in character determination, as defined in Section 1242.02(26) of the Codified Ordinances of the City of Brunswick, of a dog daycare center and overnight boarding facility to a veterinary hospital and clinic.
3. Review Legislation

ORD. NO. 105-2021 An emergency ordinance to approve the editing and inclusion of certain ordinances as components of the codified ordinances; to provide for the adoption of new legislation in the updated revised codified ordinances; and to repeal ordinances in conflict therewith. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

RES. NO. 106-2021 - A resolution permitting the City Administration to sell, through public internet auctions, personal property, including motor vehicles acquired for the use of Municipal Officers and Departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired for the year 2022. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*)
4. General Discussion
5. Executive Session
 - (a) Motion to go into Executive Session to discuss the appointment, employment, dismissal, discipline, demotion, or compensation of a public employee.
6. Adjournment

PROPOSED MOTION



DATE: 10/25/2021

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

FROM: Carl S. DeForest, City Manager
Paul Barnett

COPY: Mayor Ron Falconi

MOTION: Motion authorizing the City Manager to advertise for bids for the pavement striping and painting of city streets for a 3-year period and 2 one-year options starting in 2022.

BACKGROUND: Historically a contractor has provided pavement markings annually for the entire city.

PURPOSE AND EXPLANATION: This motion will allow for the advertising and bidding of the pavement marking program for the City. The bid will be for 3 years with two one-year options. Optional parking lots will be included in the bids to allow for pavement markings in City-owned parking lots. Parking lots will only be stripped when needed and funding is available.

IMPLEMENTATION SCHEDULE: The advertising, bid and award need to occur this winter/spring for the contract to be in place for application for the summer of 2022.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Costs will ultimately depend on the lowest and best bids selected. Furthermore, since this is a multi-year contract for 2022 and beyond, the contract must also have a clause indicating that any and all work would be subject to future annual appropriations adopted by City Council . Under State Law, City Council budgets and appropriates available funds annually (or 1 year at a time). Thus, any multi-year contracts must be contingent upon future action of City Council . Bids are expected to include both a fixed cost item and optional items. Costs associated with this contract are expected to be recorded in account Number 117-0420-54259.

RECOMMENDED ACTION: Passage of a motion which authorizes the City Manager to advertise and accept bids for pavement marking of the city streets along with optional parking lot markings that are determined annually.

ADDITIONAL

INFORMATION:

PROPOSED MOTION



DATE: 10/25/2021

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

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

MOTION: Motion for City Council to approve a comparable in character determination, as defined in Section 1242.02(26) of the Codified Ordinances of the City of Brunswick, of a dog daycare center and overnight boarding facility to a veterinary hospital and clinic.

BACKGROUND: Pursuant to Section 1280.01(b) of the Codified Ordinances of the City of Brunswick, the Planning Commission, at their meeting on October 21, 2021, voted to recommend approval to City Council of the comparable in character determination, as defined in Section 1242.02(26), of a dog daycare center and overnight boarding facility to a veterinary hospital and clinic, which is a principally permitted use in the C-G District, as allowed by Section 1260.02(e), for the Hounds Town USA dog daycare and boarding facility, 1148 Pearl Road (Shenandoah Square plaza).

PURPOSE AND EXPLANATION: In accordance with Section 1280.01(b) of the Codified Ordinances of the City of Brunswick, a comparable in character determination requires Planning Commission approval, subject to City Council approval.

IMPLEMENTATION SCHEDULE: Immediately.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION: Recommend approval of the comparable in character determination.

ADDITIONAL INFORMATION:

ORDINANCE NUMBER 105-2021

By Committee of the Whole

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

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

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

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

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

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

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

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

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

- (a) The enactment of such matter shall not be construed to affect a right of liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or any action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision or to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purposes of revision and recodification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to September 13, 2021.

SECTION 4: That a copy of this ordinance shall be posted in the five public places set forth in Section 222.01 of the Codified Ordinances, together with notice as to where copies of the September 2021 Replacement Pages for the Codified Ordinances of the City, hereby approved, adopted and enacted, may be viewed and inspected by the public. A copy shall also be furnished to City Officers, Medina County Law Library and the Brunswick Public Library.

SECTION 5: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare and for the additional reason that it is immediately necessary to have an up-to-date codification of the laws of the City, pursuant to Section 3.18b. of the City Charter, that is in conformity with State Law, where such conformity is required by Article XVIII, Section 3, of the Ohio Constitution, with which to administer the affairs of the City and to preserve law and order of the City. Therefore, this Ordinance and the September 2021 Replacement Pages for the Codified Ordinances, hereby approved, adopted and enacted, shall be in full force and effect from and after its passage by the required number of votes, as set forth in Section 3.16 of the City Charter.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
 Acting Clerk of Council
 Elana Green

EXHIBIT “A”

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
96-2020	2-8-21	1270.10(b)
17-2021	2-22-21	248.09
23-2021	4-26-21	Repeals 1266.04(d)
27-2021	5-24-21	1242.02(76.1)
28-2021	5-24-21	Repeals 1266.04(e)(f)
29-2021	5-24-21	Pt. 12 Appendix C
30-2021	3-22-21	February 2021 Replacement Pages
32-2021	6-14-21	Repeals Ch. 1264
33-2021	6-14-21	1270.10(a)(3), Ch. 1270 Tables A to C; Repeals 1270.06(c)
34-2021	6-14-21	1274.09(k)
35-2021	6-14-21	1280.06(c)(f)
47-2021	6-14-21	220.01(a)
51-2021	5-10-21	836.12

EXHIBIT “B”

Traffic Code

402.183	Low-Speed Micromobility Device. (Added)
402.22	Pedestrian. (Amended)
402.51	Vehicle. (Amended)
432.211	Report of Vehicle Failing to Yield Right of Way to Public Safety Vehicle. (Amended)
432.37	Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
434.03	Maximum Speed Limits. (Amended)
436.02	Permitting Operation Without Valid License; One License Permitted. (Amended)
436.021	Ohio Driver’s License Required for In State Residents.
(Amended)	
436.04	Certain Acts Prohibited. (Amended)
436.09	Display of License Plates or Validation Stickers; Temporary License Placard. (Amended)
472.13	Operation of Personal Delivery Device on Sidewalks and Crosswalks. (Added)
472.14	Low-Speed Micromobility Devices. (Added)
474.10	Motorized Bicycle Operation. (Amended)
474.12	Electric Bicycles. (Amended)

General Offenses Code

618.051	Cruelty to Companion Animals. (Amended)
606.20	Interfering with Civil Rights. (Amended)
624.01	Drug Abuse Control Definitions. (Amended)
636.21	Vehicular Homicide and Manslaughter. (Amended)
642.11	Criminal Mischief. (Amended)
642.12	Criminal Trespass. (Amended)
642.121	Aggravated Trespass. (Amended)
642.03	Property Exceptions as Felony Offense. (Amended)
642.14	Passing Bad Checks. (Amended)
648.09	Making False Alarms. (Amended)
666.08	Procuring; Engagement in Sexual Activity for Hire. (Amended)
666.09	Soliciting. (Amended)
666.091	Loitering to Engage in Solicitation. (Amended)
666.10	Prostitution. (Amended)
672.02	Carrying Concealed Weapons. (Amended)
672.07	Unlawful Transactions in Weapons. (Amended)

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

A RESOLUTION PERMITTING THE CITY ADMINISTRATION TO SELL, THROUGH PUBLIC INTERNET AUCTIONS, PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES ACQUIRED FOR THE USE OF MUNICIPAL OFFICERS AND DEPARTMENTS, AND ROAD MACHINERY, EQUIPMENT, TOOLS, OR SUPPLIES, WHICH ARE NOT NEEDED FOR PUBLIC USE, OR ARE OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, FOR THE YEAR 2022.

WHEREAS: Ohio Revised Code Section 721.15 permits municipalities to sell obsolete/unfit items by internet auction; and

WHEREAS: An annual Resolution adopted by City Council is required to permit the City to utilize the internet auction provision of ORC Section 721.15.

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

SECTION 1: That this Council hereby permits the City Administration to utilize the internet auction for the sale of personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired for the year 2022.

SECTION 2: That the Clerk of Council shall cause notice of the adoption of this resolution to be published, in a newspaper of general circulation in the City, of the City's intent to sell unneeded, obsolete or unfit municipal personal property by internet auction. The notice shall include a summary of the information provided in this Resolution and shall be published at least two (2) times. The second and any subsequent notice shall be published not less than ten (10) nor more than twenty (20) days after the previous notice.

SECTION 3: That the Clerk of Council shall cause a notice to be posted continually throughout the calendar year in a conspicuous place in the offices of the Clerk of Council and the City Council and shall cause said notice to be posted continuously throughout the year on the City website.

SECTION 4: That the City shall conduct the internet auction via eBay (or other similar bidding site as long as notice is given) using the parameters provided by the auction site. Minimum price or reserve may be set, but is not required by law.

SECTION 5: That bidding shall continue for no less than fifteen (15) days, including Saturdays, Sundays and legal holidays, and shall be set for each item as noted on the internet auction site.

SECTION 6: That all terms and conditions of sale, including but not limited to pick-up and delivery, method of payment, sales tax, complete descriptions and/or pictures of the items, shall be specified for each item on the internet auction site.

SECTION 7: That the highest bidder upon the close of the open bidding period will be deemed to be the successful bidder of the internet auction. Upon the close of the auction, the City shall remit an invoice to the successful bidder for the amount of the bid. The successful bidder shall remit the entire payment within ten days of receipt of the invoice. Acceptable forms of payment include cashier's check, certified check, or money order. Other payment arrangements may be made by the City where circumstances warrant. Payment options such as on-line payment systems and PayPal or similar services are acceptable payment options. Notwithstanding the foregoing, all payment options are subject to the approval of the City's Finance Director.

SECTION 8: That all communication with the successful bidder shall occur in writing. Arrangements and costs associated with delivery to the successful bidder shall be the sole responsibility of the successful bidder. Risk of loss will be transferred to the successful bidder upon the tendering of the goods to the shipping company chosen by the successful bidder.

SECTION 9: That all items shall be sold without warranty in "AS IS" condition. All advertisements, listings, and notices shall be subject to the following language:

"The City of Brunswick, its officers, employers and agents offer this item for sale "AS IS" without any warranty or condition, express, implied or statutory. The City of Brunswick, its officers, employers and agents, specifically disclaim any implied warranties of title, merchantability, fitness for a particular purpose and non-infringement."

SECTION 10: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 11: That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Acting Clerk of Council
Elana Green

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 106-2021

BY:

A RESOLUTION PERMITTING THE CITY ADMINISTRATION TO SELL, THROUGH PUBLIC INTERNET AUCTIONS, PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES ACQUIRED FOR THE USE OF MUNICIPAL OFFICERS AND DEPARTMENTS, AND ROAD MACHINERY, EQUIPMENT, TOOLS, OR SUPPLIES, WHICH ARE NOT NEEDED FOR PUBLIC USE, OR ARE OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, FOR THE YEAR 2022.

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SECTION 11: That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Acting Clerk of Council
Elana Green