



BRUNSWICK CITY COUNCIL AGENDA

Brandon Lambert Ward 3	Kristy Piper At-Large	Tim Smith At-Large	Kenneth Fisher Law Director	Carl S. DeForest City Manager	Ron Falconi Mayor	Laura Timura Clerk of Council	Nicholas Hanek Ward 2	Michael Abella Jr. Ward 1	Jospeh Delsanter At-Large	Anthony Capretta Ward 4
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Administration Representatives

APRIL 25, 2022

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of regular Council Meeting Minutes dated April 11, 2022
5. Mayor's Report:
 - (a) Mayor's Update
 - (b) Motion to approve Mayor's recommendation to reappoint Hope Zakany to the Juvenile Diversion Board
 - (c) Motion to approve Mayor's recommendation to appoint Heather Scaglione to the Commemorative Affairs Board
6. Clerk of Council's Report
7. Council Committee Reports:

Economic Development Committee.....Mr. Lambert

Services, Utilities, Technology & Cable Committee.....Mr. Smith

Finance Committee.....Mr. Hanek

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

Safety & Environment Committee Meeting Minutes dated April 11, 2022

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

Parks, Recreation & Community Committee.....Mrs. Piper

Building & Building Code Committee.....Mr. Abella

Building and Building Code Committee Minutes dated April 11, 2022

8. Other Committees, Boards and Commissions

(a) Committee of the Whole Meeting Minutes dated April 11, 2022

9. Petitions from the Public on Legislation

10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

ORD. NO. 26-2022 - An ordinance amending Section 288.01(a) of the City of Brunswick Codified Ordinances to reduce the membership of the Tree Advisory Committee and establish a term of membership. - **3rd Reading** (Committee-of-the-Whole, *Administration/Kenneth Fisher*)

b. 2nd Reading(s)

ORD. NO. 27-2022 - An emergency ordinance amending Section 672.09 of the City of Brunswick Codified Ordinances. - **2nd Reading** (Safety & Environment Committee, *Administration/Brian Ohlin*)

ORD. NO. 30-2022 - An ordinance amending Chapter 672 of the City of Brunswick Codified Ordinances. - **2nd Reading** (Safety & Environment Committee, *Administration/Brian Ohlin*)

c. 1st Reading(s)

RES. NO. 32-2022 - An emergency resolution with suspension of the rules authorizing the City Manager to enter into a cooperative purchasing program participation agreement with the Ohio Department of Transportation for the purchase of road salt for the 2022-2023 winter season. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

RES. NO. 33-2022 - An emergency resolution amending resolution no. 59-2021 to set aside local funds in an amount not to exceed \$400,000 from the Parks City-Wide Capital Improvement Fund #341 for the inclusive/accessible playground project - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

RES. NO. 34-2022 - An emergency resolution granting a permanent easement and right-of-way on City property at 1238 West 130th Street to Ohio Edison Company. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

RES. NO. 35-2022 - An emergency resolution granting a permanent easement and right-of-way on City property at 4400 Center Road to Ohio Edison Company. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

RES. NO. 36-2022 - An emergency resolution with suspension of the rules authorizing the City Manager to enter into a three (3) year agreement with Griffin Pavement Striping, the lowest and best bidder for the provision of pavement marking services in an amount not to exceed \$76,429.00 for year 1(2022), \$92,625.80 for year 2(2023) and \$102,822.60 in year 3(2024) with two one-year options(2025, 2026). - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

ORD. NO. 37-2022- An emergency ordinance amending ordinances #110-2021 and #15-2022 to include amendments to the Appropriation Budget for the year ending December 31, 2022 as incorporated in Exhibit “A” attached hereto. - **1st Reading** (To be brought from the Finance Committee, *Administration/Todd Fischer*)

RES. NO. 38-2022 - An emergency resolution authorizing the donation of municipal personal property not needed for municipal purposes. - **1st Reading** (To be brought from Parks, Recreation & Community Committee, *Administration/Taylor Petkovsek*)

11. City Manager's Report
12. Administrative Departments
13. Open Forum
14. Unfinished Business
15. New Business
16. Adjournment

SAFETY & ENVIRONMENT COMMITTEE MEETING

April 11, 2022

IN ATTENDANCE:

Chairman Anthony Capretta, Committee Member Brandon Lambert, Committee Member Kristy Piper, Michael Abella Jr., Joseph Delsanter, Nicholas Hanek, Tim Smith, City Manager/Safety Director Carl DeForest, Law Director Ken Fisher, Police Chief Brian Ohlin, Finance Director Todd Fischer, President of Ohio Regional Development Corporation Dale Hartle, Council Clerk Laura Timura, News Media.

The meeting convened at 5:56 p.m.

DISCUSSION ITEMS:

ORD. NO. 27-2022 - An emergency ordinance amending Section 672.09 of the City of Brunswick Codified Ordinances. - 1st Reading (To be brought from Safety & Environment Committee, Administration/Brian Ohlin)

Chief Ohlin announced that the State of Ohio has changed the law in regard to possession and discharge of fireworks. The essence of the state law changes is to allow fireworks for approximately 20 days throughout the year for various holidays. For this reason, the City should consider updating its ordinance. The suggested changes would limit the discharge of fireworks to only the Fourth of July holiday for a 3-day period (July 3rd, 4th, and 5th). Chief Ohlin indicated that due to the numerous complaints from residents over the July 4th holiday weekend, he did not feel it was appropriate to have fireworks throughout the year; especially in a municipal and urban environment such as Brunswick. He noted that fireworks were previously completely illegal. While he does not necessarily agree with allowing fireworks, he feels the ordinance revision would be a slight compromise.

Mrs. Piper asked why is it an emergency. Chief Ohlin replied this will allow enough time to announce to the general public.

Mr. Lambert inquired when is the ordinance effective, Chief Ohlin replied that the effective date will be sometime in June.

Mr. Capretta asked for recommendations on how to proceed. He asked if Council wanted to wait and hold further discussions, before moving to tonight's Council Meeting.

Mr. Smith asked why this ordinance was an emergency. He inquired if it is because the Senate Bill goes into effect in June.

Chief Ohlin explained that fireworks were illegal throughout the City. Only small fireworks were legal. The new Senate Bill passed the bill to allow fireworks to be shot 14 holidays throughout the

year. Prior to this bill, each city had its own law. Now the state law says that aerial fireworks have always been illegal. However, small fireworks are always legal.

Mr. Abella, commented that he had received many complaints from residents about the fireworks and that they are dangerous for kids. He is not prepared to move forward.

Mr. Capretta recommended three options: scratch the emergency, move it for three readings, leave it in committee and discuss it further.

Mrs. Piper recommended to leave it with committee to discuss further.

Mr. Lambert also recommended to leave it with committee for further discussion.

Mr. Delsanter said he prefers that there be some prohibition about setbacks from any structures and respect to private property. This would eliminate most neighborhoods. He feels there needs to be further discussion on this ordinance.

Mr. Hanek advised that we do not have to change our ordinances per House Bill 172. He suggested it be moved to three readings.

Resident Michael Stanko asked for explanation of procedures on meetings. It was explained that one meeting is this evening where it will be moved to a second reading and then referred back to the committee.

Mr. Lambert motioned to move Ordinance Number 27-2022 to tonight's Council agenda then to second reading and refer it back to Committee.

Vote – 7 Ayes, 0 Nays. Motion Carried.

RES. NO. 28-2022 - An emergency resolution authorizing the City Manager to purchase an emergency generator for the Division of Police from Hilscher-Clarke Electric for an amount not to exceed \$40,000.
- 1st Reading (To be brought from Safety & Environment Committee, Administration/Brian Ohlin)

Chief Ohlin explained that the current generator in the Brunswick Police Headquarters is over 30 years old and it is the original unit that generates power when there is a power outage. This unit backs up the dispatch center and the computers. He stated that price quotes from a number of bidders was obtained to include a cooperative purchasing program. When all the quotes were compared, Hilscher-Clarke Electric gave the lowest quote and the best proposal to meet the Police Department's needs. Therefore, Chief Ohlin is asking for authorization to proceed with a contract with Hilscher-Clarke Electric. Chief Ohlin explained that this is an emergency with suspension of the rules due to the supply chain demands and the length of time (35 weeks) after ordering for the equipment to come in.

Mr. Capretta asked if there were any questions from the Committee.

Mr. Lambert asked how old is the equipment.

Chief Ohlin answered with 29 years, almost 30 years old.

Mr. Capretta asked if there were any other questions from Council.

Mr. Smith asked if the generator was in the budget.

Chief Ohlin replied by saying yes, it was in the 2022 capital budget.

Mrs. Piper motioned to move Resolution Number 20-2022 to tonight's agenda as emergency with suspension of the rules.

Vote – 3 Ayes. Motion carried.

ORD. NO. 30-2022 - An ordinance amending Chapter 672 of the City of Brunswick Codified Ordinances. - 1st Reading (To be brought from Safety & Environment Committee, Administration/Brian Ohlin)

Chief Ohlin explained that Senate Bill 215 is a change in the state law in regard to carry and conceal weapons. The change in the law states that an adult no longer needs a conceal carry permit if the adult is qualified. Chief Ohlin added that samples of a qualified adult are the following: A person living in the United States, a person who is not a fugitive from justice, a person who is not under indictment, or charged with a felony or drug offense, along with a multitude of other restrictions. If the person meets all the qualifiers, the person can carry a concealed weapon without a license. Currently an individual must attend classes and get clearance from the Sheriff's Office to carry a concealed weapon. This state law eliminates all the restrictions.

Mr. Capretta asked if there are any questions from the Committee.

Mr. Lambert asked for clarification as to whether this is for conceal carry or open carry.

Chief Ohlin responded by saying this is for conceal carry. Currently if you have a permit for a conceal weapon and get approached by an officer, the person must tell the officer they are carrying a weapon. The new state law eliminates this provision. The officer will be trained in inquiring, if the person is carrying a concealed weapon. The person is then obligated to tell the officer.

Mr. Delsanter asked what if the individual does not tell an officer that he is carrying a concealed weapon.

Chief Ohlin replied that this is a felony.

Mr. Delsanter stated that he is an advocate for gun safety. He asked if the State has deemed it unnecessary to meet any of these requirements or is it an infringement on the person's constitutional rights. Mr. Delsanter also asked if the City of Brunswick has the right to create an ordinance above the measure the State has deemed and passed.

Mr. Fisher replied that it would be easier for Brunswick Police to enforce the law under the City of Brunswick. Therefore, it is beneficial to have a city ordinance that matches the State Law.

Mr. Hanek feels that our ordinance should match the State Law to make it easier for the Brunswick officers.

Mr. Fisher asked when does this Senate Bill take effect.

Mr. Carpretta answered with June 13th is when it goes into effect under Senate Bill 215.

Mr. Lambert motioned to move Ordinance number 30-2022 to three readings to tonight's agenda.

Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mr. Lambert moved to adjourn at 6:25 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,



Anthony Capretta
Chairman

BUILDING AND BUILDING CODE COMMITTEE

April 11, 2022

IN ATTENDANCE: Chairman Michael Abella, Jr., Committee Member Nicholas Hanek
Committee Member Tim Smith, Joseph Delsanter, Anthony Capretta, Brandon Lambert, Kristy
Piper, City Manager/Safety Director Carl DeForest, Law Director Ken Fisher, Police Chief Brian
Ohlin, Finance Director Todd Fischer, Chief Building Official Cliff Calaway, President of Ohio
Regional Development Corporation Dale Hartle, Council Clerk Laura Timura, New Media.

The meeting convened at 6:25 p.m.

DISCUSSION ITEM:

Mr. Calaway updated the Committee on the Mejeir's store opening date of April 28, 2022.

Mr. Calaway also shared the following updates in the building areas in the City:

- 417 new permits
- Three finals for Vicky Dr. extension
- Nine new homes started this year: one on Clemens Dr. by Drees Home Builders, three more new homes on Vicky Dr. and Five new starts on Ridgeline Chase
- 314 contractors registered for the City
- 17 home foreclosures
- 416 inspections, with 110 of those inspections being property maintenance violations
- Meadow View Estates are working on their infrastructure
- Oak Ridge Preserve is doing some clearing in getting ready for their infrastructure

Mr. Calaway also informed the committee that per Mr. Knight, Property Maintenance Inspector, that grass cutting will begin on May 1, 2022.

Mr. Abella asked about any updates on the clean-up of Hickory Ridge Plaza. Response was that Grant and Drew will handle the clean-up.

GENERAL DISCUSSION:

Mr. Smith commented on how excited he is to see the Meijer store go up and open, since he is from Michigan and that is where the Meijer stores originated. The store will do a lot good for the City.

ADJOURNMENT:

Mr. Hanek moved to adjourn at 6:29 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael Abella, Jr.", is displayed on a light gray rectangular background. The signature is written in a cursive style with a horizontal line crossing through the middle of the name.

Michael Abella, Jr.

Chairman



COMMITTEE OF THE WHOLE MEETING

April 11, 2022

IN ATTENDANCE: Vice Mayor Nicholas Hanek, Committee Member Joseph Delsanter, Committee Member Michael Abella Jr., Committee Member Anthony Capretta, Committee Member Brandon Lambert, Committee Member Tim Smith, Committee Member Kristy Piper, City Manager/Safety Director Carl DeForest, Finance Director Todd Fischer, Police Chief Brian Ohlin, Law Director Ken Fisher, President of Ohio Regional Development Corporation Dale Hartle, Clerk of Council Laura Timura, News Media

The meeting convened at 6:29 p.m.

DISCUSSION ITEMS:

(a) Fair Housing Presentation

Dale Hartle, President of the Ohio Regional Development Corporation, presented himself to Council. He gave a report regarding the CHIP Program. Mr. Hartle stated that in 2018 the City of Medina and Brunswick had 8 units planned for a full rehab. Seven of these units were completed with 4 of the units being in Brunswick and 3 of the units being in Medina. The total cost of this project was \$360,832.

For the home repairs, 12 units were planned and 20 were completed. Fourteen home repairs were completed in Medina and 6 were completed in Brunswick.

Tenant base rental assistance was granted for \$11,168 in the two cities combined. This CHIP Program has been completed and was monitored by the State of Ohio last week.

For the 2020 CHIP, there were 8 owner rehab units planned. This particular grant is finished a year from this April 30. Four are in process, 3 are pending, and 2 are waiting to have write-ups done. This is a total of \$390,000 granted. At the present time, \$299,578 is in process. For home repairs, 12 units are planned, 7 have been completed, 4 are in process, and 7 have pending write-ups for a \$210,000 Tenant Based Rental Assistance (TBRA) program. This will be spent throughout this year and next year.

Mr. Hartle explained to Council that the federal government requires that they inform Council about the Fair Housing Administration Program. Additionally, Mr. Hartle is required to inform Council that in accordance with the Fair Housing Amendments Act, discrimination is prohibited based on race, religion, color, national origin, sex, disability, familial status, or if you are a veteran. Mr. Hartle noted if these rights are violated, investigations are conducted by Ohio Civil Rights Commission.

MOTION ITEMS:

a) Acceptance of a Police K9 Officer

Chief Ohlin said the Brunswick Police Department is pleased to have been selected to receive a K9 officer from the SRT K9 Unit Foundation and A. Ripepi & Sons, Inc. He explained that the Brunswick Police Department applied for the grant and is one in five police agencies to receive a K9 officer. He noted that one of the K9 handlers from the police department and the K9 retired this past Friday. Officer Mark Luciano served the City of Brunswick for 25 Years and K9 Nico served for 10 years. The latest update he has is that the dog and the handler will train sometime in the summer probably in August for a period of 6 weeks. Chief Ohlin expects to have a new team out on the street by the end of August.

Mr. Delsanter made a motion to accept a Police K9 Officer under the terms of the grant from the SRT K9 Unit Foundation and A. Ripepi & Sons, Inc.

Mayor Falconi asked if the dog would be at the Brunswick Police Department in August or would the training begin in August. Chief Ohlin said he expects the new handler to select the dog this summer and be in training at the end of July or August. He said they will know more in a few months.

Mr. Smith asked how long will a K9 Officer will be able to serve. Chief Ohlin said a K9 is typically able to serve for 7-8 years. He noted that K9 Officer Nico served for about 10 years. Vote – 7 Ayes, 0 Nays.

b) Motion to go out to bid for design, supply, and installation of an all-inclusive playground at Neura Park 4700 Center Road, Brunswick, Ohio 44212

Carl DeForest explained that the administration is requesting permission from Council to place a Request for Proposal (RFP) for the new playground. The administration's goal is to raise at least \$300,000 for a new playground. A plan will be proposed to Council in the coming month to potentially increase the City's share. Mr. DeForest pointed out that funding continues to go on throughout the community and the administration has applied for several grants. One of these grants is for \$100,000. The administration is submitting a Request for Proposal, so that they can advertise on April 19 and 26 and have a bid opening on May 10. They would like to put the RFP out with the basic playground requirements and some options. The options will depend on how much money is available for the project.

Mr. Hanek clarified that donations are still be taken for this project. This is just the next step to move forward with the project.

Mr. Smith made a motion for the City Manager to go out to bid for proposals for the all-inclusive playground. Vote – 7 Ayes, 0 Nays.

c) Motion to approve an offer of employment to Nada Koury as the Assistant Clerk of Council

Mrs. Timura said that she had interviewed Nada Koury last week and she accepted an offer of employment contingent upon Council approval. Nada has retired from full-time employment with Polaris Career Center after almost 30 years of working in an administrative capacity.

Mr. Capretta made a motion to approve the offer of employment to Nada Koury as the Assistant Clerk of Council. Vote – 7 Ayes, 0 Nays.

REVIEW LEGISLATION:

ORD. NO. 29-2022 - An emergency ordinance amending Section 282.01(a) of the City of Brunswick Codified Ordinances to increase the membership of the Board of Commemorative Affairs. - **1st Reading** (To be brought from Committee of the Whole, *Administration/Ken Fisher*)

Mr. Fisher asked that the Board of Commemorative Affairs be increased from 3 to 5 members.

Mr. Delsanter moved Ordinance Number 29-2022 to tonight's Council agenda as an emergency, with suspension of the rules. Vote – 7 Ayes, 0 Nays.

ORD. NO. 31-2022 - An emergency ordinance to approve the editing and inclusion of certain ordinances as components of the new 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/Laura Timura*)

Mrs. Timura explained that this ordinance is for the acceptance of the new Codified Ordinances. This will allow copies of the updated revisions to the Codified Ordinances to be distributed. This ordinance will be an emergency, with suspension of the rules

Mr. Abella moved Ordinance Number 31-2022 to tonight's Council agenda as an emergency, with suspension of the rules. Vote – 7 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mrs. Timura also told Council that she received a scholarship from the International Institute of Municipal Clerks in the amount of \$400. These funds will be applied to her training for the Certified Municipal Clerk program.

EXECUTIVE SESSION:

- (a) Motion to enter into Executive Session to consider the purchase of property for public purposes.
- (b) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development as necessary to protect the interests of the applicant.

Mr. Delsanter made a motion to go into Executive Session at 6:45 p.m. to consider the purchase of property for public purposes and to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development as necessary to protect the interests of the applicant. Roll Call –

Ayes - 7, Mr. Hanek, Mr. Lambert, Mr. Abella, Mr. Capretta, Mr. Delsanter, Mr. Smith, Mrs. Piper.
Nays – 0. Motion Carried.

Mr. Lambert moved to adjourn from Executive Session at 7:01 p.m. Vote – 7 Ayes, 0 Nays.

Mr. Delsanter made a motion to Request for Quotation (RFQ) for development plans for the new fire station. Vote – 7 Ayes, 0 Nays.

ADJOURNMENT:

Being no further business, Mr. Abella moved to adjourn the Committee of the Whole Meeting at 7:02 p.m. Vote – 7 Ayes, 0 Nays.

Respectfully submitted,

Laura Timura
Clerk of Council

PROPOSED LEGISLATION



DATE: 4/25/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Nicholas Hanek

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 26-2022** - An ordinance amending Section 288.01(a) of the City of Brunswick Codified Ordinances to reduce the membership of the Tree Advisory Committee and establish a term of membership.- **3rd Reading** (Committee-of-the-Whole, *Administration/Kenneth Fisher*)

BACKGROUND: This Ordinance will reduce the current membership requirement for the Tree Advisory Committee from five to three members. Additionally, a term of three years will be established. This is consistent with other Boards and Commissions in the Codified Ordinances.

PURPOSE AND EXPLANATION: The purpose will be to reduce the membership to 3 members and clearly define the term of membership.

IMPLEMENTATION SCHEDULE:

3 readings.

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:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 26-2022

BY: Committee-of-the-Whole

AN ORDINANCE AMENDING SECTION 288.01(a) OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES TO REDUCE THE MEMBERSHIP OF THE TREE ADVISORY COMMITTEE AND ESTABLISHING A TERM OF MEMBERSHIP.

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

SECTION 1: That Section 288.01(a) of the Codified Ordinances is hereby amended to read as follows:

“(a) There is hereby established a Tree Advisory Committee consisting of ~~five-~~
~~(5)three (3) members to be appointed by the Mayor and approved~~
by Council for a term of three (3) years. ~~Three (3) of said-~~
~~members shall be~~ voting members who are citizens and
~~residents of the City of Brunswick~~ and shall be appointed
by the Mayor with the approval of the Council; the
~~remaining two (2) members shall be ad hoc city representatives as~~
~~assigned by the City Manager.~~

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
Laura Timura

PROPOSED LEGISLATION



DATE: 4/25/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Brian Ohlin

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 27-2022** - An emergency ordinance amending Section 672.09 of the City of Brunswick Codified Ordinances. - **2nd Reading** (Safety & Environment Committee, *Administration/Brian Ohlin*)

BACKGROUND: Ohio HB 172 revised the Ohio Revised Code with respect to when a person can discharge fireworks in the State of Ohio. The attached amendment to BCO 672 would restrict the discharge of fireworks to the Independence Day holiday period of July 3-5.

PURPOSE AND EXPLANATION: To address changes to state law regarding the discharging of fireworks and dates this would be permitted

IMPLEMENTATION SCHEDULE: To become law upon passage by City Council.

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?

The state law will take effect in July of 2022 so in order for this amendment to be in full effect,

an emergency with suspension of the rules would be recommended.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN EMERGENCY ORDINANCE AMENDING SECTION 672.09 OF THE
CITY OF BRUNSWICK CODIFIED ORDINANCES.

WHEREAS: On or about October 27, 2021, the Ohio General Assembly adopted House Bill 172 revising the provisions of Ohio law relative to fireworks, including providing that any person authorized to possess 1.4G fireworks in the State of Ohio may discharge, ignite, or explode those fireworks on private property, with authorization from the property owners, on the dates specified therein.

WHEREAS: House Bill 172 authorizes the City to restrict the dates and times a person may discharge, ignite, or explode 1.4G fireworks or otherwise prohibit same.

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

SECTION 1: That Section 672.09(a) of the Codified Ordinances is hereby amended to include the following definitions:

"(31) "Fountain device" means a specific type of 1.4G firework that meets all of the following criteria:

(A) It is non-aerial and non-report producing.

(B) It is recognized and manufactured in accordance with sections 3.1.1 and 3.5 of the APA standard 87-1 (2001 edition).

(C) It is a ground-based or hand-held sparkler with one or more tubes containing a non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke.

(D) It contains not more than seventy-five grams of the non-explosive pyrotechnic mixture in any individual tube and not more than five hundred grains or less for multiple tubes.

(32) "Licensed fountain device retailer" or "licensed retailer" means a person licensed pursuant to Ohio R.C. 3743.26.

(33) "Navigable waters" means any body of water susceptible of being used in its ordinary condition as a highway of commerce over which trade and travel is or may be conducted in the customary modes, but does not include a body of water that is not capable of navigation by barges, tugboats, and other large vessels."

SECTION 2: That Section 672.09(b) of the Codified Ordinances is hereby amended to include

the following:

“(7) No licensed manufacturer of fireworks shall negligently fail to furnish a safety pamphlet to a purchaser of 1.4G fireworks as required by Ohio R.C. 3743.47(A).”

“(8) No licensed manufacturer of fireworks shall negligently fail to have safety glasses available for sale as required by Ohio R.C. 3743.47(B).”

SECTION 3: That Section 672.09(c) of the Codified Ordinances is hereby amended to include the following:

“(7) No licensed wholesaler of fireworks shall negligently fail to furnish a safety pamphlet to a purchaser of 1.4G fireworks as required by Ohio R.C. 3743.47(A).”

“(8) No licensed wholesaler of fireworks shall negligently fail to have safety glasses available for sale as required by Ohio R.C. 3743.47(B).”

SECTION 4: That Section 672.09(d) of the Codified Ordinances is hereby amended to read as follows:

“(1) No person who ~~resides in another state and~~ purchases fireworks in this state shall obtain possession of the fireworks in this state unless the person complies with ~~sections 3743.44 to 3743.46 of the Revised Code~~ Ohio R.C. 3743.44, provided that knowingly making a false statement on the fireworks purchasers form is not a violation of this section but is a violation of Ohio R.C. 2921.13 (Falsification) or a substantially similar municipal ordinance.

“(2) ~~Except for the purchase of 1.4G fireworks made under section 3743.45 of the Revised Code, No~~ person who resides in another state and who purchases fireworks in this state shall obtain possession of fireworks in this state other than from a licensed manufacturer or wholesaler, or fail, when transporting 1.3G fireworks, to transport them directly out of this state within seventy-two hours after the time of their purchase. ~~No such person shall give or sell to any other person in this state fireworks that the person has acquired in this state.~~

“(3) ~~No person who resides in this state and purchases fireworks in this state shall obtain possession of the fireworks in this state unless the person complies with Ohio R.C. 3743.45, provided that knowingly making a false statement on the fireworks purchasers form is not a violation of this section but is a violation of Ohio R.C. 2921.13 (Falsification) or a substantially similar municipal ordinance.~~

“(4) No person who ~~resides in this state and who~~ purchases fireworks in this state under Ohio R.C. 3743.45 shall ~~obtain possession of firworks in this state~~

~~other than from a licensed manufacturer or licensed wholesaler, or fail, when transporting the fireworks, to transport them directly out of this state within forty-eight hours after the time of their purchase. — No such person shall give or sell to any other person in this state fireworks that the person has acquired in this state.~~

SECTION 5: That Section 672.09(f) of the Codified Ordinances is hereby amended to read as follows:

“(1) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 through 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 through 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, a licensed fountain device retailer as authorized by Ohio R.C. 3743.27, a person authorized by Ohio R.C. 3743.44 and 3743.45, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this state as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 through 3743.55, or as authorized by any municipal ordinance that is substantially similar to any of these statutes, and except as provided in Ohio R.C. 3743.80 or a substantially similar municipal ordinance.

(2) Except as provided in Ohio R.C. 3743.80 or a substantially similar municipal ordinance, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 through 3743.55 or a substantially similar municipal ordinance, no person shall discharge, ignite or explode fireworks in this Municipality except any person authorized to possess 1.4G fireworks in the State of Ohio pursuant to Ohio R.C. 3743.45 may discharge, ignite, or explode those fireworks on private property, with authorization from the property owners, on the third, fourth and fifth days of July from 8:00 p.m. to 11:00 p.m. Any such person shall comply with all rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.451.

(3) ***

(4) ***

(5) Except as otherwise provided in Ohio R.C. 3743.44, nNo person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3G fireworks in this Municipality.

(6) Except as otherwise provided in Ohio R.C. 3743.06(J) and 3743.19(K), no person shall knowingly disable a fire suppression system as defined in Ohio R.C. 3781.108 on the premises of a fireworks plant of a licensed manufacturer of fireworks or on the premises of the business operations of a licensed wholesaler of fireworks.

(7) No person shall negligently discharge, ignite, or explode fireworks while in possession or control of, or under the influence of, any intoxicating liquor, beer, or controlled substance.

(8) No person shall negligently discharge, ignite, or explode fireworks on the property of another person without that person's permission to use fireworks on that property.

SECTION 6: That Section 672.09(h)(4) is hereby amended to read as follows:

“The manufacture for, the transportation, storage, possession or use by, or the sale to the armed forces of the United States and the militia of this state, as recognized by the adjutant general of Ohio, of pyrotechnic devices.”

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 comply with Ohio law. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura Timura

PROPOSED LEGISLATION



DATE: 4/25/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Brian Ohlin

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 30-2022** - An ordinance amending Chapter 672 of the City of Brunswick Codified Ordinances. - **2nd Reading** (Safety & Environment Committee, *Administration/Brian Ohlin*)

BACKGROUND: On or about March 14, 2022, Governor DeWine signed Senate Bill 215 (effective June 13, 2022), which will make it legal to carry a concealed handgun without a license. It is necessary to update Chapter 672 of the City of Brunswick Codified Ordinances.

PURPOSE AND EXPLANATION: Update the city ordinance chapter on the basis of Senate Bill 215.

IMPLEMENTATION SCHEDULE: To become law after 3 readings and 30 days.

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:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE AMENDING CHAPTER 672 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES.

WHEREAS: On or about March 14, 2022, Governor DeWine signed Senate Bill 215 (effective June 13, 2022), which will make it legal to carry a carry a concealed handgun without a license.

WHEREAS: It is necessary to update Chapter 672 of the City of Brunswick Codified Ordinances pursuant to Senate Bill 215.

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

SECTION 1: That Section 672.011 of the Codified Ordinances is hereby established to read as follows:

“672.011 CONCEALED HANDGUN LICENSE – EXEMPTIONS

- (a) As used in this section:
 - (1) “Restricted firearm” means a firearm that is dangerous ordnance or that is a firearm that any law of this state prohibits the subject person from possessing, having, or carrying.
 - (2) “Qualifying adult” means a person who is all of the following:
 - A. Twenty-one years of age or older;
 - B. Not legally prohibited from possessing or receiving a firearm under 18 U.S.C. 922(g)(1) to (9) or under Ohio R.C. 2923.13 or any other Revised Code provision;
 - C. Satisfies all of the criteria listed in divisions (D)(1)(a) to (j), (m), (p), (q), and (s) of Ohio R.C. 2923.125.
- (b) Notwithstanding any other Revised Code section to the contrary:
 - (1) A person who is a qualifying adult shall not be required to obtain a concealed handgun license in order to carry in this state, under authority of subsection (b)(2) of this section, a concealed handgun that is not a restricted firearm.
 - (2) Regardless of whether the person has been issued a concealed handgun license, subject to the limitation specified in subsections (b)(3) and (d) of this section, a person who is a qualifying adult may carry a concealed handgun that is not a restricted firearm anywhere in this state in which a person who has been issued a concealed handgun license may carry a concealed handgun.
 - (3) The right of a person who is a qualifying adult to carry a concealed handgun that is not a restricted firearm that is granted under subsections

(b)(1) and (2) of this section is the same right as is granted to a person who has been issued a concealed handgun license, and a qualifying adult who is granted the right is subject to the same restrictions as apply to a person who has been issued a concealed handgun license.

(c) For purposes of any provision of Ohio R.C. 1547.69, 2923.12, or 2923.124 to 2923.1213, or any other section of the Revised Code, that refers to a concealed handgun license or a concealed handgun licensee, except when the context clearly indicates otherwise, all of the following apply:

(1) A person who is a qualifying adult and is carrying or has, concealed on the person's person or ready at hand, a handgun that is not a restricted firearm shall be deemed to have been issued a valid concealed handgun license.

(2) If the provision refers to a person having been issued a concealed handgun license or having been issued a concealed handgun license that is valid at a particular point in time, the provision shall be construed as automatically including a person who is a qualifying adult and who is carrying or has, concealed on the person's person or ready at hand, a handgun that is not a restricted firearm, as if the person had been issued a concealed handgun license or had been issued a concealed handgun license that is valid at the particular point in time.

(3) If the provision in specified circumstances requires a concealed handgun license to engage in specified conduct, or prohibits a concealed handgun licensee from engaging in specified conduct, the provision shall be construed as applying in the same circumstances to a person who is a qualifying adult in the same manner as if the person was a concealed handgun licensee.

(4) If the application of a provision to a person depends on whether the person is or is not a concealed handgun licensee, the provision shall be applied to a person who is a qualifying adult in the same manner as if the person was a concealed handgun licensee.

(5) If the provision pertains to the imposition of a penalty or sanction for specified conduct and the penalty or sanction applicable to a person who engages in conduct depends on whether the person is or is not a concealed handgun licensee, the provision shall be applied to a person who is a qualifying adult in the same manner as if the person was a concealed handgun licensee.

(d) The concealed handgun license expiration provisions of Ohio R.C. 2923.125 and 2923.1213, and the concealed handgun license suspension and revocation provisions of Ohio R.C. 2923.128, do not apply with respect to a person who is a qualifying adult unless the person has been issued a concealed handgun license. If a person is a qualifying adult and the person thereafter comes within any category of persons specified in 18 U.S.C. 922(g)(1) to (9) or in Ohio R.C. 2923.13 or any other Revised Code provision so that the person as a result is legally prohibited under the applicable provision from possessing or receiving a firearm, both of the following apply automatically and immediately upon the person coming within that category:

(1) Subsection (b) of this section and the authority and right to carry a concealed handgun that are described in that subsection do not apply to the person.

(2) The person no longer is deemed to have been issued a concealed handgun license as described in subsection (c)(1) of this section, and the provisions of subsections (c)(1) to (5) of this section no longer apply to the person in the same manner as if the person had been issued, possessed, or produced a valid concealed handgun license or was a concealed handgun licensee.”

SECTION 2: That Section 672.02 of the Codified Ordinances is hereby amended to read as follows:

“672.02 CARRYING CONCEALED WEAPONS

(a) ***

(1) ***

(2) ***

(3) ***

(b) ***

(1) If the person is stopped for a law enforcement purpose, and is carrying a concealed handgun, before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a concealed handgun license and disclose that the person then is carrying a concealed handgun, provided that it is not a violation of this subsection if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop.

(2) ***

(3) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person’s hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer.

~~(3)~~(4) ***

(c) (1) ***

A. ***

B. ***

C. ***

(2) Subsection (a)(2) of this section does not apply to any person who has been issued a concealed handgun license that is valid at the time of the alleged carrying or possession of a handgun or who, at the time of the alleged carrying or possession of a handgun, ~~either is carrying a valid concealed handgun license or~~ is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125, unless the person knowingly is in a place described in division (B) of Ohio R.C. 2923.126.

(d) ***

(1) ***

(2) ***

(3) ***

(e) (1) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition of the dismissal of the charge.

(2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection (b)(1) of this section as it existed prior to the effective date of this amendment, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

(f) (1) ***

(2) ~~Except as provided in subsection (f)(5) of this section, if a~~ person ~~being shall not be~~ arrested for a violation of subsection (a)(2) of this section solely because the person does not promptly produces a valid concealed handgun license, ~~and if at the time of the violation the person was not knowingly in a place described in division (B) of Ohio R.C. 2923.126, the officer shall not arrest the person for a violation of that subsection. If the person is not able to promptly produce any concealed handgun license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that subsection.~~ If a person is arrested for a violation of subsection (a)(2) of this section and is convicted of or pleads guilty to the violation, the offender shall be punished as follows:

A. ***

1. ***

2. ***

B. ***

1. ***

2. ***

3. ***

C. ***

(3) ~~Except as otherwise provided in this subsection, e~~Carrying concealed weapons in violation of subsection (b)(1) hereof is a

~~misdemeanor of the first second degree, and, in addition to any other penalty or sanction imposed for a violation of subsection (b)(1) hereof, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).—If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender had been issued a concealed handgun license, carrying concealed weapons in violation of division (b)(1) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of Ohio R.C. 2923.128.~~

- (4) ***
- (5) ***
 - A. ***
 - B. ***
- (6) ***
 - A. ***
 - B. ***
 - C. ***
 - D. ***
- (g) ***
- (h) ***”

SECTION 3: That Section 672.04 of the Codified Ordinances is hereby amended to read as follows:

“672.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE

(a) No person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

- ~~(a)~~ (b) ***
- (1) ***
 - (2) ***
 - (3) ***
 - (4) ***

(c) No person shall knowingly transport or have a loaded handgun in a motor vehicle if, at the time of that transportation or possession, any of the following applies:

- (1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.
- (2) The person's whole blood, blood serum or plasma, breath, or urine contains a concentration of alcohol, a listed controlled substance, or a listed metabolite of a controlled substance prohibited for persons operating a vehicle, as specified in Ohio R.C. 4511.19(A), regardless of whether the person at the time of the transportation or possession as described in this

subsection is the operator of or a passenger in the motor vehicle.

~~(b)~~ (d) ***

(1) ~~Fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and~~ Before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the motor vehicle, provided that it is not a violation of this subsection if the person fails to disclose that fact to an officer during the stop and the person has already notified another officer of that fact during the same stop;

(2) ~~Fail to promptly inform the employee of the unit that approaches the vehicle while stopped that the person has been issued a concealed handgun license or is authorized to carry a concealed handgun as an active duty member of the armed forces of the United States and~~ Before or at the time an employee of the motor carrier enforcement unit asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the commercial motor vehicle, provided that it is not a violation of this subsection if the person fails to disclose that fact to an employee of the unit during the stop and the person already has notified another employee of the unit of that fact during the same stop;

(3) ***

(4) Knowingly have contact with the loaded handgun by touching it with the person's hands or fingers in the motor vehicle at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer.

~~(4)~~ (5) ***

~~(e)~~ (e) (1) Subsections (a), (b) and (d) of T~~this section does~~ not apply to any of the following:

A. ***

B. Any person who is employed in this State, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided herein subsection ~~(e)(1)(B)~~ does not apply to the person.

(2) Subsections (a) and (b) of this section ~~does~~ not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, both of the following apply:

A. The person transporting or possessing the handgun ~~is either carrying a valid~~ has been issued a concealed handgun

license that is valid at the time in question or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of Ohio R.C. 2923.125.

B. ***

(3) Subsections (a) and (b) of this section ~~does~~ not apply to a person if all of the following apply:

A. ***

B. ***

C. ***

~~(d)(f)~~(1) ***

(2) It is an affirmative defense to a charge under subsections (a) or (b) of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that the affirmative defense is not available unless the person, immediately prior to arriving at the actor's owner property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsections (a) or (b) while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

~~(e)(g)~~(1) No person who is charged with a violation of subsection (a), (b) or (c) shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsection ~~(d)(b)~~ of this section as it existed prior to September 30, 2011, and ~~if~~ the conduct that was the basis of the violation no longer would be a violation of subsection ~~(d)(b)~~ of this section on or after September 30, 2011, or if a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsections (d)(1) or (2) of this section as it existed prior to the effective date of this amendment, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of subsections (a) or (b) of this section as the subsection existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of subsections (a) or (b) of this section on or after September 30, 2011, due to the application of subsection ~~(e)(2)(b)(4)~~ of this section as it exists on and after September 30, 2011, the person may file an application under Ohio R.C. 2953.37 requesting the expungement of the record of conviction.

~~(f)(h)~~ Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. ~~Violation of subsection (a) of this section is a misdemeanor of the fourth degree.—Except as otherwise provided in this subsection, a~~ violation of subsection (b) of this section is a misdemeanor of the fourth degree. A

violation of subsection (c) of this section is a felony of the fifth degree or, if the loaded handgun is concealed on the person's person, a felony of the fourth degree. A violation of subsection (d)(1) or (2) of this section is a misdemeanor of the second degree. ~~subsection (b)(1) or (b)(2) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for the violation, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).— If at the time of the stop of the offender for a traffic stop, for another law enforcement purpose, or for a purpose defined in Ohio R.C. 5503.34 that was the basis of the violation any law enforcement officer involved with the stop or the employee of the motor carrier enforcement unit who made the stop had actual knowledge of the offender's status as a licensee, a violation of subsection (b)(1) or (b)(2) of this section is a minor misdemeanor, and the offender's concealed handgun license shall not be suspended pursuant to division (A)(2) of Ohio R.C. 2923.128.—~~ A violation of subsection (d)(4) of this section is a felony of the fifth degree. A violation of subsection (d)(b)(3) or (54) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (db)(3) or (54) of this section, a felony ~~and shall be prosecuted under appropriate State law of the fifth degree.~~ In addition to any other penalty or sanction imposed for a misdemeanor violation of subsection (db)(3) or (54) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2). A violation of division (a) of this section is a felony of the fourth degree.

~~(g)~~(i) ***

~~(h)~~(j) ***

(1) ***

(2)A. "Unloaded" means:

1. With respect to a firearm other than a firearm described in subsection (jh)(2)B. of this section, that no ammunition is in the firearm in question, no magazine or speed loaded containing ammunition is inserted into the firearm in question and one of the following applies:

a. ***

b. ***

2. For the purposes of subsection (jh)(2)A.1.b of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:

a. ***

b. ***

3. For the purposes of subsection (jh)(2)A. of this section, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.

B. ***

(3) ***

(4) ***

(i)(k) Subsection (jh)(2) of this section does not affect the authority of a person who ~~is carrying~~ has been issued a ~~valid~~ concealed handgun license that is valid at the time in question to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in at subsection, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter or Ohio R.C. Chapter 2923. A person who ~~is carrying~~ has been issued a ~~valid~~ concealed handgun license that is valid at the time in question may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under and provision of this chapter of Ohio R.C. Chapter 2923.

SECTION 4: That this Ordinance shall take effect and be in force from and after June 13, 2022.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council

Laura Timura

PROPOSED LEGISLATION



DATE: 4/25/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Barnett

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 32-2022** - An emergency resolution with suspension of the rules authorizing the City Manager to enter into a cooperative purchasing program participation agreement with the Ohio Department of Transportation for the purchase of road salt for the 2022-2023 winter season. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

BACKGROUND: The ODOT Office of Contracts Purchasing Services provides the opportunity for municipal corporations to participate in the State's purchase of sodium chloride(road salt) for snow and ice removal.

PURPOSE AND EXPLANATION: This agreement would allow the City to purchase sodium chloride(road salt) through the ODOT contract. This provides an economy of scale that typically provides lower prices than the City can receive on its own and helps the City keep salt costs as low as possible. The City of Brunswick has participated in this program in the past years with benefit.

IMPLEMENTATION SCHEDULE: The participation agreement deadline to have submitted completed legislation and the committed quantity of sodium chloride is no later than April 29, 2022.

FINANCIAL INFORMATION: ODOT purchase of road salt 2022-2023 - - 2750 tons - 117-0420-55300 - - \$0.00

FINANCIAL SUMMARY: Per ton salt price and purchasing requirements would be based on the new ODOT contract that is yet to be determined. Purchases will be limited to the Council-adopted budget and the certified purchase order amounts in accordance with Ohio Revised Code Section 5705-41D.

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 suspension of the rules for the immediate preservation of the public peace, property, health, safety, or welfare, and so that the legislation will be enacted and delivered to ODOT prior to their April 29, 2022 deadline.

**ADDITIONAL
INFORMATION:**

**RESOLUTION AUTHORIZING PARTICIPATION
IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2022**

WHEREAS, the (INSERT POLITICAL SUBDIVISION NAME, COUNTY LOCATION) (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and

b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and

c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and

d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and

e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract's effective period; and

f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and

g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 29 **by 5:00 p.m.** The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

NOW, THEREFORE, be it ordained by the following authorized person(s) that this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract:

_____	(Authorized Signature)	_____	Approval Date
_____	(Authorized Signature)	_____	Approval Date
_____	(Authorized Signature)	_____	Approval Date
_____	(Authorized Signature)	_____	Approval Date
_____	(Authorized Signature)	_____	Approval Date

THIS RESOLUTION MUST BE UPLOADED TO THE SALT PARTICIPATION WEBSITE BY NO LATER THAN APRIL 29, 2022.

PLEASE NOTE: THE DEPARTMENT WILL NOT ACCEPT TYPED SIGNATURES. PARTICIPATION AGREEMENTS SUBMITTED WITH TYPED SIGNATURES WILL BE INVALID AND INELIGIBLE FOR APPROVAL. YOU CANNOT SUBMIT A WORD DOCUMENT VERSION OF THIS PARTICIPATION AGREEMENT. NO EXCEPTIONS.

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING PARTICIPATION IN THE
OHIO DEPARTMENT OF TRANSPORTATION WINTER CONTRACT FOR
ROAD SALT FOR THE 2022-2023 WINTER SEASON.

WHEREAS: Ohio Revised Code Section 5513.01(B) provides the opportunity for political subdivisions to participate in contracts of the Ohio Department of Transportation (“ODOT”) for purchase of supplies, including road salt; and

WHEREAS: The City has participated in ODOT contracts for road salt in past years, which participation minimizes road salt costs and price increases.

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

SECTION 1: The City Manager is hereby authorized and directed, upon the approval of the Law Director, to enter into all necessary agreements with ODOT for the purchase of road salt for the 2022-2023 winter season upon the following terms:

- a) The City agrees to be bound by all terms and conditions established by ODOT in the Winter Contract for Road Salt (the “Contract”) and acknowledges that upon award of the Contract by the Director of ODOT, the City will be bound by all such terms and conditions contained therein.
- b) The City hereby acknowledges that upon formal execution of the Contract by the Director of ODOT, a contract between the City and the awarded road salt supplier (the “Supplier”) shall be created.
- c) The City hereby agrees to be solely responsible for resolving all claims or disputes arising out of the participation in the Contract and agrees to hold ODOT harmless from any claims, actions, expenses or other damages arising therefrom.
- d) The City hereby requests a total of 2,750 tons of Sodium Chloride (road salt), which the City agrees to purchase from the Supplier at the delivered price per ton as per the Contract.
- e) The City hereby agrees to purchase a minimum of 90% of the above requested road salt quantity from Supplier during the effective period of the Contract from September 1, 2022 through April 30, 2023.
- f) The City hereby agrees to place orders with and directly pay the Supplier on a net 30 basis for all road salt delivered pursuant to the Contract.
- g) The City hereby acknowledges that should the City wish to rescind its election to participate under the Contract, the City will do so no later than Thursday, June 1, 2022 by sending a written email request to ODOT Office of Contract Sales, Purchase Section at Contracts.Purchasing@dot.ohio.gov. Upon receipt, ODOT shall respond

that it has received the rescission request and confirm removal of the City's request to participate in the Contract. The City hereby acknowledges that it is the sole responsibility of the City to ensure that ODOT has timely received this Resolution and/or any rescission request and ODOT shall not be held responsible or liable for failure to timely receive the City's request to participate in the Contract and/or any rescission request.

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 this Resolution must be submitted to ODOT by April 29, 2022 to allow for participation in the Contract for the 2022-2023 winter 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.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura Timura

PROPOSED LEGISLATION



DATE: 4/25/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Todd Fischer

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 33-2022** - An emergency resolution amending resolution no. 59-2021 to set aside local funds in an amount not to exceed \$400,000 from the Parks City-Wide Capital Improvement Fund #341 for the inclusive/accessible playground project - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

BACKGROUND: An emergency resolution amending resolution no. 59-2021 to set aside local funds in an amount not to exceed \$400,000 from the Parks City-Wide Capital Improvement Fund #341 for the inclusive/accessible playground project.

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. Local funds for the Project will be a combination of City funds and donations received from outside agencies for this project. Local funding will, however, exclude any grant awards received in the City's name. Separating local funds from grant funds allows the City to maintain separate accountability and reporting of the grant proceeds as normally required by the grantor or law. The City has already been awarded a \$61,040 Nature Works Grant for this project. This grant has already been separately appropriated and is not part of this Resolution.

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 grants 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. Furthermore, the City plans to bid this project with additional and flexible options in case donations for this project were to exceed expectations. It is important to remain flexible and incentivize donations to build the best playground possible. If donations were to exceed current expectations, it is also possible this resolution may need to be amended at a future time.

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

IMPLEMENTATION

SCHEDULE: Consideration for passage as emergency and suspension of the rules on April 25, 2022.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:** Local set aside funds for this project will come from acct#341-0812-56870. Not to exceed \$400,000 in local funds. Local funds include park development fees/taxes in lieu of dedication of land pursuant to Codified Ordinance Section 1232 and/or donations received from outside parties deposited into the Parks City-Wide Capital Improvement Fund #341.

**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 recommendation is for an emergency with suspension of the rules on April 25, 2022. The emergency measure is necessary to maintain established timelines for bidding with the goal of construction this year. Supply chain issues and cost increases are concerns and it is important to keep this project moving as quickly as possible.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 59-2021

BY:

AN EMERGENCY RESOLUTION AMENDING RESOLUTION NO. 59-2021 TO SET ASIDE LOCAL FUNDS IN AN AMOUNT NOT TO EXCEED \$400,000.00 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: Local funds for the Project will be a combination of City funds and donations received from outside agencies for this project.

WHEREAS: Committing local funds for the Project will also enhance the City's chances of obtaining 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: Any and all grant awards received for this project will also be separately appropriated or set aside.

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

SECTION 1: That local funds in an amount not to exceed \$400,000.00 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 maintain established timelines for bidding and construction this year. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 4/25/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Ken Fisher

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 34-2022** - An emergency resolution granting a permanent easement and right-of-way on City property at 1238 West 130th Street to Ohio Edison Company. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: Ohio Edison Company has requested the rights and privileges to construct lines for the transmission and distribution of electric current, including communication facilities (message switching) in certain areas of Brunswick. Ohio Edison has provided the City with easement documents, including legal descriptions, of the desired area, which will now require approval of City Council to grant an easement for this purpose as described in the attached document.

PURPOSE AND EXPLANATION: In discussions with representatives from Ohio Edison Company, the City Administration has expressed concern over the location of utility pole(s) and lines for this purpose, as many times are unsightly in high traffic areas. The City Administration has reviewed potential locations, and suggested certain commercial locations, as an alternate to residential areas. The City Administration has considered a location on City property, at 1238 West 130th Street, to afford Ohio Edison access to install a pole for this purpose.

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?

Ohio Edison Company would be granted these rights at the earliest time allowed by law.

**ADDITIONAL
INFORMATION:**

File No. _____

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That **CITY OF BRUNSWICK**, an Ohio municipal corporation, with a mailing address of 4095 Center Road, City Hall, Brunswick, Ohio 44212, hereinafter referred to as “GRANTOR”, claiming title by virtue of instrument recorded in Instrument Number 00D519000537, as recorded in the County of Medina, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations received to my full satisfaction of **OHIO EDISON COMPANY**, an Ohio corporation, having its principal place of business at 76 South Main St., Akron, OH 44308, hereinafter referred to as “GRANTEE”, does hereby grant unto Grantee, its successors and assigns, an easement and right of way, together with the rights and privileges hereinafter set forth, for the lines for the transmission and distribution of electric current, including communication facilities, upon, over, under and across the following described premises:

Situated in the City of Brunswick, County of Medina, State of Ohio; known as being part of Original Brunswick Township Lot 32, Tract 2, also known as Permanent Parcel Number 003-18B-41-007.

The right of way referred to above is described as follows: A strip of land twenty (20) feet wide, ten (10) feet on each side of the facilities as installed. The approximate location of the right of way is depicted on Exhibit "A", attached hereto and made a part hereof.

The easement and rights herein granted shall include the right to erect, inspect, operate, replace, remove, protect, relocate, repair, patrol, add to, and permanently maintain upon, over, under and along the above-described right of way across said premises all necessary structures, wires, cables and travel ways used for or in connection with the transmission and distribution of electric current, including communications, together with the rights to install any necessary guy wires, anchors and other usual fixtures and appurtenances within or adjacent to the right of way herein granted wherever necessary.

Grantee shall have the right of ingress and egress upon, over and across said premises for access to and from its facilities and the right of way, together with the full authority and unqualified right to trim, remove, clear, keep clear, and otherwise control (by such methods as Grantee, in its sole judgment, may deem necessary or proper, including but not limited to the use of herbicides) any and all trees, underbrush, or other vegetation located within the right of

way that are not currently being used for agriculture purposes. Grantee shall also have the full authority and right, in its sole discretion, to trim, cut or remove, any or all trees adjacent to said right of way, that, in the opinion of Grantee, may interfere or threaten to interfere with the construction, operation, maintenance, or repair of Grantee's facilities ("Priority Trees"). Such Priority Trees include those that are dead, dying, diseased, structurally defective, leaning or significantly encroaching where the transmission facilities are at risk of arcing or failing should the tree or portions of the tree (i) fall near or into the transmission facilities or (ii) grow towards or into the transmission facilities.

Except as provided herein, Grantor reserves the right to use the lands encumbered by this Easement in any manner that is not inconsistent with the rights granted to Grantee by this Easement and provided that said use does not violate the National Electrical Safety Code clearances. Grantor agrees that no building, obstruction or impediment of any kind shall be placed within said right of way or between said structures or beneath said wires. Grantee shall have the full authority and right, in its sole discretion, to remove, or to compel the removal, of any buildings or other structures within the right of way that, in the opinion of the Grantee, may interfere or threaten to interfere with the construction, operation, maintenance, or repair of Grantee's facilities or with ingress or egress upon, over and across said premises for access to and from its facilities and the right of way. To the extent that any buildings or other structures within the right of way must be removed under the terms of the Easement, Grantors and their successors shall be solely responsible for the cost of removing said buildings or other structures from the right of way, and any damages arising therefrom.

The parties hereto acknowledge that any right of Grantee to trim, remove and/or clear any trees, underbrush, vegetation or other buildings or structures as set forth herein, does not create or place a duty upon Grantee to do so, or shift any duty that the Grantors owe to the Grantee, any third party and/or the general public.

The Grantee will repair or replace all fences, gates, lanes, driveways, drains and ditches damaged or destroyed by it on said premises or pay Grantors for all damages to fences, gates, lanes, driveways, drains and ditches, crops and stock on said premises caused by the construction or maintenance of said lines.

TO HAVE AND TO HOLD the said easement, rights and right of way and its appurtenances to said Grantee, and to its successors and assigns, forever, and the Grantor represents that he/she is the lawful owner of said premises and has full power to convey the rights and easement herein granted, that the same are free and clear of all encumbrances and that he/she will warrant and defend the same against all lawful claims and demands whatsoever, except current taxes and assessments not yet due and payable, easements, restrictions and reservations of record, and zoning ordinances, if any.

[SIGNATURE PAGE TO FOLLOW]

Acknowledged, **CITY OF BRUNSWICK**, an Ohio municipal corporation, has executed this easement by its duly authorized officer as of the ____ day of _____, 2022.

GRANTOR:

CITY OF BRUNSWICK, an Ohio municipal corporation

BY: _____
SIGNATURE

PRINTED NAME

ITS: _____
TITLE

STATE OF _____ §
COUNTY OF _____

On this the _____ day of _____, 2022, before me, a Notary Public, the undersigned officer, personally appeared _____ acting as _____ on behalf of **CITY OF BRUNSWICK**, an Ohio municipal corporation, satisfactorily proven to be the persons whose name(s) are subscribed to the within instrument and acknowledge that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

SEAL

Notary Public
My Commission Expires: _____

Instrument Prepared by: Ohio Edison Company

EXHIBIT "A"

Vicinity Map

**LIVERPOOL
TOWNSHIP**

**BRUNSWICK
HILLS
TOWNSHIP**



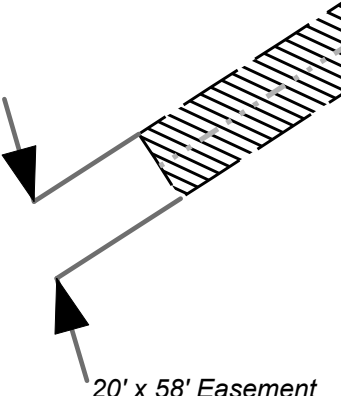
**HINCKLEY
TOWNSHIP**

**YORK
TOWNSHIP**

**MEDINA
TOWNSHIP**

**GRANGER
TOWNSHIP**

**1238 W. 130TH STREET
CITY OF BRUNSWICK
TAX ID: 00318B41007
00D 519000537
03/30/1979
5.000 ACRES**



20' x 58' Easement

The diagram shows a hatched rectangular area representing an easement. Two lines with arrows point from the text '20' x 58' Easement' to the corners of this area, indicating its dimensions and location relative to the property boundary.

Diagram illustrating a 2014/501 Easement. The easement is shown as a shaded area between two property boundaries, with arrows indicating the direction of the easement.

W-130TH STREET (WIDTH VARIES)

↓

Legend

— · — Proposed Center Line

 20' Right of Way
 Property



 Property
 County Parcels

0 20 40 80 Feet
 

1 inch = 50 feet

1 inch = 50 feet

NOTES

-This drawing is for reference purposes only and has been created using existing public records and field collection data.
-THIS IS NOT A SURVEY

Date: 4/4/2022

PROPOSED EASEMENT
ACROSS THE LAND OF:
CITY OF BRUNSWICK
TAX ID: 0318B41007
WR# 17264317

Situated in the State of Ohio, County of Medina, and Township of Brunswick Hills

The logo for Ohio Edison, featuring the company name in a bold, sans-serif font with a registered trademark symbol. Below the name is a blue swoosh underline, and further down, the text "A FirstEnergy Company" is written in a smaller, italicized font.

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

A RESOLUTION GRANTING A PERMANENT UTILITY EASEMENT TO
OHIO EDISON COMPANY.

WHEREAS: Ohio Edison Company has requested a permanent utility easement over property owned by the City known as PPN 003-18B-41-007 located at 1238 W. 130th Street.

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

SECTION 1: That the City of Brunswick hereby grants a permanent utility easement, upon approval of the Law Director, to Ohio Edison Company in the form as attached hereto as Exhibit "A".

SECTION 2: 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: _____

Clerk of Council
Laura Timura

PROPOSED LEGISLATION



DATE: 4/25/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Ken Fisher

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 35-2022** - An emergency resolution granting a permanent easement and right-of-way on City property at 4400 Center Road to Ohio Edison Company. - 1st Reading (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: Ohio Edison Company has requested the rights and privileges to construct lines for the transmission and distribution of electric current, including communication facilities (message switching) in certain areas of Brunswick. Ohio Edison has provided the City with easement documents, including legal descriptions, of the desired area, which will now require approval of City Council to grant an easement for this purpose, as described in the attached document.

PURPOSE AND EXPLANATION: In discussions with representatives from Ohio Edison Company, the City Administration has expressed concern over the location of utility pole(s) and lines for this purpose, as many times are unsightly in high traffic areas. The City Administration has reviewed potential locations, and suggested certain commercial locations, as an alternate to residential areas. The City Administration has considered a location on City property, at 4400 Center Road, to afford Ohio Edison access to install a pole for this purpose.

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?

Ohio Edison would be granted these rights at the earliest time allowed by law.

**ADDITIONAL
INFORMATION:**

File No. _____

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That **THE CITY OF BRUNSWICK, MEDINA COUNTY, OHIO**, with a mailing address of 4095 Center Road, Brunswick, Ohio 44212, hereinafter referred to as “GRANTOR”, claiming title by virtue of instrument recorded Instrument Number 00D289000556, as recorded in the County of Medina, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations received to my full satisfaction of **OHIO EDISON COMPANY**, an Ohio corporation, having its principal place of business at 76 South Main St., Akron, OH 44308, hereinafter referred to as “GRANTEE”, does hereby grant unto Grantee, its successors and assigns, an easement and right of way, together with the rights and privileges hereinafter set forth, for the lines for the transmission and distribution of electric current, including communication facilities, upon, over, under and across the following described premises:

Situated in the City of Brunswick, County of Medina, State of Ohio; known as being part of original Brunswick Township Lot 14, Tract 1, also known as Permanent Parcel Number, 003-18A-12-030.

The right of way referred to above is described as follows: A strip of land twenty (20) feet wide, ten (10) feet on each side of the facilities as installed. The approximate location of the right of way is depicted on Exhibit "A", attached hereto and made a part hereof.

The easement and rights herein granted shall include the right to erect, inspect, operate, replace, remove, protect, relocate, repair, patrol, add to, and permanently maintain upon, over, under and along the above-described right of way across said premises all necessary structures, wires, cables and travel ways used for or in connection with the transmission and distribution of electric current, including communications, together with the rights to install any necessary guy wires, anchors and other usual fixtures and appurtenances within or adjacent to the right of way herein granted wherever necessary.

Grantee shall have the right of ingress and egress upon, over and across said premises for access to and from its facilities and the right of way, together with the full authority and unqualified right to trim, remove, clear, keep clear, and otherwise control (by such methods as Grantee, in its sole judgment, may deem necessary or proper, including but not limited to the use of herbicides) any and all trees, underbrush, or other vegetation located within the right of

way that are not currently being used for agriculture purposes. Grantee shall also have the full authority and right, in its sole discretion, to trim, cut or remove, any or all trees adjacent to said right of way, that, in the opinion of Grantee, may interfere or threaten to interfere with the construction, operation, maintenance, or repair of Grantee's facilities ("Priority Trees"). Such Priority Trees include those that are dead, dying, diseased, structurally defective, leaning or significantly encroaching where the transmission facilities are at risk of arcing or failing should the tree or portions of the tree (i) fall near or into the transmission facilities or (ii) grow towards or into the transmission facilities.

Except as provided herein, Grantor reserves the right to use the lands encumbered by this Easement in any manner that is not inconsistent with the rights granted to Grantee by this Easement and provided that said use does not violate the National Electrical Safety Code clearances. Grantor agrees that no building, obstruction or impediment of any kind shall be placed within said right of way or between said structures or beneath said wires. Grantee shall have the full authority and right, in its sole discretion, to remove, or to compel the removal, of any buildings or other structures within the right of way that, in the opinion of the Grantee, may interfere or threaten to interfere with the construction, operation, maintenance, or repair of Grantee's facilities or with ingress or egress upon, over and across said premises for access to and from its facilities and the right of way. To the extent that any buildings or other structures within the right of way must be removed under the terms of the Easement, Grantors and their successors shall be solely responsible for the cost of removing said buildings or other structures from the right of way, and any damages arising therefrom.

The parties hereto acknowledge that any right of Grantee to trim, remove and/or clear any trees, underbrush, vegetation or other buildings or structures as set forth herein, does not create or place a duty upon Grantee to do so, or shift any duty that the Grantors owe to the Grantee, any third party and/or the general public.

The Grantee will repair or replace all fences, gates, lanes, driveways, drains and ditches damaged or destroyed by it on said premises or pay Grantors for all damages to fences, gates, lanes, driveways, drains and ditches, crops and stock on said premises caused by the construction or maintenance of said lines.

TO HAVE AND TO HOLD the said easement, rights and right of way and its appurtenances to said Grantee, and to its successors and assigns, forever, and the Grantor represents that he/she is the lawful owner of said premises and has full power to convey the rights and easement herein granted, that the same are free and clear of all encumbrances and that he/she will warrant and defend the same against all lawful claims and demands whatsoever, except current taxes and assessments not yet due and payable, easements, restrictions and reservations of record, and zoning ordinances, if any.

[SIGNATURE PAGE TO FOLLOW]

Acknowledged, **THE CITY OF BRUNSWICK, MEDINA COUNTY, OHIO**, has executed this easement by its duly authorized officer as of the ____ day of _____, 2022.

GRANTOR:

THE CITY OF BRUNSWICK, MEDINA COUNTY, OHIO

BY: _____
SIGNATURE

PRINTED NAME

ITS: _____
TITLE

STATE OF _____ §
COUNTY OF _____

On this the _____ day of _____, 2022, before me, a Notary Public, the undersigned officer, personally appeared _____ acting as _____ on behalf of **THE CITY OF BRUNSWICK, MEDINA COUNTY, OHIO**, satisfactorily proven to be the persons whose name(s) are subscribed to the within instrument and acknowledge that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

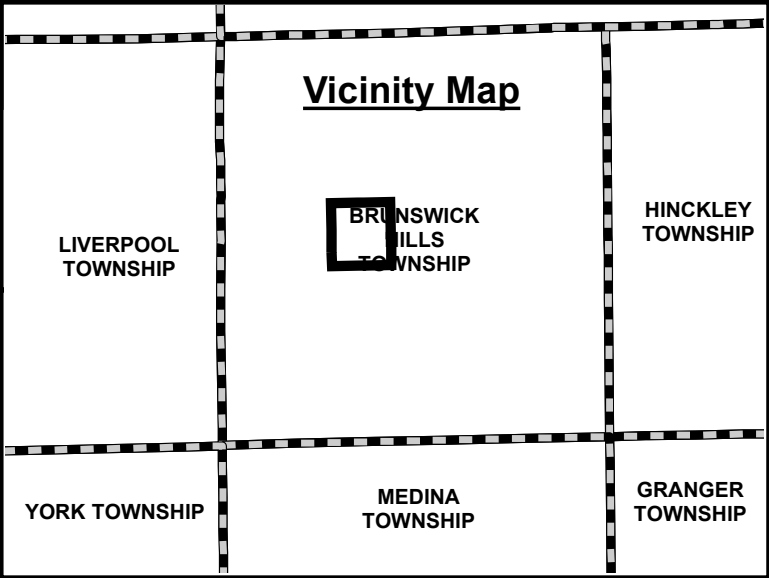
SEAL

Notary Public
My Commission Expires: _____

Instrument Prepared by: Ohio Edison Company

EXHIBIT "A"

Vicinity Map



4400 CENTER ROAD
CITY OF BRUNSWICK
TAX ID: 00318A12030
00D 289000556
01/17/1962
3.503 ACRES

20' x 325' Easement

PEARL ROAD

CENTER ROAD (WIDTH VARIES)

Legend

- Proposed Center Line
 - 20' Right of Way
 - Property
 - County Parcels
- 0 25 50 100 Feet
- 1 inch = 60 feet



NOTES

-This drawing is for reference purposes only and has been created using existing public records and field collection data.

-THIS IS NOT A SURVEY

Date: 4/4/2022

PROPOSED EASEMENT
ACROSS THE LAND OF:
CITY OF BRUNSWICK
TAX ID: 00318A12030
WR# 61698324

Situated in the State of Ohio, County of Medina,
and City of Brunswick



CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

A RESOLUTION GRANTING A PERMANENT UTILITY EASEMENT TO
OHIO EDISON COMPANY.

WHEREAS: Ohio Edison Company has requested a permanent utility easement over property owned by the City known as PPN 003-18A-12-030 located at 4400 Center Road.

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

SECTION 1: That the City of Brunswick hereby grants a permanent utility easement, upon approval of the Law Director, to Ohio Edison Company in the form as attached hereto as Exhibit "A".

SECTION 2: 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: _____
Clerk of Council
Laura Timura

PROPOSED LEGISLATION



DATE: 4/25/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Barnett

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 36-2022** - An emergency resolution with suspension of the rules authorizing the City Manager to enter into a three (3) year agreement with Griffin Pavement Striping, the lowest and best bidder for the provision of pavement marking services in an amount not to exceed \$76,429.00 for year 1(2022), \$92,625.80 for year 2(2023) and \$102,822.60 in year 3(2024) with two one-year options(2025, 2026). - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

BACKGROUND: City Council previously approved a motion to advertise for bids for pavement marking. The City requested bids for traditional traffic paint pavement striping for City Streets. Included in each year's bid is a price to perform optional pavement markings in City owned parking lots. These are optional and are included in the award for years 2 and 3. In year 1 the paint markings for the BAT Studio is included. This agreement also includes two, one-year options to extend the contract as upon mutual consent by both parties.

PURPOSE AND EXPLANATION: Bids were opened on April 12th, 2022 from two (2) bidders. Griffin Pavement Striping was the lowest and best bidder at \$76,429.00 for the first year; \$92,625.80 for the second year and \$102,822.60 for the third year. Staff has adjusted the scope of the work for the first year of the contract (2022) to non-perform a portion of the pavement marking on Pearl Road due to the current reconstruction project.

IMPLEMENTATION

SCHEDULE: 2nd reading on May 9 and adopted as an emergency with suspension of the rules.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

2022- \$75,679.00 Account 117-0420-54259 (Roadway)
\$750.00 Account 123-0460-54243 (Bat)
2023- \$85,875.80 Account 117-0420-54259 (Roadway)
\$750.00 Account 123-0460-54243 (BAT)
\$1,000.00 Account (City Hall) (Todd, please provide acct. code)

\$2,500.00 Account 127-0810-54273(Neura Park)
\$2,500.00 Account 131-0830-54236 (Recreation Center)
2024- \$96,072.60 Account 117-0420-54259 (Roadway)
\$750.00 Account 123-0460-54243 (BAT)
\$1,000.00 Account (City Hall) (Todd, please provide acct. code)
\$2,500.00 Account 127-0810-54273 (Neura Park)
\$2,500.00 Account 131-0830-54236 (Recreation Center)

Payment for years 2023, 2024 and the two option years are subject to sufficient Council appropriations pursuant to ORC 5705 which are budgeted annually.

**RECOMMENDED
ACTION:**

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

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

Emergency is requested in order to assure the roadway striping can be complete in 2023.

**ADDITIONAL
INFORMATION:**

Pavement Marking Bids Tabulations 4/12/2022 at Noon

Bid for First Year of Contract-2022					Bid Tabs			
All Markings to be As Per ODOT #406-10 (White) & #406-55 (Yellow) or Approved Equal					Bid Bond	Yes	Bid Bond	No
					Griffin		JD Stiping	
Description-All ITEM 642	Estimated Quantity	Units	2021 Unit Cost	2021 Cost	Bid	Cost	Bid	Cost
Edge Line, 4" Type 1 Solid, White	6.34	Miles	\$500.00	\$3,170.00	\$575.00	\$3,645.50	\$450.00	\$2,853.00
Lane Line, 4" Type 1 Broken, White	6.12	Miles	\$375.00	\$2,295.00	\$525.00	\$3,213.00	\$325.00	\$1,989.00
Center Line, Type 1	27.59	Miles	\$610.00	\$16,829.90	\$725.00	\$20,002.75	\$890.00	\$24,555.10
Channelization Line, 8", Type 1	13,477.00	Foot	\$0.36	\$4,851.72	\$0.60	\$8,086.20	\$0.43	\$5,795.11
Stop Line, Type 1	3,597.00	Foot	\$1.20	\$4,316.40	\$1.35	\$4,855.95	\$2.00	\$7,194.00
Crosswalk Line, Type 1	20,205.00	Foot	\$0.46	\$9,294.30	\$0.60	\$12,123.00	\$1.30	\$26,266.50
Transverse/Diagonal Line, Type 1	3,344.00	Foot	\$1.25	\$4,180.00	\$1.40	\$4,681.60	\$2.00	\$6,688.00
Lane Arrow, Type 1	316.00	Each	\$25.00	\$7,900.00	\$40.00	\$12,640.00	\$32.00	\$10,112.00
School Symbol Marking, Type 1	27.00	Each	\$120.00	\$3,240.00	\$135.00	\$3,645.00	\$200.00	\$5,400.00
Word on Pavement, Type 1	34.00	Each	\$37.00	\$1,258.00	\$50.00	\$1,700.00	\$45.00	\$1,530.00
Island Marking, Type 1	181.00	Sq. Ft.	\$3.00	\$543.00	\$6.00	\$1,086.00	\$2.00	\$362.00
				\$57,878.32		\$75,679.00		\$92,744.71
Optional Facility Pavement Markings								
BAT TV Parking Lot	1.00	Lump	\$500.00	\$500.00	\$750.00	\$750.00	\$800.00	\$800.00
City Hall Parking Lot	1.00	Lump	\$750.00	\$750.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
Neura Park Parking Lot	1.00	Lump	\$2,200.00	\$2,200.00	\$2,500.00	\$2,500.00	\$1,800.00	\$1,800.00
Recreation Center Parking Lot	1.00	Lump	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00

Bid for Second Year of Contract-2023					Bid Tabs			
All Markings to be As Per ODOT #406-10 (White) & #406-55 (Yellow) or Approved Equal					Griffin		JD Stiping	
Description-All ITEM 642	Estimated Quantity	Units	2021 Unit Cost	2021 Cost	Bid	Cost	Bid	Cost
Edge Line, 4" Type 1 Solid, White	6.34	Miles	\$500.00	\$3,170.00	\$625.00	\$3,962.50	\$480.00	\$3,043.20
Lane Line, 4" Type 1 Broken, White	6.12	Miles	\$375.00	\$2,295.00	\$575.00	\$3,519.00	\$400.00	\$2,448.00
Center Line, Type 1	27.59	Miles	\$610.00	\$16,829.90	\$775.00	\$21,382.25	\$930.00	\$25,658.70
Channelization Line, 8", Type 1	13,477.00	Foot	\$0.36	\$4,851.72	\$0.70	\$9,433.90	\$0.50	\$6,738.50
Stop Line, Type 1	3,597.00	Foot	\$1.20	\$4,316.40	\$1.45	\$5,215.65	\$2.30	\$8,273.10
Crosswalk Line, Type 1	20,205.00	Foot	\$0.46	\$9,294.30	\$0.70	\$14,143.50	\$1.60	\$32,328.00
Transverse/Diagonal Line, Type 1	3,344.00	Foot	\$1.25	\$4,180.00	\$1.50	\$5,016.00	\$2.30	\$7,691.20
Lane Arrow, Type 1	316.00	Each	\$25.00	\$7,900.00	\$50.00	\$15,800.00	\$45.00	\$14,220.00
School Symbol Marking, Type 1	27.00	Each	\$120.00	\$3,240.00	\$145.00	\$3,915.00	\$250.00	\$6,750.00
Word on Pavement, Type 1	34.00	Each	\$37.00	\$1,258.00	\$60.00	\$2,040.00	\$60.00	\$2,040.00
Island Marking, Type 1	181.00	Sq. Ft.	\$3.00	\$543.00	\$8.00	\$1,448.00	\$2.30	\$416.30
				\$57,878.32		\$85,875.80		\$109,607.00
Optional Facility Pavement Markings								
BAT TV Parking Lot	1.00	Lump	\$500.00	\$500.00	\$750.00	\$750.00	\$1,000.00	\$1,000.00
City Hall Parking Lot	1.00	Lump	\$750.00	\$750.00	\$1,000.00	\$1,000.00	\$1,200.00	\$1,200.00

Neura Park Parking Lot	1.00	Lump	\$2,200.00	\$2,200.00	\$2,500.00	\$2,500.00	\$2,000.00	\$2,000.00
Recreation Center Parking Lot	1.00	Lump	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00	\$2,700.00	\$2,700.00

Bid for Third Year of Contract-2024					Bid Tabs			
All Markings to be As Per ODOT #406-10 (White) & #406-55 (Yellow) or Approved Equal					Griffin		JD Stiping	
Description-All ITEM 642	Estimated Quantity	Units	2021 Unit Cost	2021 Cost	Bid	Cost	Bid	Cost
Edge Line, 4" Type 1 Solid, White	6.34	Miles	\$500.00	\$3,170.00	\$675.00	\$4,279.50	\$500.00	\$3,170.00
Lane Line, 4" Type 1 Broken, White	6.12	Miles	\$375.00	\$2,295.00	\$625.00	\$3,825.00	\$450.00	\$2,754.00
Center Line, Type 1	27.59	Miles	\$610.00	\$16,829.90	\$825.00	\$22,761.75	\$980.00	\$27,038.20
Channelization Line, 8", Type 1	13,477.00	Foot	\$0.36	\$4,851.72	\$0.80	\$10,781.60	\$0.60	\$8,086.20
Stop Line, Type 1	3,597.00	Foot	\$1.20	\$4,316.40	\$1.55	\$5,575.35	\$2.60	\$9,352.20
Crosswalk Line, Type 1	20,205.00	Foot	\$0.46	\$9,294.30	\$0.80	\$16,164.00	\$1.85	\$37,379.25
Transverse/Diagonal Line, Type 1	3,344.00	Foot	\$1.25	\$4,180.00	\$1.60	\$5,350.40	\$2.60	\$8,694.40
Lane Arrow, Type 1	316.00	Each	\$25.00	\$7,900.00	\$60.00	\$18,960.00	\$55.00	\$17,380.00
School Symbol Marking, Type 1	27.00	Each	\$120.00	\$3,240.00	\$155.00	\$4,185.00	\$285.00	\$7,695.00
Word on Pavement, Type 1	34.00	Each	\$37.00	\$1,258.00	\$70.00	\$2,380.00	\$70.00	\$2,380.00
Island Marking, Type 1	181.00	Sq. Ft.	\$3.00	\$543.00	\$10.00	\$1,810.00	\$2.60	\$470.60
				\$57,878.32		\$96,072.60		\$124,399.85
Optional Facility Pavement Markings								
BAT TV Parking Lot	1.00	Lump	\$500.00	\$500.00	\$750.00	\$750.00	\$1,200.00	\$1,200.00
City Hall Parking Lot	1.00	Lump	\$750.00	\$750.00	\$1,000.00	\$1,000.00	\$1,400.00	\$1,400.00
Neura Park Parking Lot	1.00	Lump	\$2,200.00	\$2,200.00	\$2,500.00	\$2,500.00	\$2,200.00	\$2,200.00
Recreation Center Parking Lot	1.00	Lump	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00	\$2,900.00	\$2,900.00

Bid for Option Year 1 - 2025					Bid Tabs			
All Markings to be As Per ODOT #406-10 (White) & #406-55 (Yellow) or Approved Equal					Griffin		JD Stiping	
Description-All ITEM 642	Estimated Quantity	Units	2021 Unit Cost	2021 Cost	Bid	Cost	Bid	Cost
Edge Line, 4" Type 1 Solid, White	6.34	Miles	\$500.00	\$3,170.00	\$750.00	\$4,755.00	\$560.00	\$3,550.40
Lane Line, 4" Type 1 Broken, White	6.12	Miles	\$375.00	\$2,295.00	\$700.00	\$4,284.00	\$500.00	\$3,060.00
Center Line, Type 1	27.59	Miles	\$610.00	\$16,829.90	\$900.00	\$24,831.00	\$1,150.00	\$31,728.50
Channelization Line, 8", Type 1	13,477.00	Foot	\$0.36	\$4,851.72	\$0.95	\$12,803.15	\$0.85	\$11,455.45
Stop Line, Type 1	3,597.00	Foot	\$1.20	\$4,316.40	\$1.70	\$6,114.90	\$3.25	\$11,690.25
Crosswalk Line, Type 1	20,205.00	Foot	\$0.46	\$9,294.30	\$0.95	\$19,194.75	\$2.50	\$50,512.50
Transverse/Diagonal Line, Type 1	3,344.00	Foot	\$1.25	\$4,180.00	\$1.75	\$5,852.00	\$3.25	\$10,868.00
Lane Arrow, Type 1	316.00	Each	\$25.00	\$7,900.00	\$75.00	\$23,700.00	\$70.00	\$22,120.00
School Symbol Marking, Type 1	27.00	Each	\$120.00	\$3,240.00	\$170.00	\$4,590.00	\$350.00	\$9,450.00
Word on Pavement, Type 1	34.00	Each	\$37.00	\$1,258.00	\$85.00	\$2,890.00	\$85.00	\$2,890.00
Island Marking, Type 1	181.00	Sq. Ft.	\$3.00	\$543.00	\$13.00	\$2,353.00	\$3.25	\$588.25
				\$57,878.32		\$111,367.80		\$157,913.35
Optional Facility Pavement Markings								
BAT TV Parking Lot	1.00	Lump	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$1,400.00	\$1,400.00
City Hall Parking Lot	1.00	Lump	\$750.00	\$750.00	\$1,500.00	\$1,500.00	\$1,600.00	\$1,600.00
Neura Park Parking Lot	1.00	Lump	\$2,200.00	\$2,200.00	\$3,000.00	\$3,000.00	\$2,400.00	\$2,400.00

Recreation Center Parking Lot	1.00	Lump	\$2,000.00	\$2,000.00	\$3,000.00	\$3,000.00	\$3,100.00	\$3,100.00
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Bid for Option Year 2 - 2026					Bid Tabs			
All Markings to be As Per ODOT #406-10 (White) & #406-55 (Yellow) or Approved Equal					Griffin		JD Stiping	
Description-All ITEM 642	Estimated Quantity	Units	2021 Unit Cost	2021 Cost	Bid	Cost	Bid	Cost
Edge Line, 4" Type 1 Solid, White	6.34	Miles	\$500.00	\$3,170.00	\$800.00	\$5,072.00	\$600.00	\$3,804.00
Lane Line, 4" Type 1 Broken, White	6.12	Miles	\$375.00	\$2,295.00	\$750.00	\$4,590.00	\$560.00	\$3,427.20
Center Line, Type 1	27.59	Miles	\$610.00	\$16,829.90	\$950.00	\$26,210.50	\$1,340.00	\$36,970.60
Channelization Line, 8", Type 1	13,477.00	Foot	\$0.36	\$4,851.72	\$1.10	\$14,824.70	\$1.00	\$13,477.00
Stop Line, Type 1	3,597.00	Foot	\$1.20	\$4,316.40	\$1.80	\$6,474.60	\$4.00	\$14,388.00
Crosswalk Line, Type 1	20,205.00	Foot	\$0.46	\$9,294.30	\$1.05	\$21,215.25	\$3.00	\$60,615.00
Transverse/Diagonal Line, Type 1	3,344.00	Foot	\$1.25	\$4,180.00	\$1.85	\$6,186.40	\$4.00	\$13,376.00
Lane Arrow, Type 1	316.00	Each	\$25.00	\$7,900.00	\$85.00	\$26,860.00	\$85.00	\$26,860.00
School Symbol Marking, Type 1	27.00	Each	\$120.00	\$3,240.00	\$180.00	\$4,860.00	\$425.00	\$11,475.00
Word on Pavement, Type 1	34.00	Each	\$37.00	\$1,258.00	\$95.00	\$3,230.00	\$100.00	\$3,400.00
Island Marking, Type 1	181.00	Sq. Ft.	\$3.00	\$543.00	\$15.00	\$2,715.00	\$4.00	\$724.00
				\$57,878.32		\$122,238.45		\$188,516.80
Optional Facility Pavement Markings								
BAT TV Parking Lot	1.00	Lump	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$1,600.00	\$1,600.00
City Hall Parking Lot	1.00	Lump	\$750.00	\$750.00	\$1,500.00	\$1,500.00	\$1,800.00	\$1,800.00
Neura Park Parking Lot	1.00	Lump	\$2,200.00	\$2,200.00	\$3,000.00	\$3,000.00	\$2,400.00	\$2,400.00
Recreation Center Parking Lot	1.00	Lump	\$2,000.00	\$2,000.00	\$3,000.00	\$3,000.00	\$3,300.00	\$3,300.00

Bid Synopsis					Bid Tabs			
					Bid Bond	Yes	Bid Bond	Yes
					Griffin		JD Stiping	
				2021 Cost		Cost		Cost
First year, 2022 Roadway Markings				\$57,878.32		\$75,679.00		\$92,744.71
Optional Facilities				\$5,450.00		\$6,750.00		\$6,100.00
Total Cost				\$63,328.32		\$82,429.00		\$98,844.71
Second Year, 2023 Roadway Markings				\$57,878.32		\$85,875.80		\$109,607.00
Optional Facilities				\$5,450.00		\$6,750.00		\$6,900.00
Total Cost				\$63,328.32		\$92,625.80		\$116,507.00
Third Year, 2024 Roadway Markings				\$57,878.32		\$96,072.60		\$124,399.85
Optional Facilities				\$5,450.00		\$6,750.00		\$7,700.00
Total Cost				\$63,328.32		\$102,822.60		\$132,099.85
Three Year Total Roadway Markings				\$173,634.96		\$257,627.40		\$326,751.56
Three Year Total Optional Facilities				\$16,350.00		\$20,250.00		\$20,700.00
Three Year Total Cost				\$189,984.96		\$277,877.40		\$347,451.56
Option year 1 - 2025 Roadway Markings				\$57,878.32		\$111,367.80		\$157,913.35
Optional Facilities				\$5,450.00		\$8,500.00		\$8,500.00
Total Cost				\$63,328.32		\$119,867.80		\$166,413.35
Option yer 2 - 2026 Roadway Markings				\$57,878.32		\$122,238.45		\$188,516.80
Optional Facilites				\$5,450.00		\$8,500.00		\$9,100.00
Total Cost				\$63,328.32		\$130,738.45		\$197,616.80

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO A THREE (3) YEAR AGREEMENT WITH GRIFFIN
PAVEMENT STRIPING FOR THE PROVISION OF PAVEMENT MARKING
SERVICES.

WHEREAS: The City of Brunswick received two (2) bids for the Pavement Marking Program
(the “Program”), in accordance with public bidding requirements; and

WHEREAS: The two (2) received public bids were opened on April 12, 2022, with Griffin
Pavement Striping determined to be the lowest and best bidder.

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

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby
authorized and directed to enter into a three (3) year Agreement with Griffin
Pavement Striping, the lowest and best bidder, for the Pavement Marking
Program in an amount not exceed the submitted bid amounts for each respective
year of the Program.

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 first year of the Program during the 2022 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.

PASSED: 1st Reading _____

2nd Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura Timura

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 4/25/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Todd Fischer

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 37-2022-** An emergency ordinance amending ordinances #110-2021 and #15-2022 to include amendments to the Appropriation Budget for the year ending December 31, 2022 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 the fiscal section and related attachments for additional information.

IMPLEMENTATION SCHEDULE: Discuss at the April 25, 2022, Finance Committee meeting and move to the April 25, 2022, 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 \$756,127.71. The largest components of the net increase, in no particular order, relate to:

1) \$225,000 pertains to the all-inclusive playground project which will increase the local fund set aside to \$400,000. Local funds set aside would include donations received by the City from outside parties and park development fees recorded in the City-Wide Park Improvement Fund #341. A separate set aside Ordinance will also be proposed to City Council regarding amending the total local fund set aside to \$400,000.

- 2) A \$197,151 increase to the Plum Creek Greenway Trail phase II project as a result of increased and additional costs involving bridge construction. Total revised estimated project costs for phase II of the trail are now = \$1,071,151 with \$500,000 to be paid for by the State of Ohio Department of Natural Resources Grant.
- 3) \$110,000 increase in capital set-aside funds for the Division of Fire as listed in Exhibit B. This is directly related to an increased estimate in emergency medical fee revenues. Capital set aside funds are not expenditures but rather moving cash from one purpose to another to plan for a future event. The movement of these funds from one purpose to another is required to be budgeted. This will help the Division of Fire with their financial planning and be an added tool in helping them achieve their 5-year goals/planned capital purchases. Please note: set aside funds for the Division of Fire does originate from emergency medical fee billing revenues.
- 4) \$40,000 additional contingency for the City's 2022 neighborhood road improvement program as a result of possible bid volatility. Available leftover funds from last year will be the funding source for this contingency.
- 5) \$55,000 in additional site deposit appropriations as a result of Oak Ridge Preserve improvements. Estimated receipts will also increase by the same amount, which has a \$0 effect on fund balance.
- 6) \$55,000 estimated costs to add to the budget for transportation, disposal and or maintenance of public records in accordance with State Law. In addition to this budget amendment and pursuant to the City Charter, a separate motion or Ordinance would also be required to expend any funds over \$25,000.

All other items not specifically listed in this summary are detailed with a description and 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, meet grant deadlines, reconcile income tax receipts to existing safety levies 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. _

By:

AN EMERGENCY ORDINANCE AMENDING ORDINANCES #110-2021 AND #15-2022 TO INCLUDE AMENDMENTS TO THE APPROPRIATION BUDGET FOR THE YEAR ENDING DECEMBER 31, 2022 AS INCORPORATED IN EXHIBIT "A" ATTACHED HERETO.

WHEREAS: Ordinance #110-2021 adopted appropriations for 2022; and Ordinance #15-2022 regarding amendments to the 2022 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 #110-2021 and #15-2022.

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

SECTION 1: Ordinances #110-2021 and #15-2022 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: 1st Reading __

RULES SUSPENDED: AYES ____ NAYS ____

ADOPTED: _____ AYES ____ NAYS ____

ATTEST: _____
Clerk of Council
Laura E. Timura

EXHIBIT A

April 25, 2022

Fund Number	Fund Name / Department	Personal Service	Other	Total
General Fund				
001	General Fund			
	City Council	179,403.00	88,131.75	\$ 267,534.75
	Mayor	101,410.00	96,204.26	\$ 197,614.26
	City Manager	192,145.00	155,823.73	\$ 347,968.73
	Information Technologies	176,705.00	361,231.52	\$ 537,936.52
	Engineering	24,363.00	399,803.00	\$ 424,166.00
	Building Department	340,192.00	280,854.59	\$ 621,046.59
	Cemetery Maintenance	-	19,075.00	\$ 19,075.00
	Janitorial Contract	-	21,627.00	\$ 21,627.00
	City Hall Building & Grounds	17,800.00	66,938.00	\$ 84,738.00
	Administrative Services	90,817.00	61,290.00	\$ 152,107.00
	Economic Development	114,145.00	292,647.66	\$ 406,792.66
	Animal Control	76,790.00	76,343.81	\$ 153,133.81
	Law Department	192,065.00	284,881.00	\$ 476,946.00
	Finance Department	258,691.00	234,526.72	\$ 493,217.72
	Income Tax Department	203,469.00	224,964.00	\$ 428,433.00
	Parks & Recreation Director	77,000.00	65,087.00	\$ 142,087.00
	General Fund Administration	-	1,200,992.04	\$ 1,200,992.04
	Planning Division/Community Development	46,799.00	41,361.72	\$ 88,160.72
	Board of Building Appeals	488.00	1,219.00	\$ 1,707.00
	Board of Zoning Appeals	3,432.00	4,970.00	\$ 8,402.00
	Board of Civil Service	11,783.00	27,166.00	\$ 38,949.00
	Board of Ethics	5,460.00	4,625.00	\$ 10,085.00
	Board of Charter Review	-	-	\$ -
	Board of Commemorative Affairs	-	23,540.00	\$ 23,540.00
	General Fund Transfers / Advances	-	25,819,877.95	\$ 25,819,877.95
001	Total General Fund	\$ 2,112,957.00	\$ 29,853,180.75	\$ 31,966,137.75
Special Revenue Funds:				
110	Court Computerization Fund	5,404.00	17,257.71	\$ 22,661.71
111	FEMA Grant Fund	-	-	\$ -
114	Police Fund	4,634,203.16	4,840,130.04	\$ 9,474,333.20
115	Fire Fund	2,580,651.00	7,283,178.68	\$ 9,863,829.68
117	Street Repair & Maintenance Fund	1,217,454.00	2,757,110.09	\$ 3,974,564.09
118	State Highway Fund	-	890,886.76	\$ 890,886.76
119	Law Enforcement Fund	-	3,879.00	\$ 3,879.00
120	Brunswick Transit Alternative (BTA) Fund	-	45,000.00	\$ 45,000.00
123	Brunswick Area Television (BAT) Fund	163,605.00	278,024.30	\$ 441,629.30
127	Parks Fund	205,346.00	330,455.02	\$ 535,801.02
129	Department of Justice Federal Grant Fund	-	175,291.58	\$ 175,291.58
130	DUI Enforcement & Education Fund	-	-	\$ -
131	Recreation Center Fund	391,274.00	631,651.50	\$ 1,022,925.50
133	Home Improvement Grant Fund (CDBG)	-	27,595.43	\$ 27,595.43
140	Local Fiscal Recovery Fund	115,159.88	84,551.45	\$ 199,711.33
141	Opiod Settlement Fund	-	-	\$ -
Enterprise Funds:				
223	Refuse Fund	70,966.00	2,842,444.61	\$ 2,913,410.61
224	Storm Water Management Fund	33,334.00	3,796,632.24	\$ 3,829,966.24
Capital Improvement Funds:				
300	General Permanent Improvement Fund	-	2,852,316.17	\$ 2,852,316.17
332	Road Levy Fund	-	2,652,800.00	\$ 2,652,800.00
333	Road Improvement Fund	-	6,849,243.35	\$ 6,849,243.35
334	Traffic Control Fund	-	-	\$ -

335	Public Square Fund	-	-	\$	-
336	City Building Improvement Fund	-	373,960.00	\$	373,960.00
339	Fire Improvement Fund	-	79,618.16	\$	79,618.16
341	Park Improvement Fund	-	1,576,361.75	\$	1,576,361.75
347	North Carpenter Road Improvement Fund	-	1,937,645.20	\$	1,937,645.20
348	Boston Road Improvement Fund	-	93,519.24	\$	93,519.24
353	I-71 / Rt. 303 Enhancement Fund	-	-	\$	-
360	Brunswick Lake Improvement Fund	-	619,412.05	\$	619,412.05
371	OPWC Laurel Road Improvement Fund	-	664,710.63	\$	664,710.63
372	OPWC Old Eagle Drive Improvement Fund	-	509,825.64	\$	509,825.64
373	OPWC Skyview Drive Improvement Fund	-	1,579,180.00	\$	1,579,180.00
Self Insurance Fund:					
600	Self Insurance Fund	-	3,479,450.00	\$	3,479,450.00
Debt Service Funds:					
771	General Obligation Bond Retirement Fund	-	-	\$	-
782	Special Assessment BRF: Laurel Road (2006)	-	38,612.50	\$	38,612.50
783	Special Assessment BRF: Brunswick Lake - Dam	-	130,599.25	\$	130,599.25
784	Special Assessment BRF: Brunswick Lake - Dredging	-	80,534.14	\$	80,534.14
Agency Funds:					
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	-	35,000.00	\$	35,000.00
887	Residential 1% Building Permit Agency Fund	-	10,000.00	\$	10,000.00
Grand Total				\$	89,860,411.28

City of Brunswick, Finance Office

"Exhibit B" : Schedule of Amendments to the Permanent Budget #2 - For informational purposes only
For the Budget Year Ending December 31, 2022

4/25/2022

Fund Name / Account Name	Account Number	Appropriation Adjustment Amount	Description
General (#001)			
SITE DEPOSITS	001-0410-54265	55,000.00	Large site deposit received in March 2022 for Oak Ridge Preserve. Increase receipts and expense by same amount. Net effect on Fund Bal = \$0
FUEL	001-0430-55300	1,750.00	Increase fuel cost budget as a result of recent fuel cost increases. Will need to monitor fuel lines as year progresses.
RETIREMENT-LEAVE PAYOUT (PER ORC)	001-0600-52280	1,353.00	Anticipated retirement of an employee and calculated/estimated costs regarding required payouts pursuant to State Law.
OFF-SITE STORAGE CONTRACT	001-0880-54506	55,000.00	Estimated costs to transport or properly dispose of public records in accordance with State Law. Any stored public records would then be stored locally.
OVERTIME	001-0930-51198	811.00	Estimated overtime costs. Amendment would allow up to 20 hours of overtime to cover time to administer various Civil Service tests on the weekends.
PERS	001-0930-52223	195.00	Estimated overtime costs. Amendment would allow up to 20 hours of overtime to cover time to administer various Civil Service tests on the weekends.
MEDITAX	001-0930-52226	12.00	Estimated overtime costs. Amendment would allow up to 20 hours of overtime to cover time to administer various Civil Service tests on the weekends.
WORKER'S COMP - CIVIL SERVICE	001-0930-52274	25.00	Estimated overtime costs. Amendment would allow up to 20 hours of overtime to cover time to administer various Civil Service tests on the weekends.
General Fund Total		114,146.00	
Police Fund (#114)			
POLICE OVERTIME	114-0520-51198	(607.84)	MCDAC Grant reallocation from School Resource Officer to various non-payroll related items. This amendment will allow City budget to match MCDAC.
INCIDENTALS	114-0520-55239	607.84	MCDAC Grant reallocation from School Resource Officer to various non-payroll related items. This amendment will allow City budget to match MCDAC.
FUEL	114-0520-55300	15,400.00	Increase fuel cost budget as a result of recent fuel cost increases. Will need to monitor fuel lines as year progresses.
Police Fund Total		15,400.00	
Fire Fund (#115/952)			
REPAIR & MAINTENANCE	115-0510-54243	20,000.00	Increased repair costs, including but not limited to, medic vehicles due to supply chain issues, etc.
RESCUE COLLECTION FEES	115-0510-54260	7,287.50	Estimated cost of collection fees per third party provider contract to correspond with increase of \$110,000 in estimated EMS revenues.
FUEL	115-0510-55300	5,100.00	Increase fuel cost budget as a result of recent fuel cost increases. Will need to monitor fuel lines as year progresses.
TRANSFER OUT TO CAPITAL #952	115-0510-99999	110,000.00	Increase estimated capital set aside for future capital purchases as a result of increased EMS revenue estimate. Transfer In to = transfer Out.
Fire Fund Total		142,387.50	
Cable TV Fund (#123/#956)			
REPAIR & MAINTENANCE	123-0460-54243	750.00	Parking lot payment marking services cost option on latest bid for BAT Studio.
Cable TV Fund Total		750.00	
Rec. Center Fund (#131)			
REPAIR AND MAINTENANCE	131-0830-54243	10,000.00	Increased repair costs, some due to supply chain issues, inflation, etc. Will need to continue to monitor
Rec. Center Total		10,000.00	
Local Fiscal Recovery Fund (#140)			
Wages - Safety/Public Health	140-2021-51000	5,296.45	Appropriations for eligible wages to match total additional ARPA subsequent receipt of 7,293.21 - 1st Tranche.
Fringe Benefits - Safety/Public Health	140-2021-52000	1,996.76	Appropriations for eligible benefits to match total additional ARPA subsequent receipt of 7,293.21 - 1st Tranche.
Total Local Fiscal Recovery Fund		7,293.21	
Stormwater Management Fund (#224)			
FUEL	224-0420-55310	4,000.00	Increase fuel cost budget as a result of recent fuel cost increases. Will need to monitor fuel lines as year progresses.
Stormwater Management Enterprise Fund Total		4,000.00	
Capital Projects Improvement Fund (#300)			
LOCAL COST SHARE -TRAIL PH 2	300-0812-56700	197,151.00	Increase local cost share for trail phase II additional bridge costs. Est project cost = \$1,071,151. Grant Award = \$500,000 & City funds = \$671,151.
Capital Projects Improvement Fund Total		197,151.00	
Road Levy Improvement Fund #332			
CONTINGENCY	332-0473-56884	40,000.00	Budget a contingency for neighborhood road program for volatility in bids. Using leftover funds from previous year.
Road Levy Improvement Fund Total		40,000.00	
Park Improvement Fund (#341)			
INCLUSIVE/ACCESIBLE PLAYGROUND	341-0812-56870	225,000.00	Increase local funds available for all inclusive playground per separate resolution (Apr 25, 2022). Local funds = donations & City park Improv funds.
Total Park Improvement Fund		225,000.00	

PROPOSED LEGISLATION



DATE: 4/25/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Taylor Petkovsek

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 38-2022** - An emergency resolution authorizing the donation of municipal personal property not needed for municipal purposes. - **1st Reading** (To be brought from Parks, Recreation & Community Committee, *Administration/Taylor Petkovsek*)

BACKGROUND: The Brunswick Community Recreation and Fitness Center has retired cardio equipment. The equipment was purchased in 2011 and is no longer needed. Attempts have been made to give to other departments. Seeking authorization to donate equipment to the Medina County Juvenile Detention Facility.

**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?
At the earliest time allowed by law.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

A RESOLUTION AUTHORIZING THE DONATION OF MUNICIPAL
PERSONAL PROPERTY NOT NEEDED FOR MUNICIPAL PURPOSES.

WHEREAS: The Department of Parks and Recreation is in possession of a used treadmill, which has an estimated value of less than \$1,000.00, which is not needed for municipal purposes; and

WHEREAS: Ohio Revised Section 721.15 allows the disposition of such municipal personal property through donation upon authorization of the legislative authority of the municipal corporation.

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

SECTION 1: That the City Manager and/or Parks & Recreation Director is hereby authorized to donate the used treadmill in the possession of the Department of Parks and Recreation to the Medina County Juvenile Detention Facility "AS IS", without representation or warranties of any kind or description whatsoever.

SECTION 2: This Council hereby determines that the subject municipal personal property is not needed for municipal purposes and the estimated value of the used treadmill is less than \$1,000.00.

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

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura