



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

NOVEMBER 28, 2022
In Council Chambers
At 7:00 P.M.

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of regular Council Meeting Minutes dated November 14, 2022.
5. Mayor's Report:
 - (a) Mayor's Update
6. Clerk of Council's Report
7. Council Committee Reports:

Economic Development Committee.....Mr. Lambert

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

Services, Utilities, Technology & Cable Committee Meeting Minutes dated November 14, 2022

Finance Committee.....Mr. Hanek

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

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

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

Parks, Recreation & Community Committee Meeting Minutes date November 14, 2022

Building & Building Code Committee.....Mr. Abella
8. Other Committees, Boards and Commissions

- (a) Committee of the Whole Meeting Minutes dated November 14, 2022
9. Petitions from the Public on Legislation
10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

RES. NO. 96-2022 - A resolution authorizing the City Manager to enter into a three (3) year agreement with NEO Landscape Management to provide cemetery maintenance and caretaker services in an annual amount not to exceed \$18,690.01 pursuant to submitted bid prices. - **3rd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

b. 2nd Reading(s)

RES. NO. 100-2022 - A resolution permitting the City Administration to sell, through public internet auctions, personal property, including motor vehicles acquired for the use of Municipal Officers and Departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired for the year 2023. - **2nd Reading** (Committee-of-the-Whole, *Administration/Carl DeForest*)

ORD. NO. 101-2022 - An ordinance repealing Chapter 288 of the City of Brunswick Codified Ordinances.- **2nd Reading** (Committee-of-the-Whole, *Administration, Kenneth Fisher*)

ORD. NO. 102-2022 - An ordinance repealing Chapter 282 of the City of Brunswick Codified Ordinances - **2nd Reading** (Committee-of-the-Whole, *Administration/Kenneth Fisher*)

c. 1st Reading(s)

ORD. NO. 103-2022 - An emergency ordinance adopting the Annual Appropriation Budget for Expenditures of the City of Brunswick for the year beginning January 1, 2023 and ending December 31, 2023 - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

ORD. NO. 104-2022 - An emergency ordinance amending Section 1 of Ordinance No. 17-2022 to provide for a Revised Allocation of Municipal Income Tax receipts during the period from January 1, 2023 through December 31, 2023 - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

ORD. NO. 105-2022 - An emergency ordinance creating an OPWC Magnolia Drive Improvement Fund (#374) - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

ORD. NO. 106-2022 - An emergency ordinance amending Ordinance No.115-2021 and the City's Fund Balance Reserve Policy - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

RES. NO. 107-2022 - An emergency resolution authorizing the City Manager to enter into a purchasing agreement with Cargill for the purchase of an estimated 1,000 tons of ClearLane enhanced road salt for the Service Department in an amount not to exceed \$79.99 per ton. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

RES. NO. 108-2022 - An emergency resolution providing consent to the Ohio Department of Transportation for the performance of bridge inspection program services for the City. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

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

SERVICES, UTILITIES, TECHNOLOGY & CABLE COMMITTEE

November 14, 2022

IN ATTENDANCE:

Chairman Timothy Smith, Committee Member Michael Abella Jr., Nicholas Hanek, Kristy Piper, Brandon Lambert, Joseph Delsanter, City Manager Carl DeForest, Assistant Law Director Dennis Nevar, Service Director Paul Barnett, Clerk of Council Laura Timura, News Media.

The meeting convened at 6:28 p.m.

Mr. Abella moved to excuse Councilman Anthony Capretta for just cause. Vote – 2 Ayes, 0 Nays.

DISCUSSION ITEMS:

Mr. Smith expressed concerns about sidewalks on Pearl Road not being on both sides of Pearl Road

Mr. Barnett responded the funds were not available to do sidewalks the entire way and, in most areas, the sidewalks would need to be placed on private properties to do so. He noted funding would expire if the project was not completed within the calendar year. To complete the sidewalks, if the City went for right-away acquisition in order to get the right away to get sidewalks the project would tack on a year and a half to the lead time before going into construction. Mr. Barnett stated the City could get \$2,400,000.00 without the sidewalks, or the City would not have been able to obtain anything, including roadwork. The City made the decision to accept the funding for the roadwork without including sidewalks.

Mr. Smith asked if the resident's complaints about a driveway at an apartment complex had been resolved.

Mr. Barnett affirmed having gone out with the City crews to fill in areas with hot mix asphalt as well as one is able. He noted ODOT was requested to have the contractor go back and repair the sidewalks. After inspecting the repairs, the contractor was unable to meet current ADA compliance without entering private property.

Mr. Delsanter expressed concerns about the seams of a cross-cut in new pavement covered with a slotted piece of asphalt not sealing effectively on the West Side of Pearl Road where there is a possible upcoming development.

Mr. Barnett indicated it is a temporary restoration to open the road for traffic.

RES. NO. 98-2022 - an emergency resolution granting consent to the Ohio Department of Transportation to complete the US 42 (Pearl Road) Pavement Replacement Project. – **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee. *Administration/Paul Barnett*)

Mr. Barnett indicated a small portion of the project falls within the City of Brunswick, along the east side of Pearl Road between Sleepy Hollow Road and the Brunswick full corporation limit south of Arlington Drive/Chaseline Ridge. The project is currently arranged to begin construction in the late summer of 2024 and to be completed in 2026 before actually happening. He noted, no City money is involved except if the City agrees to assume and bear 100% of the total cost for added improvement.

Mr. Abella moved Resolution Number 98-2022 to tonight's Council Agenda of November 14, 2022 as an emergency with suspension of the rules. Vote – 2 Ayes, 0 Nays.

RES. NO. 99-2022 – An emergency resolution authorizing the City to become a member of the Community University Education Purchasing Regional Council of Governments. – **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

Mr. Barnett stated the City of Brunswick became a member of the Community University Education Purchasing Association (CUE) which has over 50 members, allowing for the bidding of commodities in bulk. The organization bids and buys fuel, which is also used for fuel purchases at the lowest possible price in Brunswick. He noted the organization is disbanding and reforming as the Community University Education Purchasing Association-Council of Governments (CUE-COG) to better serve its members and our citizens. Mr. Barnett informed the City Manager will be given the authority to execute all necessary documents to become a member of the CUE-COG and the authorization to appoint a Representative and Alternative Representative to represent the City on the CUE-COG.

Mr. Abella moved Resolution Number 99-2022 to tonight's Council Agenda of November 14, 2022, as an emergency with suspension of the rules. Vote – 2 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Smith expressed high concerns about placing sidewalks to and from Hickory Ridge Elementary School and if the Safe Routes to School program could be implemented again in the future.

Mr. Barnett responded he had discussed the Safe Routes to School Program with Matt Jones regarding installing sidewalks. He noted a resident has a young man who is in a wheelchair, and

Mr. Barnett expressed concerns about what could be done to accommodate them, especially on Pearl Road. Mr. Barnett indicated CVE did an analysis quite a few years ago and failed to rank the City close to being successful in obtaining funding for sidewalks. During his conversation with Matt Jones, Mr. Barnett stated Brunswick has grown and added more traffic throughout the City. He asked Matt Jones what the opportunity would be for sidewalks to be installed, in reply to Mr. Barnett he stated that it is futile and there is no chance of acquiring a grant. The recipients of the grant are generally those in extremely urban areas where the transportation mode is mostly by bicycle and walking.

Mr. Hanek expressed high concerns about placing sidewalks around Applewood Elementary. He would like to see that, if any improvements are made to Applewood Elementary or any other school sites, that sidewalks are part of those improvements.

Mr. Barnett indicated it is his belief that, whenever a school does an upgrade, the City requires that they put in sidewalks. Mr. Hanek reiterated that Applewood Elementary is of particular concern and that he would like to see sidewalks placed there. Mr. Barnett responded that this would be difficult due to the ditches.

ADJOURNMENT:

Being no further business, Mr. Abella moved to adjourn at 6:40 p.m. Vote – 2 Ayes, 0 Nays.

Respectfully submitted,



Timothy Smith
Chairman

COMMITTEE OF THE WHOLE MEETING

November 14, 2022

IN ATTENDANCE: Vice Mayor Nicholas Hanek, Joseph Delsanter, Tim Smith, Kristy Piper, Michael Abella, Brandon Lambert, City Manager/Safety Director Carl DeForest, Assistant Law Director Dennis Nevar, Clerk of Council Laura Timura, News Media.

The meeting convened at 6:40 p.m.

Mr. Abella moved to excuse Councilman Anthony Capretta for just cause. Vote – 6 Ayes, 0 Nays.

MOTION ITEMS:

RES. NO. 100-2022 – A resolution permitting the City Administration to sell, through public internet auctions, personal property, including motor vehicles acquired for the use of Municipal Officers and Departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired for the year 2023. – **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*)

Mr. DeForest indicated the legislation must be adopted by City Council annually to authorize the ability to sell items no longer needed via the internet starting January 1, 2023.

Mr. Smith moved RES. NO. 100-2022 to tonight's Council Agenda of November 14, 2022, for 3 readings. Vote – 6 Ayes, 0 Nays.

ORD. NO. 101-2022 – An ordinance repealing Chapter 288 of the City of Brunswick Codified Ordinances – **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Kenneth Fisher*)

ORD. NO. 102-2022 – An ordinance repealing Chapter 282 of the City of Brunswick Codified Ordinances – **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Kenneth Fisher*)

Mr. Hanek specified ORD. NO. 101-2022 is the Tree Advisory Board and ORD. NO. 102-2022 is the Board of Commemorative Affairs. He explained that these boards were brought back a year ago. This legislation is designed to remove these boards. He noted there was some discussion about reviving both boards, however, at this point, it seems unlikely to happen.

Mr. Hanek indicated the intent to assign the Board of Commemorative Affairs to the Parks Committee and Councilwoman Piper and the Tree Advisory Board to the Planning and Zoning Committee and Mr. Delsanter to assess the viability of both boards going forward. He explained to the members the decision to repeal both boards does not have any relation to those who have been appointed. Mr. Hanek

thanked the appointed members and hopes they will continue to be involved in the City moving forward. Regarding retooling the boards and improving them, Mr. Hanek seeks input from the committees about how they can improve the boards and make them work.

Mr. Nevar explained both the Commemorative Affairs Board and the Tree Advisory Board were established by ordinance, not by the charter.

Mr. Hanek mentioned both boards have been dormant for many years before the current year. He noted due to the uncertainty of how both boards traditionally work or what their functions are, the City will explore what makes sense moving forward.

Mr. Lambert moved Ordinance Number 101-2022 and Ordinance Number 102-2022 to tonight's Council Agenda of November 14, 2022, for 3 readings. Vote – 6 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. DeForest recounted the motion under the Mayor's report in tonight's Council Agenda to appoint Tracy Harrison to the Commemorative Affairs Board.

Mr. Hanek indicated he would address the appointment and coincidentally the mayor will need to be excused when the meeting is convened. Additionally, he announced the Finance Committee Meeting would be held in the lunch room at 6:30 PM on November 15, 2022.

Mr. Hanek noted Councilman Capretta will take office as the Medina County Auditor in March and Council will need to consider the implications of the vacancy.

Mr. DeForest indicated speaking with the Law Director regarding the replacement for Councilman Capretta on when the vacancy can be advertised. Mr. DeForest said it is assumed the City can advertise in January with Mr. Capretta's intended departure being mid to late March. It is believed the replacement will be required to run for a 4-year term in November 2023.

Mr. Hanek stated the filing deadline is February 1, 2023, to able to run for a 4-year term, and the replacement will not take effect until after the deadline. He noted the County Auditor runs according to the fiscal year and he intends to speak with Councilman Capretta about when he intends to vacate from City Council.

Mr. Abella questioned about finding a replacement before the February 1, 2023 deadline who would serve the length of the term for the full year.

Mr. Delsanter stated Council can do what he did previously by running as a write-in candidate on the ballot. He noted if a candidate intends to fill the vacancy, it would be responsibly suggested to pull petitions for Ward 4, if chosen they will have their name on the ballot.

Mr. Abella recounted when Councilman Raso and Councilwoman Rodriguez both had petitions up at the time of the election, and he noted Mr. Raso won and Council chose to elect Rodriguez.

Mr. Hanek added both the Council members had petitions out and were on the ballot. He noted the uncertainty of when the vacancy will be filled and the possibility it might occur after the filing deadline. Mr. Hanek described candidates applying after the deadline for an unexpected vacancy to find out they cannot run in the November election. He pointed out if the candidate would like to hold the Council position for more than a few months they would need to run in the November election.

Mr. Abella questioned if Council can get ahead of the deadline issue and advertise the vacancy before the filing deadline.

Mr. Hanek stated the issue would be addressed in tonight's Mayor's report.

Mr. Delsanter specified it is incumbent for potential candidates to be aware of their actions. He noted Council should refrain from coaching this process further as it would be deemed as acting outside of their authority.

Mr. Abella expressed it is the Council's responsibility to get ahead of the deadline issue by presenting any information

Mr. Delsanter informed the potential candidate should be willing to do so and know enough about the electoral process.

Mr. Hanek affirmed the need for discussion on the unusual vacancy due to the nature of the election and timing. He mentioned Councilman Capretta will need to decide when he intends to vacate the City Council. Mr. Hanek stated being overjoyed to have Mr. Capretta serve any day he is able and understands at some point will vacate the Council. He disclosed the vacancy will be addressed at tonight's Council meeting.

ADJOURNMENT:

Being no further business, Mr. Delsanter moved to adjourn at 6:52 p.m. Vote – 6 Ayes, 0 Nays.

Respectfully submitted,

Elisabeth Wagner

Elisabeth Wagner

PROPOSED LEGISLATION



DATE: 11/28/2022

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. 96-2022** - A resolution authorizing the City Manager to enter into a three (3) year agreement with NEO Landscape Management to provide cemetery maintenance and caretaker services in an annual amount not to exceed \$18,690.01 pursuant to submitted bid prices. - **3rd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

BACKGROUND: Bids were opened on October 13, 2022 with one bidder. NEO Landscape is the lowest and best bid. Enclosed is a copy of the bid tabulations. The current contract expires December 31, 2022. This work is for the maintenance and internment services at two city owned cemeteries.

PURPOSE AND EXPLANATION: The purpose is of this legislation is to provide for the contracting of mowing, trimming and internment services at the two City owned cemeteries.

IMPLEMENTATION SCHEDULE: A contractor needs to be available starting January 1, 2023 and continue through December 31, 2025 to provide service as needed.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: \$14,500.01 per year for 3 years for a total of \$43,500.03 for Mowing/Maintenance. \$4,190.00 per year for 3 years for a total of \$12,570.00 for Internments. The combined total of \$18,690.01 per year for 3 years for a total of \$56,070.03. Payments relating to this contract are subject to sufficient Council appropriations pursuant to ORC 5705, which are procedurally budgeted annually. Approved Cemetery Mowing/Maintenance expenses are charged to account #001-0440-54260. Approved Internments expenses are charged to account #001-0440-54264. The 2023 Budget is expected to be proposed and adopted by the City Council prior to 01/01/2023.

**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:**

Cemetery Maintenance and Caretaker Services Bids 11-13-2022

Revised 10-13-2022

	Existing Contract NEO Landscape			Bid From NEO Landscape Management		
Mowing /Maintenance	Proposed Rate Per Month		X 7 Months per year	Proposed Rate Per Month		X 7 Months per year
2023	1,357.14		9,499.98	2,071.43		14,500.01
2024				2,071.43		14,500.01
2025				2,071.43		14,500.01
Open and Close Graves	Proposed Rate Per Burial	Estimated Burials Annually	Estimated Cost	Proposed Rate Per Burial	Estimated Burials Annually	Estimated Cost
Adult Weekdays	475.00	2.00	950.00	570.00	2.00	1,140.00
Adult Weekends (Sat. and Sun.)	575.00	1.00	575.00	670.00	1.00	670.00
Infant Weekdays	475.00	1.00	475.00	570.00	1.00	570.00
Infant Weekends (Sat. and Sun.)	575.00	1.00	575.00	670.00	1.00	670.00
Cremations	475.00	2.00	950.00	570.00	2.00	1,140.00
	Total Burials		3,525.00			4,190.00
Estimated Annual Total Cost						
2023			13,024.98			18,690.01
2024			13,024.98			18,690.01
2025			13,024.98			18,690.01
	Grand Total for 3 Years		39,074.94			56,070.03

Note: The existing rates for the existing contract are from the 2022 contract.

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 96-2022

BY: Mr. Smith, Mr. Abella, Mr. Capretta

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE (3) YEAR AGREEMENT WITH NEO LANDSCAPE MANAGEMENT TO PROVIDE CEMETERY MAINTENANCE AND CARETAKER SERVICES IN AN ANNUAL AMOUNT NOT TO EXCEED \$18,690.01 PURSUANT TO SUBMITTED BID PRICES.

WHEREAS: The City of Brunswick received one (1) bid for the provision of cemetery maintenance and caretaker services for Westview and Bennett's Corners Cemeteries in accordance with public bidding requirements; and

WHEREAS: The one (1) received public bid was opened on October 13, 2022, with NEO Landscape Management 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 NEO Landscape Management, the lowest and best bidder, for the provision of cemetery maintenance and caretaker services in an annual amount not to exceed \$18,690.01 pursuant to submitted bid prices, subject to annual appropriations by City Council as required by law.

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 E. Timura

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 100-2022

BY: Committee-of-the-Whole

A RESOLUTION PERMITTING THE CITY ADMINISTRATION TO SELL, THROUGH PUBLIC INTERNET AUCTIONS, PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES ACQUIRED FOR THE USE OF MUNICIPAL OFFICERS AND DEPARTMENTS, AND ROAD MACHINERY, EQUIPMENT, TOOLS, OR SUPPLIES, WHICH ARE NOT NEEDED FOR PUBLIC USE, OR ARE OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, FOR THE YEAR 2023.

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

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

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

SECTION 1: That this Council hereby permits the City Administration to utilize the internet auction for the sale of personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired for the year 2023.

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

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

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

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

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

SECTION 7: That the highest bidder upon the close of the open bidding period will be deemed to be the successful bidder of the internet auction. Upon the close of the auction, the City shall remit an invoice to the successful bidder for the amount of the bid. The successful

bidder shall remit the entire payment within ten days of receipt of the invoice. Acceptable forms of payment include cashier's check, certified check, or money order. Other payment arrangements may be made by the City where circumstances warrant. Payment options such as on-line payment systems and PayPal or similar services are acceptable payment options. Notwithstanding the foregoing, all payment options are subject to the approval of the City's Finance Director.

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

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

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

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

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council

Laura E. Timura

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 11/28/2022

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. 101-2022** - An ordinance repealing Chapter 288 of the City of Brunswick Codified Ordinances.- **2nd Reading** (Committee-of-the-Whole, *Administration, Kenneth Fisher*)

BACKGROUND:

PURPOSE AND EXPLANATION: To repeal Chapter 288 of the City of Brunswick Codified Ordinances.

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: Council has determined that the Tree Advisory Committee is no longer necessary.

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 101-2022

BY: Committee-of-the-Whole

AN ORDINANCE REPEALING CHAPTER 288 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES.

WHEREAS: Codified Ordinance Chapter 288 established the Tree Advisory Committee.

WHEREAS: This Council has determined that the Tree Advisory Committee is no longer
necessary.

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

SECTION 1: That Chapter 288 of the City of Brunswick Codified Ordinances is hereby
repealed in its entirety.

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

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____

AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 11/28/2022

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. 102-2022** - An ordinance repealing Chapter 282 of the City of Brunswick Codified Ordinances - **2nd Reading** (Committee-of-the-Whole, *Administration/Kenneth Fisher*)

BACKGROUND: Council has determined that the Board of Commemorative Affairs is no longer necessary.

PURPOSE AND EXPLANATION: Repeal Chapter 282 of the City of Brunswick Codified Ordinances.

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:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 102-2022

BY: Committee-of-the-Whole

AN ORDINANCE REPEALING CHAPTER 282 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES.

WHEREAS: Codified Ordinance Chapter 282 established the Board of Commemorative
Affairs.

WHEREAS: This Council has determined that the Board of Commemorative Affairs is no
longer necessary.

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

SECTION 1: That Chapter 282 of the City of Brunswick Codified Ordinances is hereby
repealed in its entirety.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____

AYES _ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 11/28/2022

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. 103-2022** - An emergency ordinance adopting the Annual Appropriation Budget for Expenditures of the City of Brunswick for the year beginning January 1, 2023 and ending December 31, 2023 - **1st Reading** (To be brought from Finance Committee, Administration/Todd Fischer)

BACKGROUND: Each year and in accordance with Ohio Revised Code Section 5705.38 (A) Council is required to adopt an annual appropriation budget.

PURPOSE AND EXPLANATION: 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 required to present 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.

IMPLEMENTATION

SCHEDULE: The 2023 Budget proposal will be presented and discussed with the Finance Committee and other members of Council on November 15, 2022. If approved by the Finance Committee, the Administration's request is to move this legislation to the November 28, 2022 Council agenda as an emergency with suspension of the rules for one reading.

The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, allowing for the daily operations of the City of Brunswick to continue without interruptions, allowing for the process involving capital purchases with significant supply chain issues to begin as soon as possible and allowing for a more timely and seamless transition into 2023.

FINANCIAL INFORMATION:

Schedule of Fund Appropriations - See Exhibit A - 01/01/2023 - See Exhibit A - Various - - \$83,886,832.58

**FINANCIAL
SUMMARY:**

The total 2023 appropriation budget for all funds (including all book internal transfers, self-insurance, agency funds, etc.) equals \$83,886,832.58

**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 2023 Budget proposal will be presented and discussed with the Finance Committee and other members of Council on November 15, 2022. If approved by the Finance Committee, the Administration's request is to move this legislation to the November 28, 2022 Council agenda as an emergency with suspension of the rules for one reading.

The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, allowing for the daily operations of the City of Brunswick to continue without interruptions, allowing for the process involving capital purchases with significant supply chain issues to begin as soon as possible and allow for a more timely and seamless transition into 2023.

**ADDITIONAL
INFORMATION:**

See Exhibit A.

CITY OF BRUNSWICK, OHIO

ORDINANCE NUMBER 103-2022



By: Mr. Hanek, Mr. Abella, Mr. Delsanter

AN EMERGENCY ORDINANCE ADOPTING THE ANNUAL APPROPRIATION BUDGET FOR EXPENDITURES OF THE CITY OF BRUNSWICK FOR THE YEAR BEGINNING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2023.

WHEREAS: The City of Brunswick Charter requires that an annual budget be prepared and submitted as provided by the laws of the State of Ohio;

WHEREAS: Ohio Revised Code Section 5705.38(A) requires this Council to adopt an annual appropriation budget; and

WHEREAS: City Council has publicly reviewed the 2023 Operating and Capital Program Budget and is desirous to comply with local and State Laws.

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

SECTION 1: That to provide for expenditures of the City of Brunswick, Ohio during the fiscal year beginning January 1, 2023 and ending December 31, 2023, the 2023 Operating and Capital Program Appropriation Budget, as attached hereto and incorporated herein as Exhibit "A", is hereby adopted.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare, and for the further reason that Ohio law prescribes time limitations on the adoption and certification of the 2023 Operating and Capital Appropriation Budget. 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

City of Brunswick, Ohio
Departmental Budget Worksheet
For the Budget Year Ending, December 31, 2023

EXHIBIT A

Fund Number	Fund Name / Department	Personal Service	Other	Total
General Fund				
001	General Fund			
	City Council	190,882.00	85,677.00	\$ 276,559.00
	Mayor	106,643.00	94,766.00	\$ 201,409.00
	City Manager	196,467.00	138,877.00	\$ 335,344.00
	Information Technologies	181,122.00	507,124.00	\$ 688,246.00
	Engineering	24,972.00	666,110.00	\$ 691,082.00
	Building Department	367,400.00	275,223.00	\$ 642,623.00
	Cemetery Maintenance	-	22,765.00	\$ 22,765.00
	Janitorial Contract	-	21,627.00	\$ 21,627.00
	City Hall Building & Grounds	5,673.00	64,649.00	\$ 70,322.00
	Administrative Services	93,566.00	59,196.00	\$ 152,762.00
	Economic Development	116,999.00	273,776.00	\$ 390,775.00
	Animal Control	78,667.00	70,290.00	\$ 148,957.00
	Law Department	196,271.00	263,792.00	\$ 460,063.00
	Finance Department	266,697.00	230,084.00	\$ 496,781.00
	Income Tax Department	209,648.00	258,152.00	\$ 467,800.00
	Parks & Recreation Director	78,925.00	63,674.00	\$ 142,599.00
	General Fund Administration	-	1,156,300.00	\$ 1,156,300.00
	Planning Division/Community Development	73,269.00	67,746.00	\$ 141,015.00
	Board of Building Appeals	501.00	1,220.00	\$ 1,721.00
	Board of Zoning Appeals	1,196.00	4,597.00	\$ 5,793.00
	Board of Civil Service	11,468.00	66,335.00	\$ 77,803.00
	Board of Ethics	5,600.00	4,645.00	\$ 10,245.00
	Board of Charter Review	-	-	\$ -
	Board of Commemorative Affairs	-	18,270.00	\$ 18,270.00
	General Fund Transfers / Advances	-	27,628,672.00	\$ 27,628,672.00
001	Total General Fund	\$ 2,205,966.00	\$ 32,043,567.00	\$ 34,249,533.00
Special Revenue Funds:				
110	Court Computerization Fund	5,539.00	16,170.00	\$ 21,709.00
114	Police Wages Fund	4,705,758.00	4,819,513.00	\$ 9,525,271.00
115	Fire Fund	2,668,467.00	6,191,625.70	\$ 8,860,092.70
117	Street Repair & Maintenance Fund	1,313,404.00	2,734,415.80	\$ 4,047,819.80
118	State Highway Fund	-	131,000.00	\$ 131,000.00
119	Law Enforcement Fund	-	20,015.00	\$ 20,015.00
120	Brunswick Transit Alternative (BTA) Fund	-	45,000.00	\$ 45,000.00
123	Brunswick Area Television (BAT) Fund	171,916.00	266,295.00	\$ 438,211.00
127	Parks Fund	206,930.00	428,666.00	\$ 635,596.00
129	Department of Justice Federal Grant Fund	-	213,040.25	\$ 213,040.25
130	DUI Enforcement & Education Fund	-	10,800.00	\$ 10,800.00
131	Recreation Center Fund	401,731.00	608,425.00	\$ 1,010,156.00
140	Local Fiscal Recovery Fund	-	-	\$ -
Enterprise Funds:				
223	Refuse Fund	73,185.00	2,995,329.00	\$ 3,068,514.00
224	Storm Water Management Fund	34,196.00	1,252,182.24	\$ 1,286,378.24
Capital Improvement Funds:				
300	General Permanent Improvement Fund	-	3,639,668.60	\$ 3,639,668.60
332	Road Levy Fund	-	2,591,880.00	\$ 2,591,880.00
333	Road Improvement Fund	-	2,608,722.83	\$ 2,608,722.83
334	Traffic Control Fund	-	-	\$ -
335	Public Square Fund	-	-	\$ -
336	City Building Improvement Fund	-	85,836.00	\$ 85,836.00
341	Park Improvement Fund	-	1,061,040.00	\$ 1,061,040.00
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	-	600,762.05	\$ 600,762.05
372	OPWC Old Eagle Drive Improvement Fund	-	508,785.17	\$ 508,785.17
373	OPWC Skyview Drive Improvement Fund	-	904,396.98	\$ 904,396.98
374	OPWC Magnolia Drive Improvement Fund	-	1,650,000.00	\$ 1,650,000.00

City of Brunswick, Ohio
 Departmental Budget Worksheet
 For the Budget Year Ending, December 31, 2023

EXHIBIT A

Fund Number	Fund Name / Department	Personal Service	Other	Total
Self Insurance Fund:				
600	Self Insurance Fund	-	3,618,628.00	\$ 3,618,628.00
Debt Service Funds:				
771	General Obligation Bond Retirement Fund	-	-	\$ -
782	Special Assessment BRF: Laurel Road (2006)	-	37,037.50	\$ 37,037.50
783	Special Assessment BRF: Brunswick Lake - Dam	-	18,948.83	\$ 18,948.83
784	Special Assessment BRF: Brunswick Lake - Dredging	-	11,826.19	\$ 11,826.19
Agency Funds:				
880	Recreation Programs Agency Fund	-	-	\$ -
881	General Trust Agency Fund	-	750,000.00	\$ 750,000.00
882	Unclaimed Money Agency Fund	-	20,000.00	\$ 20,000.00
883	Twelve Step Agency Fund	-	-	\$ -
884	Family Violence Agency Fund	-	-	\$ -
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				\$ 83,886,832.58

PROPOSED LEGISLATION



DATE: 11/28/2022

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. 104-2022** - An emergency ordinance amending Section 1 of Ordinance No. 17-2022 to provide for a Revised Allocation of Municipal Income Tax receipts during the period from January 1, 2023 through December 31, 2023 - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

BACKGROUND: Per Codified Ordinance Section 880.01 (e), the Council is required to pass an Ordinance when amending the distribution of municipal income taxes to various funds. Generally, this process occurs at the beginning of the year when the new annual appropriation measure is being considered or “as needed” . The estimated income tax collections and distribution of net income taxes as written have also been set to comply with the levy language of the City’s two income tax specific safety levies in place for 2023.

**PURPOSE AND
EXPLANATION:**

In accordance with Section 880.01 (e) of the Brunswick Codified Ordinances, this Council will be required to pass ordinances from time to time to provide for the allocation of income tax receipts as required and permitted by Section 880.01; and

The City Council has determined that the allocation formula during the period from January 1, 2023 through December 31, 2023, should maximize the amounts provided for municipal services and improvements; and

In order to carry out that purpose subject to and consistent with the requirements of Section 880.01 of the Codified Ordinances, this Council has determined that it is necessary to amend Section 1 of Ordinance No. 17-2022;

**IMPLEMENTATION
SCHEDULE:**

The proposed 2023 income tax allocation draft legislation and 2023 appropriation budget will be presented and discussed with the Finance Committee and other members of Council on November 15, 2022. This 2023 income tax allocation legislation is anticipated to be moved to the November 28, 2022 Council agenda for one reading as an emergency with suspension of the rules. The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, synch up similar 2023 budget

legislation together at the same time, allow for the daily operations of the City of Brunswick to continue without interruptions, and allowing for a more seamless transition into 2023.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

This piece of legislation adopts the distribution requirements for municipal income taxes and imposes a ceiling or maximum of income tax dollars that can be received in specifically listed funds. The estimated income tax collections and distribution of net income taxes as written have also been set to comply with the levy language of the City's two income tax specific safety levies. Note: The actual income taxes received ultimately relate to the fiscal impact. Actual income tax receipt amounts will become known at the completion and closure of the fiscal year.

**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 proposed 2023 income tax allocation draft legislation and 2023 appropriation budget will be presented and discussed with the Finance Committee and other members of Council on November 15, 2022. This 2023 income tax allocation legislation is anticipated to be moved to the November 28, 2022 Council agenda for one reading as an emergency with suspension of the rules. The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, synch up similar 2023 budget legislation together at the same time, allow for the daily operations of the City of Brunswick to continue without interruptions, and allowing for a more seamless transition into 2023.

**ADDITIONAL
INFORMATION:**

None.

CITY OF BRUNSWICK, OHIO

ORDINANCE NUMBER 104-2022



By: Mr. Hanek, Mr. Abella, Mr. Delsanter

AN EMERGENCY ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 17-2022 TO PROVIDE FOR A REVISED ALLOCATION OF MUNICIPAL INCOME TAX RECEIPTS DURING THE PERIOD FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2023.

- WHEREAS: In accordance with Section 880.01.1 (e) of the City of Brunswick Codified Ordinances, this Council is required to pass Ordinances from time to time to provide for the allocation of income tax receipts as required and permitted by Codified Ordinance Section 880.01.1; and
- WHEREAS: This Council has determined that the allocation formula during the period from January 1, 2023 through December 31, 2023 should maximize the amounts provided for municipal services and improvements; and
- WHEREAS: In order to carry out such purpose, subject to and consistent with the requirements of Section 880.01.1 of the Codified Ordinances, this Council has determined that it is necessary to amend Section 1 of Ordinance No. 17-2022;
- WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:
- SECTION 1: That Section 1 of Ordinance No. 17-2022, adopted on February 14, 2022, be and is hereby amended to read as follows:

“SECTION 1. Subject to and consistent with the provisions of Section 880.01.1 of the Codified Ordinances, during the period from January 1, 2023 through December 31, 2023, the income tax receipts collected under the provisions of Chapter 880 of the Codified Ordinances each month, after provision for costs of administering and enforcing the provisions of that Chapter (the “Net Income Tax Receipts”), shall be allocated to and deposited in or transferred to the following funds at the close of each month in the following percentage allocations notwithstanding the tax year to which they are attributable:

Fund	Allocation
Police Fund	37.50%
Fire Fund	24.50%
Street Repair & Maintenance Fund	7.00%
BTA Fund	0.25%
Parks Fund	2.25%
Capital Improvement Fund	3.50%
General Fund	25.00%

; provided that when amounts allocated to a fund reach the designated annual maximum for that fund for 2023 set forth below, no additional net income tax receipts will be deposited into that fund in 2023.

The annual maximum allocations for the various funds for 2023 shall be as follows:

CITY OF BRUNSWICK, OHIO

ORDINANCE NUMBER 104-2022



(A) As to the Police Fund and the Fire Fund, the greater of:

(i) The aggregate amount set forth in the following table:

Fund	Allocation
Police Fund	\$9,400,000
Fire Fund	<u>\$6,500,000</u>
Aggregate Police & Fire Funds Total	\$15,900,000

or

(ii) As to the Police Fund, 59.12% of the aggregate amount of Net Income Tax Receipts from the taxes levied pursuant to Section 880.005.1(b) and (c) of the Codified Ordinances in that year, and as to the Fire Fund, 40.88% of the aggregate amount of Net Income Tax Receipts from the taxes levied pursuant to Section 880.005.1(b) and (c) of the Codified Ordinances in that year.

Any amounts in excess of such annual maximum allocations shall be allocated to the General Fund.

(B) As to the Street Repair & Maintenance Fund, the BTA Fund and the Parks Fund, the amounts set forth in the following table:

Fund	Maximum Allocation
Street Repair & Maintenance Fund	\$1,550,000
BTA Fund	\$15,000
Parks Fund	\$575,000

Any amounts in excess of such annual maximum allocations shall be allocated to the General Fund.

(C) There shall be no annual maximum applicable to the allocation of Net Income Tax Receipts to the General Fund or to the Capital Improvement Fund in 2023.

This Council finds and determines that, based on the City's estimated income tax receipts for 2023, the allocation percentages and maximum allocations set forth in this Section are consistent with the requirements of paragraphs (b), (c) and (d) of Section 880.01.1 of the Codified Ordinances. This Council shall act promptly to revise the foregoing allocation percentages and or maximum allocations if, as and when such revisions are necessary to ensure continuing compliance with the requirements of Section 880.01.1 of the Codified Ordinances.

The Finance Director/Income Tax Administrator shall prepare monthly financial reports reflecting amounts of the prior month's allocations to the various funds and year to date allocations to the various funds and confirming the City's continuing compliance with the requirements of Section 880.01.1 of the Codified Ordinances.

SECTION 2: That Section 1 of Ordinance No. 17-2022, as adopted on February 14, 2022, be and is hereby repealed.

CITY OF BRUNSWICK, OHIO

ORDINANCE NUMBER 104-2022



SECTION 3: The Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and all deliberations of this Council and of any of its committees that resulted in such formal action were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the additional reason that this Ordinance is necessary for the usual daily operation of a municipal government. Therefore, the same shall be in full force and effect immediately after its passage by the required number of votes; otherwise, the earliest time permitted by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 11/28/2022

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. 105-2022** - An emergency ordinance creating an OPWC Magnolia Drive Improvement Fund (#374) - **1st Reading** (To be brought from Finance Committee, Administration/Todd Fischer)

BACKGROUND: Ohio Revised Code Section 5705.09(F) requires the City to establish a special fund for each class of revenue derived from a source other than the general property tax, which the law requires to be used for a particular purpose; and

The OPWC Magnolia Drive Improvement Fund (#374) will be created and used to account for the OPWC monies awarded to the City of Brunswick for Magnolia Drive improvement projects as outlined in the OPWC application(s).

**PURPOSE AND
EXPLANATION:**

Ohio Revised Code Section 5705.09(F) requires the City to establish a special fund for each class of revenue derived from a source other than the general property tax, which the law requires to be used for a particular purpose; and

The OPWC Magnolia Drive Improvement Fund (#374) will be created and used to account for the OPWC monies awarded to the City of Brunswick for Magnolia Drive improvement projects as outlined in the OPWC application(s).

IMPLEMENTATION

SCHEDULE: The requested timeline is for this legislation to be moved to the November 28, 2022 Council agenda as an emergency with suspension of the rules for one reading.

This will sync up with other 2023 budget legislation and related timetables for a seamless transition into 2023.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

The establishment of a fund allows for the accounting structure to be in place if and

when a grant is awarded. There are no costs associated with the act of establishing a fund.

A separate piece of legislation establishing the appropriations and/or authorization comes separately.

**RECOMMENDED
ACTION:**

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

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

The emergency and suspension clause is considered 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, synch up 2023 budget related legislation together and allow for a timely and seamless transition into 2023 by having the accounting structure in place.

**ADDITIONAL
INFORMATION:**

None.

CITY OF BRUNSWICK, OHIO

ORDINANCE NUMBER 105-2022



By: Mr. Hanek, Mr. Abella, Mr. Delsanter

AN EMERGENCY ORDINANCE CREATING AN OPWC MAGNOLIA DRIVE IMPROVEMENT FUND (#374)

WHEREAS: Ohio Revised Code Section 5705.09(F) requires the City to establish a special fund for each class of revenues derived from a source other than the general property tax, which the law requires to be used for a particular purpose; and

WHEREAS: The OPWC Magnolia Drive Improvement Fund #374 will be created and used to account for the OPWC monies awarded to the City of Brunswick for Magnolia Drive improvement projects as outlined in the OPWC application(s).

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That an OPWC Magnolia Drive Improvement Fund #374 is hereby created.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, welfare, and providing for the usual daily operation of a municipal department, and for the further reason that proper fund accounting measures be created. 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

PROPOSED LEGISLATION



DATE: 11/28/2022

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. 106-2022** - An emergency ordinance amending Ordinance No.115-2021 and the City's Fund Balance Reserve Policy - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

BACKGROUND: Over the past two decades, the compounded impacts of the economy, political environment, global pandemic, and increasing demand for services and capital needs have presented challenges in maintaining adequate cash reserves for the City of Brunswick.

From 2002 through 2009, the City expended significantly more money than it was taking in, thus draining the cash reserves to levels that were unacceptable to the City and the Brunswick Citizens' Financial Audit Review and Advisory Committee. The most significant factor or identified cause of these practices was the implementation of long-term financial commitments without a corresponding long-term funding stream in place.

From mid 2010 through the date of this proposal, City Council, City Administration and the Committee have taken measures to restore the City's fiscal infrastructure, rebuild its cash reserves and revamp various fiscal and budgeting practices. As a part of these revamped practices, City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee established a fund balance reserve policy. The City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee decided to systematically increase the reserve levels and thus amend the fund balance reserve policy during 2017.

From mid 2010 through the date of this proposal, City Council, City Administration and the Committee have taken measures to restore the City's fiscal infrastructure, rebuild its cash reserves and revamp various fiscal and budgeting practices. As a part of these revamped practices, City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee established a fund balance reserve policy. The City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee decided to systematically increase the reserve levels and thus amend the fund balance reserve policy during 2017, 2020, 2021 and 2022 to better

prepare and react to the health pandemic, future economic downturns, or any other emergency situation.

As part of the City Manager's 2023 budget proposal and five-year capital program, additional increases to this policy are recommended. All of the amendments made to this policy include increases to the fund balance reserve levels. Approved increases provide more financial flexibility for the City in the future to react to economic downturns, , allow for the availability of more local funds to secure grants or address emergency situations.

**PURPOSE AND
EXPLANATION:**

See background and the attached Fund Balance Reserve Policy - Exhibit A for proposed amendments.

**IMPLEMENTATION
SCHEDULE:**

This legislation to amend the City's Fund Balance Reserve Policy and 2023 appropriation budget will be presented and discussed with the Finance Committee and other members of Council on November 15, 2022. This legislation is anticipated to be moved to the November 28, 2022 Council agenda for one reading as an emergency with suspension of the rules. The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, allowing for the daily operations of the City of Brunswick to continue without interruptions, sync up various pieces of legislation with the 2023 appropriation budget and allowing for a more seamless transition into 2022.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

If this legislation is passed, it would increase the City's ability to receive larger grant awards and deal with future economic impacts, pandemics or any other emergency situations. If certain events were to arise that would allow the cash reserves to either fall below the minimum reserve or go above the maximum reserves, then certain conditions and actions as outlined in the amended policy would be required.

**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?

This legislation to amend the City's Fund Balance Reserve Policy and 2023 appropriation

budget will be presented and discussed with the Finance Committee and other members of Council on November 15, 2022. This legislation is anticipated to be moved to the November 28, 2022 Council agenda for one reading as an emergency with suspension of the rules. The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, allowing for the daily operations of the City of Brunswick to continue without interruptions, sync up various pieces of legislation with the 2023 appropriation budget and allowing for a more seamless transition into 2022.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 106-2022

By: Mr. Hanek, Mr. Abella, Mr. Delsanter

AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 115-2021
AND THE CITY'S FUND BALANCE RESERVE POLICY.

WHEREAS: Per determination by this Council, the City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee, the City adopted a Fund Balance Reserve Policy per Ordinance No. 96-12, as amended by Ordinance Nos. 90-17, 20-2020, 101-20 and 115-2021, to detail the City's objective to achieve a sound financial condition and to maintain appropriate levels of unencumbered cash reserves in the General Fund; and

WHEREAS: It has been determined to further amend the Fund Balance Reserve Policy to provide additional financial flexibility as may be required to respond to unknown effects of the global health pandemic, future economic downturns or any other unknown emergency.

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

SECTION 1: That the Fund Balance Reserve Policy, as attached hereto as Exhibit "A", is hereby adopted.

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 improve our ability to respond to future unknown impacts. 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

CITY OF BRUNSWICK



FUND BALANCE RESERVE POLICY

Established October 2012 (Ordinance #96-12)

**Amended by City Council - (Ordinance #90-17), (Ordinance #20-2020),
(Ordinance #101-2020), (Ordinance #115-2021), and (Ordinance # - 2022)**

BACKGROUND:

Over the past two decades, the compounded impacts of the economy, political environment, global pandemic, and increasing demand for services and capital needs have presented challenges in maintaining adequate cash reserves for the City of Brunswick.

From 2002 through 2009, the City expended significantly more money than it was taking in, thus draining the cash reserves to levels that were unacceptable to the City and the Brunswick Citizens' Financial Audit Review and Advisory Committee. The most significant factor or identified cause of these practices was the implementation of long-term financial commitments without a corresponding long-term funding stream in place.

During mid 2010 through the date of this proposal, City Council, City Administration and the Committee have taken measures to restore the City's fiscal infrastructure, rebuild its cash reserves and revamp various fiscal and budgeting practices. As a part of these revamped practices, City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee established a fund balance reserve policy. The City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee decided to systematically increase the reserve levels and thus amend the fund balance reserve policy during 2017. Additional increases to the fund balance reserves were recommended in 2020, 2021 and 2022 to better prepare and react to the health pandemic, future economic downturns, or any other emergency situation. ~~Furthermore, in March and December of 2020, the City Council and City Administration recommended additional changes to this policy as a result of the expected large BWC dividend and the recent health pandemic and emergency situation.~~

~~As part of the City Manager's 2022 budget proposal and 5-year capital program, additional increases to this policy are recommended. All of the amendments made to this policy include increases to the City's fund balance reserve levels. Approved increases provide more financial flexibility for the City in the future to react to the health pandemic, economic downturns, or any other emergency situation.~~

OBJECTIVE:

It shall be the objective of the City to achieve a sound financial condition and to maintain appropriate levels of unencumbered cash reserves in the General Fund to:

- 1) Ensure the timely payment of all financial obligations.
 - 2) Reduce susceptibility to downturns in the economy or revenue shortfalls.
 - 3) Provide financial resources to pay for unanticipated emergencies.
 - 4) Comply with and meet debt covenants and obligations.
 - 5) Secure and maintain investment grade credit ratings.
-

RESERVE POLICY:

The City's General Fund accounts for all financial resources except those required to be accounted for in another fund. These financial resources are available for any purpose, provided they are expended or transferred according to the general laws of Ohio and the Charter of the City of Brunswick. The City shall attempt to maintain a minimum General Fund ~~unreserved-undesignated-unencumbered~~ cash fund balance reserve of no less than ~~\$6,000,000-\$6,500,000~~ as of December 31, 2022. As of December 31, 2023, and each fiscal year thereafter, the City shall attempt to maintain a minimum General Fund unencumbered cash fund balance of no less than \$7,000,000.

Council may legislatively designate the use of the General Fund ~~unreserved-undesignated-unencumbered~~ cash reserves below the established minimum. If at the end of a fiscal year, the General Fund ~~unencumbered unreserved-undesignated~~ cash fund balance reserve falls below \$ the minimum, the City Manager shall prepare and submit his/her plan for expenditure reductions and/or revenue adjustments to City Council. City Council shall ~~take action~~ act as necessary to restore the ~~unreserved, undesignated-unencumbered~~ General Fund cash reserve fund balance reserve back to the minimum level, preferably within one year, but no more than three years after the last day of the fiscal year in which the minimum reserve level was breached.

In the event the General Fund ~~unreserved, undesignated-unencumbered~~ cash fund balance reserve exceeds ~~\$9,500,000-\$10,250,000~~ as of December 31, 2022; ~~and \$9,500,000-\$11,250,000~~ as of December 31, 2023; ~~and \$12,000,000 as of December 31, 2024~~ and each fiscal year thereafter on the last day of the fiscal year, the excess may be used in one of or a combination of the following ways:

- One-time expenditures or set aside for future one time expenditures, including but not limited to debt principal reductions or capital improvements, which do not increase recurring operating costs;
- Other one-time costs, or the establishment of or increase in legitimate reservations or designations of any fund balance under the authority of Council;
- Start-up expenditures for new programs provided such action is accompanied by an approved multi-year projection of revenues and expenditures. The program shall not be authorized unless the projections are both reasonable and include revenue streams sufficient to cover the expenditures.

This policy and reserve requirements should be reviewed on an annual basis and, if appropriate, amended accordingly.

PROPOSED LEGISLATION



DATE: 11/28/2022

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. 107-2022** - An emergency resolution authorizing the City Manager to enter into a purchasing agreement with Cargill for the purchase of an estimated 1,000 tons of ClearLane enhanced road salt for the Service Department in an amount not to exceed \$79.99 per ton. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

BACKGROUND: When temperatures lower to 18 degrees Fahrenheit or lower, standard rock salt becomes less effective. During these times, an enhanced salt is used with a much lower useful temperature. The enhanced salt that Brunswick uses is called ClearLane and it is a proprietary product that is offered through the Sourcwell purchasing program that Brunswick is a member of. The Sourcwell price is \$87.36 per ton. We are being offered this product from Cargill for a reduced price of \$79.99 per ton.

PURPOSE AND EXPLANATION: This agreement would allow the City to purchase enhanced sodium chloride(road salt) at a cheaper price directly from Cargill rather than the listed bid price through the Sourcwell purchasing program. Sourcwell is a purchasing program that the City uses from time to time.

IMPLEMENTATION SCHEDULE: We want the option to begin ordering this material starting on January 1, 2023. Orders will be dictated on the severity of the winter season.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: 01/01/2023 - 12/31/2023 salt purchases will be contingent upon the City Council's adoption of the 2023 budget, sufficient appropriations in place in account#117-0420-55300 and a certified purchase order executed in accordance with ORC 5705.41.

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?

It is requested that legislation is passed as an emergency measure for the rules for the immediate preservation of public peace, property, health, safety, or welfare and so that the legislation will be enacted before January 1, 2023.

**ADDITIONAL
INFORMATION:**



Salt, Road Safety
24950 Country Club Blvd, Suite 450
North Olmsted, OH 44070

Tuesday, November 15, 2022

Billing Information		Shipping Information	*Contact Information	
Account Number		2500022987	Attn:	VALUED CUSTOMER
Name	Brunswick		Title	
Address 1	4383 Center Rd		Phone	330-55-6804
P O Box			Fax	
City State Zip	Brunswick, OH 44212		Mobile	
County			e-mail	
*PLEASE VERIFY THAT ALL CONTACT INFORMATION IS CORRECT. IF CHANGES ARE REQUIRED PLEASE NOTE THEM ON THE NEXT PAGE.				

Cargill, Incorporated Deicing Technology Business Unit ("Cargill") is pleased to submit the following quote for your DEICING SALT needs for the 2022/2023 season.

Price Basis Per Ton

Product	SHIPPED PRICE	Estimated Tons	Terminal
100012763 – ClearLane® enhanced deicer	\$79.99	1000	CLEVELAND MIDLAND
THE PRODUCT QUOTED IN THIS AGREEMENT IS INTENDED FOR BULK DEICING USE ONLY.			

PLEASE SIGN AND RETURN THIS QUOTE LETTER TO OUR ATTENTION WITHIN TEN (10) BUSINESS DAYS FROM DATE OF LETTER. WE CANNOT UPDATE YOUR ACCOUNT FOR THIS YEAR WITHOUT THE SIGNED QUOTE LETTER. THIS PRICE QUOTE LETTER DOES NOT CONSTITUTE AN ORDER. ORDERS MUST BE PLACED BY CALLING CUSTOMER SERVICE AT 800-600-SALT (7258). ORDERS BEING PLACED FOR PICKUP MAY NOT BE AVAILABLE FOR 24 HOURS FROM THE TIME THE ORDER IS PLACED.

TERMS AND CONDITIONS –

- Provided this Price Quote Letter is signed and returned within ten (10) business days from the Date, Cargill agrees to hold the quoted prices firm from November 15, 2022 through April 30, 2023. Notwithstanding the foregoing, the prices contained in this Price Quote Letter are contingent on Customers adherence to these Terms and Conditions and the attached Terms and Conditions of Sale, including, but not limited to, Customer's compliance with the Customer account's payment and credit terms stated below.
- If purchase is not made by December 31, 2022, Cargill reserves the right to revoke the pricing provided in this Price Quote Letter.
- The Estimated Tons figure is an estimate of the total quantity of each Product(s) to be purchased by Customer under this Price Quote Letter. Customer is not obligated to purchase a minimum percentage of the Estimated Tons. Cargill is not obligated to sell Customer any quantity of the Estimated Tons.
- Cargill's obligation to sell Product(s) is SUBJECT TO PRODUCT AVAILABILITY. Cargill has the right to (i.) decline, or suspend shipments of, any Customer order placed under this Price Quote letter or (ii) terminate this Price Quote Letter if, at any time, Cargill encounters Product shortages due to commitments to other customers. In addition, Cargill reserves the right to decline, or suspend shipments of, any Customer order placed under this Price Quote Letter for any reason(s) relating to: Conditions at any Cargill terminal/production facility, weather conditions, or any other reason that may affect Cargill's ability to accept orders.
- Estimated delivery time three to seven business days after release of an order. This quote assumes that Product will be delivered from or picked up at the terminal set forth above. Sourcing of products from another Cargill facility is subject to availability and additional fees that may be applied to your account. Cargill's sale of Product is expressly conditional upon these Terms and Conditions and Customer's acceptance of the attached Terms and Conditions of Sale. Any terms which may exist on the Customer's standard purchase order (or similar forms) and which alter or are inconsistent with the terms and conditions will be of no legal force or effect and will not govern the transaction contemplated by this Price Quote Letter.
- By accepting, Customer agrees that this Price Quote Letter (including the Terms and Conditions and the attached Terms and Conditions of Sale) constitutes the entire understanding between Cargill and Customer and supersedes all other prior agreements or quotations, whether written or oral, between Cargill and Customer with respect to the Product(s). Any individual signing this Price Quote on behalf of Customer represents and warrants that they have full authority to do so, and that the transaction described herein is consistent with any applicable procurement regulations.

Payment Terms	NET 30	Credit Limit	\$125,000
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Payment terms & credit limits are subject to change.

Thank you for the opportunity to be of service. We are looking forward to supplying your salt needs.

Cargill, Incorporated Salt, Road Safety Kaitlyn Jackson District Manager Kaitlyn_jackson@cargill.com 800-600-7258 - p	Accepted
	Signature:
	Name:
	Title:
	e-mail:



Deicing Technology Business
24950 Country Club Blvd, Suite 450
North Olmsted, OH 44070

Please notify us of any required changes to your account information. Any incorrect information will delay your account setup.

Billing Information			Shipping Information	
Name:				
DBA (if applicable)				
Address 1				
Address 2				
City State Zip				
County				
Attn:				
Phone		Fax		e-mail:

TERMS AND CONDITIONS OF GOVERNMENT ROAD SALT SALES

1. **TERMS TO GOVERN.** The terms and conditions set forth herein shall constitute the sole terms and conditions of sale for this quotation (the "Quote") and any orders placed thereunder. No other terms or conditions, whether contained in Buyer's purchase order or elsewhere, shall be binding on Seller unless agreed to in writing by Seller.

2. **TITLE/RISK OF LOSS.** Title and risk of loss shall pass to Buyer at the time the goods are delivered to or picked up by Buyer.

3. **PAYMENT AND CREDIT TERMS.** Failure of the Buyer to pay on the due date for products shipped shall give Seller the right, but not the obligation, to suspend further shipment, without notice to the Buyer, until all previous shipments are paid, or to terminate this agreement and seek all available remedies from Buyer. Interest at the maximum rate permitted by law will accrue on all invoices unpaid as of the net due date. All payments by Buyer shall be final 180 days after shipment of the goods and Buyer shall have no right to audit payments or deduct future payments after such date. Notwithstanding anything else herein contained, Seller reserves the right to modify payment terms or to allow no credit whatsoever to Buyer if Seller determines that it cannot grant Buyer the credit terms which are specified herein or Buyer's credit changes. Buyer understands that this reservation is necessary to allow Seller's credit department to have adequate time to review Buyer's credit status.

4. **WARRANTY AND LIMITATION OF LIABILITY.** Seller warrants that it has the right to convey good title to the goods and that the goods will be delivered free of all liens and encumbrances. EXCEPT FOR THE WARRANTIES SPECIFICALLY SET FORTH ABOVE, SELLER DISCLAIMS ALL OTHER EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE PRODUCTS, INCLUDING WITHOUT LIMITATION THE IMPLIED WARRANTIES OF MERCHANTABILITY AND/OR FITNESS FOR A PARTICULAR PURPOSE. IN NO EVENT SHALL SELLER BE LIABLE FOR TO BUYER, OR TO ANY THIRD PARTY, FOR ANY INDIRECT, CONSEQUENTIAL, INCIDENTAL, SPECIAL, PUNITIVE OR EXEMPLARY DAMAGES OF WHATSOEVER NATURE (INCLUDING, BUT NOT LIMITED TO, LOST BUSINESS, LOST PROFITS, DAMAGE TO GOODWILL OR REPUTATION AND/OR DEGRADATION IN VALUE OF BRANDS, TRADEMARKS, TRADENAMES, SERVICE NAMES OR SERVICE MARKS) WHETHER ARISING OUT OF BREACH OF CONTRACT, WARRANTY, TORT (INCLUDING NEGLIGENCE, FAILURE TO WARN, OR STRICT LIABILITY) OR OTHERWISE.

5. **EXCLUSIVE REMEDY.** If upon delivery to Buyer the goods appear not to meet the above warranty, Buyer shall immediately notify Seller who shall have a right to inspect them. Buyer shall not return, repair or dispose of any goods that fail to meet the above warranty without Seller's written consent. In the event Seller breaches the above warranty, Buyer's sole and exclusive remedy and Seller's sole and exclusive liability shall be limited to, at Seller's option, replacement of non-conforming goods with conforming goods or return of the purchase price.

6. **FORCE MAJEURE.** Seller shall be excused for failure to deliver or delay occasioned by conditions beyond Seller's reasonable control, including, but not limited to, Acts of God, fire flood, windstorm, acts of governmental authorities, strikes shortage of raw materials, breakdown, shortage or non-availability of transportation facilities or equipment or any similar event not within Seller's control. In the event Seller is unable to supply the total requirements of its customers, Seller may allocate its available supply among its customers in a manner deemed by Seller to be fair and equitable. If Seller declares force majeure hereunder, Seller may cancel any unperformed portion hereof upon ten (10) days written notice to Buyer.

7. **INCREASES.** Any advance in applicable freight rates or taxes taking effect before the fulfillment of orders placed under this Quote shall be for Buyer's account. All demurrage or detention charges shall be for Buyer's account. Seller reserves the right to add energy and/or transportation related surcharges for Buyer's account. In addition, if Seller is unable, for any reason, to supply the goods from its plant closest to Buyer's facility, then Seller may, but is not required to, supply the goods from another plant, to the extent it is available, subject to Buyer's payment of all increased freight costs.

8. **DELIVERY.** Buyer shall furnish complete shipping instructions in sufficient time to enable Seller to perform its obligations hereunder. Seller shall not be obligated to make shipment in absence thereof. If more than one delivery is called for, each delivery is to be considered a separate contract for purposes of furnishing complete shipping instructions by Buyer. Unless otherwise provided for herein, if the Quote provides for deliveries over a period exceeding one month, Seller shall not be obligated to deliver in any thirty day period more than approximately equal monthly quantities, in relation to the total amount. The destination routing of shipments will be at Seller's option.

9. **TERMINATION.** If either party breaches any of its obligations under this Quote or any order thereunder, the non-breaching party may give ten (10) day notice of termination, and if the breach has not been cured during the said 30-day period, this Quote shall terminate. In the event Buyer files a voluntary petition in bankruptcy, makes an assignment for the benefit of creditors; is adjudicated as bankrupt; and/or becomes insolvent, Seller may terminate this Agreement effective immediately. Termination, pursuant to this Section, while being in itself a remedy for breach, shall not preclude any other legal or equitable remedy which is available to the terminating party.

10. **TAXES.** Buyer shall be liable for any taxes or other exactions levied by Federal, State or local authorities upon the sale, delivery, storage, consumption or transportation of the goods or services, and if any such items are paid or required to be paid by Seller, the amount shall be added to and become part of the price payable to Seller for such goods or services.

11. **ASSIGNMENT.** The rights and obligations under this Quote are not assignable by Buyer unless in writing and signed by Seller.

12. **FORWARD CONTRACT.** The Parties agree that the transactions hereunder constitute a "forward contract" within the meaning of the United States Bankruptcy Code and that each Party is a "forward contract merchant" within the meaning of the United States Bankruptcy Code.

13. **CONTRACT AMBIGUITIES.** The Parties acknowledge that they have had the opportunity to consult with legal counsel of their own choosing. As a result, the rule of construction that provides that ambiguities in a contract shall be construed against the drafter shall not apply to these terms and conditions and the Parties waive any such defense to the terms of these terms and conditions.

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 107-2022

BY: Mr. Smith, Mr. Abella, Mr. Capretta

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CARGILL FOR THE PURCHASE OF AN ESTIMATED 1,000 TONS OF CLEARLANE ENHANCED ROAD SALT FOR THE SERVICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$79.99 PER TON.

WHEREAS: The City of Brunswick is a member of the Sourcewell purchasing program as authorized by this Council and Ohio Revised Code Section 9.48;

WHEREAS: Ohio Revised Code Section 9.48(D) permits the City to purchase supplies or services from another party without competitive bidding and outside the purchasing programs authorized by Ohio Revised Code Section 9.48 if such supplies or services can be purchased under equivalent terms, conditions and specifications, but at a lower price than through such authorized purchasing programs; and

WHEREAS: The proposed purchase of an estimated 1,000 tons of ClearLane enhanced road salt for the Service Department from Cargill in an amount not to exceed \$79.99 per ton, is upon equivalent terms, conditions and specifications and at a lower price than through purchasing programs authorized by Ohio Revised Code Section 9.48.

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

SECTION 1: That the City Manager is hereby authorized to enter into an Agreement with Cargill for the purchase of an estimated 1,000 tons of ClearLane enhanced road salt for the Service Department in an amount not to exceed \$79.99 per ton.

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 acquire ClearLane enhanced road salt for use during 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 _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 11/28/2022

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Matt Jones

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 108-2022** - An emergency resolution providing consent to the Ohio Department of Transportation for the performance of bridge inspection program services for the City.
- **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

BACKGROUND: The City of Brunswick is a current participant in the ODOT Municipal Bridge Inspection program as authorized by City Council via Res. No. 95-19 passed on December 9, 2019. The current three-year cycle will expire on December 31, 2022.

PURPOSE AND EXPLANATION: The Ohio Department of Transportation (ODOT) will provide municipal bridge inspection services to the City through ODOT-hired consultants for calendar year 2023. This program is offered at no cost to the City.

IMPLEMENTATION SCHEDULE: This program will be in place for calendar year 2023.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: This program is offered by ODOT at no cost to the City.

RECOMMENDED ACTION:

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

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

It is requested that legislation is passed by emergency measure with suspension of the rules for the immediate preservation of the public peace, property, health, safety, or welfare, and providing for the usual daily operation of a municipality, and for the further reason to ensure timely application to ODOT for continued participation in the program.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 108-2022

BY: Mr. Smith, Mr. Abella, Mr. Capretta

AN EMERGENCY RESOLUTION PROVIDING CONSENT TO THE OHIO
DEPARTMENT OF TRANSPORTATION FOR THE PERFORMANCE OF
BRIDGE INSPECTION PROGRAM SERVICES FOR THE CITY.

WHEREAS: It has been determined that the City is in need of Bridge Inspection Program Services, including, without limitation, bridge load rating calculations, scour assessments, bridge inspections and fracture critical plan development (the “Program”); and

WHEREAS: The Ohio Department of Transportation (“ODOT”) will provide Program services through ODOT hired consultants for 2023 at no cost to the City.

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

SECTION 1: That being in the public interest, the City hereby consents to participation in the Program wherein ODOT shall assume and bear 100% of all eligible Program services requested by the City and approved by ODOT. The City agrees to pay 100% of the cost of ineligible Program services that have been requested by the City and completed by ODOT.

SECTION 2: The City agrees that all existing rights-of-way required for the Program shall be made available in accordance with current State and Federal regulations.

SECTION 3: That the City Manager is hereby authorized and directed, upon approval of the Law Director, to execute any document with the Director of Transportation necessary for participation in the Program.

SECTION 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason to ensure timely application to ODOT for continued participation in the Program. 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