

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda

JANUARY 9, 2023

6:30 PM

or Immediately Following
Finance Committee

1. Discussion Items

- (a) Consideration to reschedule 2023 Council Meetings with legal holiday conflicts (consider having Council meeting on the third Monday, December 18, due to the holiday and City Hall closed).

2. Motion Items

- (a) Motion to appoint Clerk of Council Laura Timura as designee for all elected officials to attend public records training as required by Section 149.43 and 109.43 of the Ohio Revised Code.
- (b) Motion authorizing the City Manager to advertise for public bids for the Plum Creek Greenway Phase 2 project.
- (c) Motion to approve the Environmental Review Record (ERR) Agreement as part of the PY 2022 CHIP Grant.

3. Review Legislation

RES. NO. 2-2023 - An emergency resolution determining to proceed to submit to the electors the question of issuing bonds in the aggregate principal amount of \$12,000,000 to provide funds for the purpose of constructing, furnishing, equipping and otherwise improving a new fire station and preparing, equipping and otherwise improving its site.
- **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher/Todd Fischer*).

4. General Discussion

5. Executive Session

- (a) Motion to go into Executive Session to consider both the employment of a public employee and pending litigation.

6. Adjournment

PROPOSED MOTION



DATE: 1/9/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Matt Jones

COPY: Mayor Ron Falconi

MOTION: Motion authorizing the City Manager to advertise for public bids for the Plum Creek Greenway Phase 2 project.

BACKGROUND: The proposed project is the second phase of an asphalt trail system that will connect Plum Creek Park with Brunswick Lake Park.

PURPOSE AND EXPLANATION: The project will consist of a new 10-foot wide asphalt trail connecting to the Phase 1 trail near Mooney Park, leading generally north along the Grace Baptist Church property to Laurel Road. The trail will then head east along the south side of Laurel Road, crossing Plum Creek on a new bridge. The trail will then cross Laurel just east of the creek, terminating at a new trailhead parking lot on the north side of the street.

IMPLEMENTATION SCHEDULE: Should authorization to bid be secured at the January 9, 2023 Committee of the Whole meeting, the project will be advertised in January. Construction is anticipated to begin on or about March 1st, pending receipt of final agreement from the ODNR, finalization of easements and sufficient Council adopted appropriations.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The project is being partially funded by a \$500,000 Clean Ohio Trails Fund grant from the Ohio Department of Natural Resources. The balance of the project funding is expected to come from the City's Capital Improvement Fund #300, subject to sufficient Council appropriations. The preliminary construction cost estimate has been revised on December 20, 2022, including contingencies, = \$1,175,907.50. The latest change in engineer estimates will also require separate financial discussions with possible amendments to the budget and local set aside amounts. The financial and budget discussions are currently slated to occur in February 2023 with the hope that actual bid results will be known prior to those discussions. No construction contract can be awarded until after the City 1) receives a fully executed grant agreement with an "OK to proceed" from the Ohio Department of Natural Resources and 2) sufficient Council

appropriations in place for both the grant and local cost share amounts.

**RECOMMENDED
ACTION:**

Passage of a motion which authorizes the City Manager to advertise for and seek public bids for the Plum Creek Greenway Phase 2 project.

**ADDITIONAL
INFORMATION:**

PROPOSED MOTION



DATE: 1/9/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

MOTION: Motion to approve the Environmental Review Record (ERR) Agreement as part of the PY 2022 CHIP Grant.

BACKGROUND: The City of Medina, in partnership with the City of Brunswick, is required to conduct an Environmental Review Record (ERR) as part of the PY 2022 CHIP Grant. The consultant (Kleinfelder) will be conducting the ERR and the agreement allows for one ERR to be conducted for both Medina and Brunswick.

PURPOSE AND EXPLANATION: The ERR is necessary for the release of both the PY 2022 CHIP Funds (\$700K), as well as program income that has accumulated thus far; \$81,000.00 for The City of Medina and \$41,000.00 for the City of Brunswick. The City of Medina will use \$6,500.00 of the CHIP funds to pay Kleinfelder for the ERR. As the City of Brunswick is the partnering jurisdiction, the Requests for Release of Funds to the Ohio Department of Community Development will only include its program income being released for the PY 2022 CHIP Grant.

IMPLEMENTATION SCHEDULE: Immediately.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The funding source for the ERR is expected to come from CHIP funds under the CHIP Grant operated by the City of Medina.

RECOMMENDED ACTION: Recommend approval of the motion.

ADDITIONAL INFORMATION:

AGREEMENT
between
CITY OF MEDINA, OHIO
and the
CITY OF BRUNSWICK, OHIO
for
ENVIRONMENTAL REVIEW RECORD (ERR)
for the
PY2022 MEDINA CHIP PARTNERSHIP:
COMMUNITY HOUSING IMPACT & PRESERVATION (CHIP) PROGRAM

This AGREEMENT, made this _____ day of _____, 2023, by and between the City of Medina, Ohio, hereinafter referred to as the "GRANTEE", and the City of Brunswick, Ohio, herein referred to as "CITY", shall serve to set forth the general terms, conditions, and responsibilities for the GRANTEE and CITY in the undertaking of a partnership for the Community Housing Impact & Preservation (CHIP) Program herein referred to as the "PROJECT".

WHEREAS, the GRANTEE, as lead entity, has been awarded a PY2022 Community Housing Impact & Preservation (CHIP) Program grant of \$700,000 from the Ohio Department of Development (ODOD), and

WHEREAS, both GRANTEE and CITY entered into a partnership for the PY2022 CHIP, executed on June 9, 2022; and propose to use CDBG/HOME Housing Program Income in conjunction with the PROJECT, and

NOW, THEREFORE, WITNESSETH, that the GRANTEE and CITY do hereby agree as follows:

PURPOSE

The GRANTEE, as lead entity, will complete an Environmental Review for said PROJECT on behalf of both GRANTEE and CITY, the Medina Partnership CHIP Program Environmental Review Record (ERR), and which will include CDBG/HOME Housing Program Income funding from each respective partner for use in conjunction with said PROJECT, for which an environmental review must be completed.

DUTIES OF GRANTEE

The GRANTEE, City of Medina, agrees as follows:

1. Complete the Environmental Review for said PROJECT on behalf of both GRANTEE and CITY, and including all CHIP funds and CDBG/HOME Housing Program Income from both GRANTEE and CITY. GRANTEE to follow through with ER responsibilities associated with the use of its respective federal funds, such as conducting Tier 2 Reviews for its respective projects using CHIP/Housing Program Income.

2. Provide complete copy of said Environmental Review to CITY for records and to concur with and support CITY'S Request for Release of Funds for its respective CDBG/HOME Housing Program Income.
3. GRANTEE retains its jurisdiction over its respective CDBG/HOME Housing Program Income and will Request Release of Funds to be used for the PROJECT; and will provide CDBG/HOME Housing Program Income to be used for the PROJECT and activities specified for the Medina Partnership CHIP, and oversee compliance with applicable State and Federal laws, rules and regulations concerning said PROJECT.

DUTIES OF THE CITY OF BRUNSWICK

The CITY OF BRUNSWICK agrees as follows:

1. CITY, by its mayor signing the Request for Release of Funds (RROF) form, is Adopting the Findings/Conclusions and Recommendations of the Medina Partnership CHIP Program Environmental Review Record (ERR) in its entirety; and CITY agrees to follow through with ER responsibilities associated with the use of its respective federal funds, such as conducting Tier 2 Reviews for its respective projects using CHIP/Housing Program Income.
2. CITY retains its jurisdiction over its respective CDBG/HOME Housing Program Income and will Request Release of Funds to be used for the PROJECT; and provide CDBG/HOME Housing Program Income to be used for the PROJECT and activities specified for the Medina Partnership CHIP; and abide by applicable State and Federal laws, rules and regulations concerning said PROJECT.

TERMS OF AGREEMENT

This Agreement shall be binding upon the parties and shall remain in force and effect until April 30, 2025. The term of this Agreement may be extended upon the mutual written consent of the parties.

MODIFICATION

This Agreement represents the entire agreement of the parties. No representations were made or relied upon by either party, other than those expressly set forth. No agent, employee, or other representative of either party is empowered to alter any of the terms hereof, unless done in writing and signed by the respective parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

CITY OF MEDINA, OHIO

ATTEST

Dennis Hanwell, Mayor

CITY OF BRUNSWICK, OHIO

ATTEST

Carl DeForest, City Manager

PROPOSED LEGISLATION



DATE: 1/9/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Ken Fisher, Todd Fischer

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 2-2023** - An emergency resolution determining to proceed to submit to the electors the question of issuing bonds in the aggregate principal amount of \$12,000,000 to provide funds for the purpose of constructing, furnishing, equipping and otherwise improving a new fire station and preparing, equipping and otherwise improving its site. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher/Todd Fischer*).

BACKGROUND: At its regular meeting on December 19, 2022, this Council adopted Resolution No. 125-2022 declaring the necessity of submitting to the electors of this City at an election to be held in this City on May 2, 2023, the question of issuing bonds in the aggregate principal amount of \$12,000,000 to provide funds for the purpose set forth in Section 1 of this Resolution and levying a tax to provide for the payment of debt charges on those bonds and any anticipatory securities, a copy of which resolution was certified to the Medina County Auditor; and

On December 21, 2022, the Medina County Auditor has certified to this Council that the total current tax valuation of the City is \$1,111,343,480 and the estimated average annual property tax levy required throughout the stated maximum maturity of those bonds to pay the principal of and interest on them, calculated in the manner provided in Section 133.18(C) of the Revised Code, is 0.82 mills for each \$1.00 of taxable value, which amounts to \$28.70 for each \$100,000 of the County Auditor's appraised value;

If the City Council is desirous of submitting to the electors at the May 2023 election, the question of issuing bonds in the aggregate principal amount of \$12,000,000 to provide funds for the purpose of constructing, furnishing, equipping and otherwise improving a new fire station and preparing, equipping and otherwise improving its site; must be filed with the Board of Elections before February 1, 2023. The filing with the board of elections must include:

1. A certified copy of Resolution No. 125-2022 adopted by the City Council on December 19, 2022, determining the necessity of issuing bonds (the Bonds) in the aggregate principal amount of \$12,000,000 and submitting the question of issuing the Bonds to the

electors at an election to be held on May 2, 2023.

2. A certificate of the County Auditor of Medina County, Ohio, dated December 21, 2022, as to the total current tax valuation of the City and the estimated average annual property tax levy required throughout the stated maturity of the Bonds to pay the debt charges on the Bonds.

3. A certified copy of Resolution No. 2-2023 adopted by the City Council on January 9, 2023, determining to proceed with submitting the question of the issuance of the Bonds and the election.

4. Suggested forms of notice of election and ballot for the election.

The City will request an acknowledgment receipt from the Board of Elections.

**PURPOSE AND
EXPLANATION:**

Same as background

**IMPLEMENTATION
SCHEDULE:**

Recommended with emergency and suspension of the rules on January 9, 2023 to allow adequate time to file any and all the necessary paperwork with the Board of Elections and meet the deadlines of submission for the upcoming May Ballot.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

This legislation is only to submit the question to the electorate and file that information with the Board of Elections. If approved by the electorate, finalization of design, bids for construction, construction awards and other financial legislation pieces would follow.

**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 with emergency and suspension of the rules on January 9, 2023 to allow adequate time to file any and all the necessary paperwork with the Board of Elections and meet the deadlines of submission for the upcoming May Ballot.

ADDITIONAL

INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 2-2023

BY:

**AN EMERGENCY RESOLUTION DETERMINING TO PROCEED
TO SUBMIT TO THE ELECTORS THE QUESTION OF ISSUING
BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF
\$12,000,000 TO PROVIDE FUNDS FOR THE PURPOSE OF
CONSTRUCTING, FURNISHING, EQUIPPING AND OTHERWISE
IMPROVING A NEW FIRE STATION AND PREPARING,
EQUIPPING AND OTHERWISE IMPROVING ITS SITE.**

WHEREAS: At its regular meeting on December 19, 2022, this Council adopted Resolution No. 125-2022 declaring the necessity of submitting to the electors of this City at an election to be held in this City on May 2, 2023, the question of issuing bonds in the aggregate principal amount of \$12,000,000 to provide funds for the purpose set forth in Section 1 of this Resolution and levying a tax to provide for the payment of debt charges on those bonds and any anticipatory securities, a copy of which resolution was certified to the Medina County Auditor; and

WHEREAS: On December 21, 2022, the Medina County Auditor has certified to this Council that the total current tax valuation of the City is \$1,111,343,480 and the estimated average annual property tax levy required throughout the stated maximum maturity of those bonds to pay the principal of and interest on them, calculated in the manner provided in Section 133.18(C) of the Revised Code, is 0.82 mills for each \$1.00 of taxable value, which amounts to \$28.70 for each \$100,000 of the County Auditor's appraised value;

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

SECTION 1: Determination to Proceed. This Council determines to proceed with submitting to the electors pursuant to Section 133.18 of the Revised Code, at an election to be held on May 2, 2023, the question of issuing bonds in the aggregate principal amount of \$12,000,000 to provide funds for the purpose of constructing, furnishing, equipping and otherwise improving a new fire station and preparing, equipping and otherwise improving its site (the Bonds) and levying a tax to pay the debt charges on the Bonds and on any notes issued in anticipation of the Bonds. The average annual property tax levy required throughout the stated maximum maturity of the Bonds to pay those debt charges has been estimated by the Medina County Auditor to be 0.82 mills for each \$1.00 of taxable value, which amounts to \$28.70 for each \$100,000 of the County Auditor's appraised value. This Council estimates that the tax for the debt charges on the Bonds and any anticipatory securities will first be levied on the tax list and duplicate for tax year 2023 and first due and collected in calendar year 2024.

SECTION 2: Delivery to County Auditor. The Clerk of Council is directed to certify to the Board of Elections before the close of business on Wednesday, February 1, 2023: (i) a copy

of Resolution No. 125-2022 declaring the necessity of the bond issue and providing for the principal of the Bonds to be paid over a maximum of twenty years, which number of years is certified to the Board of Elections; (ii) the certifications of the Medina County Auditor as to the City's total current tax valuation and the estimated average annual property tax levy; and (iii) a copy of this Resolution. This Council requests that the Board of Elections give notice of the election and prepare the necessary ballots and supplies for the election in accordance with law.

SECTION 3: Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the adoption of this Resolution were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

SECTION 4: Captions and Headings. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof.

SECTION 5: Effective Date. This Resolution 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 further reason that it is necessary that this Resolution be effective immediately to enable the City to proceed timely with the filing of this Resolution and other materials with the Board of Elections in order to submit the bond issue to the electors on May 2, 2023; wherefore, this Resolution shall be in full force and effect from and immediately after its adoption by the required number of votes, otherwise, at the earliest time permitted by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura

RECEIPT OF DIRECTOR OF ELECTIONS

I acknowledge receipt on January __, 2022, of the following documents from the City of Brunswick, Ohio:

1. A certified copy of Resolution No. 125-2022 adopted by the City Council on December 19, 2022, determining the necessity of issuing bonds (the Bonds) in the aggregate principal amount of \$12,000,000 and submitting the question of issuing the Bonds to the electors at an election to be held on May 2, 2023.

2. A certificate of the County Auditor of Medina County, Ohio, dated December 21, 2022, as to the total current tax valuation of the City and the estimated average annual property tax levy required throughout the stated maturity of the Bonds to pay the debt charges on the Bonds.

3. A certified copy of Resolution No. 2-2023 adopted by the City Council on January 9, 2023, determining to proceed with submitting the question of the issuance of the Bonds and the election.

4. Suggested forms of notice of election and ballot for the election.

Dated: _____, 2023

Director of Elections
Medina County, Ohio

**NOTICE OF ELECTION ON ISSUE OF BONDS FOR
THE CITY OF BRUNSWICK**

Notice is given that in pursuance of Resolutions No. 125-2022 and No. 2-2023 of the Council of the City of Brunswick, adopted on December 19, 2022 and January 9, 2023, respectively, there will be submitted to a vote of the electors of the City at an election to be held therein on May 2, 2023, at the regular places of voting therein, the question of issuing bonds of the City in the amount of Twelve Million Dollars (\$12,000,000) to provide funds for the purpose of constructing, furnishing, equipping and otherwise improving a new fire station and preparing, equipping and otherwise improving its site.

The maximum number of years over which the principal of the bonds may be paid is twenty years.

The estimated additional average annual property tax levy outside of the ten-mill limitation imposed by law to pay debt charges on the bonds and any anticipatory securities, as estimated and certified by the Medina County Auditor, is 0.82 mill for each \$1 of taxable value, which amounts to \$28.70 for each \$100,000 of the County Auditor's appraised value. If a majority of the voters voting on the bond issue vote in favor thereof, the tax for those debt charges will be levied first on the tax list and duplicate in December 2023, for first collection in calendar year 2024.

The polls for this election will be open at 6:30 a.m., and will remain open until 7:30 p.m. of that day.

By order of the Board of Elections
of Medina County, Ohio

Dated: _____, 2023

Director of Elections

INSTRUCTIONS FOR NEWSPAPER PUBLICATION:

Publish in at least one newspaper of general circulation in the City of Brunswick, Ohio, at least once on or before April 22, 2023, which date is 10 days prior to that election. The newspaper must be of general circulation within the meaning of Section 7.12 of the Revised Code.

(BALLOT)

PROPOSED BOND ISSUE

CITY OF BRUNSWICK

(A MAJORITY AFFIRMATIVE VOTE IS NECESSARY FOR PASSAGE)

Shall bonds be issued by the City of Brunswick for the purpose of constructing, furnishing, equipping and otherwise improving a new fire station and preparing, equipping and otherwise improving its site in the principal amount of \$12,000,000, to be repaid annually over a maximum period of 20 years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue 0.82 mills for each \$1 of taxable value, which amounts to \$28.70 for each \$100,000 of the county auditor's appraised value, commencing in 2023, first due in calendar year 2024, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?

	FOR THE BOND ISSUE	
	AGAINST THE BOND ISSUE	