



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	Joseph Delsanter At-Large	Keith Kuczma Ward 4
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Administration Representatives

MARCH 13, 2023

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of Regular Council Meeting Minutes dated February 27, 2023
5. Mayor's Report:
 - (a) Mayor's Court Financial Report for the month ending February 2023 will be posted on the website and added to the minutes for the record
 - (b) Certificate of Achievement in recognition of Stephen Blake, Neal Diener, Laina Filisko, Mikey Hubbard, and Logan Rowan's Arrow of Light achievement
 - (c) Proclamation in recognition of Jordan Dye, Meghan Kellem, Maeve McGinnis, and Nolan Wickes' National Merit Scholarship Foundation Finalist achievement
 - (d) Plaque in recognition of Anthony Capretta's years of service as a Ward 4 Councilman
 - (e) Mayor to appoint John Pietrangeli to the Community Reinvestment Area (CRA) Housing Council retroactive to January 1, 2023
 - (f) Motion to approve Mayor's recommendation to reappoint Anthony Bayer, Debbie Boehmke, James Horn, Brad Larion, Pam Lebold, and Kevin New to the Financial Audit, Review & Advisory Committee
 - (g) 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 February 27, 2023

Finance Committee.....Mr. Hanek
 Safety & Environment Committee.....Mr. Capretta
 Safety & Environment Committee Meeting Minutes dated February 27, 2023
 Planning & Zoning Committee.....Mr. Delsanter
 Planning & Zoning Committee Meeting Minutes dated February 27, 2023
 Parks, Recreation & Community Committee.....Mrs. Piper
 Parks, Recreation, & Community Committee Meeting Minutes dated February 27, 2023
 Building & Building Code Committee.....Mr. Abella

8. Other Committees, Boards and Commissions

(a) Committee of the Whole Meeting Minutes dated February 27, 2023

9. Petitions from the Public on Legislation

10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

RES. NO. 7-2023 - A resolution commending Anthony Capretta for his years of service both to the City of Brunswick and to the City Council. - **3rd Reading** (Committee-of-the-Whole, *Brandon Lambert/Council*)

RES. NO. 8-2023 - An emergency resolution declaring the intention of the City of Brunswick to provide municipal services to a 5.1207 acre parcel of land (PPN 017-03C-01-015) on Center Road - **3rd Reading** (Committee-of-the-Whole, *Administration/Ken Fisher*)

b. 2nd Reading(s)

RES. NO. 12-2023 - An emergency resolution authorizing the City Manager to enter into an agreement with Snider Recreation, Inc. for the purchase and installation of playground equipment at City parks in an amount not to exceed \$210,536.42 - **2nd Reading** (Parks, Recreation & Community Committee, *Administration/Taylor Petkovsek*)

RES. NO. 13-2023 - An emergency resolution authorizing the participation in the Teva, Allergan, CVS, Walgreens and Walmart National Opioid Settlements and appointing the Finance Director as the City of Brunswick's designated Opioids Implementation Manager and alternate signatory. - **2nd Reading** (Committee-of-the-Whole, *Administration/ Ken Fisher*)

RES. NO. 15-2023 - A resolution authorizing the City Manager to enter into a three (3) year agreement with two (2) separate and one (1) year renewal options with

Maintenance Systems of Northern Ohio, the lowest and best bidder, for the provision of street sweeping services. - **2nd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

RES. NO. 16-2023 - An emergency resolution authorizing the City Manager to enter into a three (3) year agreement with Unifirst Corporation for the rental and maintenance of uniforms, walk-off mats and shop towels pursuant to submitted bid prices.- **2nd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

c. 1st Reading(s)

RES. NO. 17-2023 - A resolution authorizing the City Manager to enter into a service agreement with Flock Safety for the provision of ten (10) safety cameras in the City in an amount not to exceed \$25,000.00. - **1st Reading** (To be brought from the Committee of the Whole, *Administration/Brian Ohlin*)

RES. NO. 18-2023 - An emergency resolution authorizing the City Manager to purchase a new 2023 Ford F250 4x4 Super Duty for the Parks Department from Montrose Ford in an amount not to exceed \$46,460.61. - **1st Reading** (To be brought from the Committee of the Whole, *Administration/Taylor Petkovsek*)

ORD. NO. 19-2023 - An emergency ordinance amending ordinances #103-2022 and #9-2023 to include amendments to the Appropriation Budget for the year ending December 31, 2023 as incorporated in Exhibit “A” attached hereto. - **1st Reading** (To be brought from the Finance Committee, *Administration/Todd Fischer*)

ORD. NO. 20-2023 - An emergency ordinance to advance funds. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

RES. NO. 21-2023 - An emergency resolution opposing the proposed enactment of Ohio Revised Code Section 5501.60 as contemplated by Am. Sub. H. B. No. 23. - **1st Reading** (To be brought from Committee of the Whole, *Administration/Kenneth Fisher*)

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

SERVICES, UTILITIES, TECHNOLOGY & CABLE COMMITTEE

February 27, 2023

IN ATTENDANCE: Chairman Tim Smith, Committee Member Michael Abella Jr., Committee Member Anthony Capretta, Nicholas Hanek, Kristy Piper, Joseph Delsanter, Brandon Lambert, City Manager/Safety Director Carl DeForest, Acting Law Director Dennis Nevar, Service Director Paul Barnett, Finance Director Todd Fischer, Community & Economic Development Director Grant Aungst, Keith Kuczma, Clerk of Council Laura Timura, News Media

The meeting convened at 6:14 p.m.

DISCUSSION ITEMS:

- (a) RES. NO. 14-2023** – An emergency resolution authorizing the City Manager to purchase a new 8-ton truck cab and chassis from Northern Ohio Peterbilt of Cleveland for the Service Department in an amount not to exceed \$124,000.

Mr. Barnett explained that, last year, the Administration attempted to purchase a chassis from Northern Ohio Peterbilt of Cleveland, but the organization said that they could not accept the purchase order because they did not have the materials and that the Administration did not make the cutoff. He added that the Administration had passed legislation for a purchase order, and that it had to pass further legislation to rescind the purchase order after the company did not accept the order.

Mr. Barnett remarked that Northern Ohio Peterbilt of Cleveland is accepting orders again, so he disclosed that this is up for an emergency with suspension of the rules.

Mr. Barnett added that there is already a truck body ready to put it on which was bought at last year's price. He commented that there are funds in the 2023 budget for this purchase.

Mr. Smith asked if the purchased truck looked like the current truck. Mr. Barnett said that it does.

Mr. Abella asked what the price was last year. Mr. Smith answered that was about \$105,000 which was significantly lower than this year's price.

Mr. Capretta moved this resolution to tonight's Council Agenda of February 27, 2023, as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

- (b) RES. NO. 15-2023** – A resolution authorizing the City Manager to enter into a three (3) year agreement with two (2) separate and one (1) year renewal options with Maintenance

Systems of Northern Ohio, the lowest and best bidder, for the provision of street sweeping services.

Mr. Barnett said that this resolution is for a sweeper, and that a bid took place on February 21, 2023. There were two bidders, one of whom forgot to put his price sheets in the bid. Since the bid occurred, the other companies said that their numbers were about \$150 more than the bid, so it is a competitive bid.

Mr. Smith asked what happened to the sweeper the City already had. Mr. Barnett responded that the City still has it and uses it, but only when using durabatch. The sweeper would not last long if it had to be used for the whole City, nor does the City have the expertise with staff to do the entire City with the current sweeper.

Mr. Barnett commented that the sweeper is the most expensive to maintain.

Mr. Capretta moved this resolution to tonight's Council Agenda of February 27, 2023, for 3 readings. Vote – 3 Ayes, 0 Nays

(c) RES. NO. 16-2023 – A resolution authorizing the City Manager to enter into a three (3) year agreement with Unifirst Corporation for the rental and maintenance of uniforms, walk-off mats and shop towels pursuant to submitted bid prices.

Mr. Barnett explained that this is for uniforms, and walk-off mats for the City. This contract covers three divisions: Streets Department, Building Maintenance Department, and Parks Department. The walk-off mats for all of the buildings are also included in this contract.

Mr. Barnett added that a bid took place on February 21, 2023. The lowest bidder was Cintas, but the company marked out all liability language and wrote their own language in the bid. According to the Law Department, the language was not acceptable under the Ohio Revised Code, so Cintas's bid is non-responsive.

Mr. Barnett mentioned that there is another well-known company that will be utilized by the City for the first time.

Mr. Smith asked if the City will be able to get out of the contract if something goes wrong. Mr. Barnett answered that the City is able to do so.

Mr. Abella moved this resolution to tonight's Council Agenda of February 27, 2023, for 3 readings. Vote – 3 Ayes, 0 Nays

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mr. Capretta moved to adjourn at 6:21 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Tim Smith", with a stylized flourish at the end.

Tim Smith
Chairman

SAFETY & ENVIRONMENT COMMITTEE

February 27, 2023

IN ATTENDANCE: Chairman Anthony Capretta, Committee Member Kristy Piper, Committee Member Brandon Lambert, Michael Abella Jr., Tim Smith, Nicholas Hanek, Joseph Delsanter, City Manager/Safety Director Carl DeForest, Acting Law Director Dennis Nevar, Service Director Paul Barnett, Finance Director Todd Fischer, Community & Economic Development Director Grant Aungst, Keith Kuczma, Clerk of Council Laura Timura, News Media

The meeting convened at 6:21 p.m.

DISCUSSION ITEMS:

(a) Fire Station

Mr. DeForest said that the Fire Department levy will be number seven on the ballot. He mentioned that he got a sample of language from the Board of Elections. He disclosed that the issue would state that \$29 for every \$100,000 of appraised value per year would be collected. Mr. DeForest conceded that that the vote will be on May 2nd, and the Administration will see what happens.

Mr. DeForest then remarked on the do's and don'ts regarding the levy. He informed that there are fact sheets that can be handed out to those who want information regarding the levy. The Administration cannot, in any form, indicate to citizens whether to vote affirmative or negative. The Administration can disclose that they have established a PAC, but cannot mandate that citizens contribute. The PAC is called *For Our Safety* and the account is held at First Federal of Lakewood. He also divulged that fact sheets are being made as well as social media posts and televised informational specials regarding the levy. The geographical center of the City of Brunswick is close to 1094 Hadcock Road. Mr. DeForest also announced that speaker tours will be beginning. Mr. DeForest has met with the school superintendent to ask for an opportunity to speak with PTOs and PTAs and to hand out information during Open Houses.

Mr. Capretta pointed out that he would like to be involved in meetings regarding the levy as well as speaking tours.

Mr. Kuczma mentioned that he would also like to be involved.

Mr. Hanek clarified that there will not necessarily be seven issues on the ballot, even though this is Issue 7. Some of the issues may be for other cities or townships within the county.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Ms. Piper moved to adjourn at 6:27 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in cursive script that reads "Anthony P. Capretta". The signature is written in black ink and is positioned above the printed name.

Anthony Capretta

Chairman

Planning & Zoning Committee

February 27, 2023

IN ATTENDANCE: Chairman Joseph Delsanter, Committee Member Brandon Lambert, Committee Member Kristy Piper, Anthony Capretta, Michael Abella Jr., Tim Smith, Nicholas Hanek, City Manager/Safety Director Carl DeForest, Acting Law Director Dennis Nevar, Service Director Paul Barnett, Finance Director Todd Fischer, Community & Economic Development Director Grant Aungst, Keith Kuczma, Clerk of Council Laura Timura, News Media

The meeting convened at 6:27 p.m.

DISCUSSION ITEMS:

- (a) **ORD. NO. 11-2023** – An emergency ordinance establishing a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or permit approvals for electric vehicle charging stations in all zoning districts of the City and the issuance of such approvals.

Mr. Aungst explained that, according to a Wall Street Journal article, electrification of vehicles is upcoming and it is the City's responsibility to get in front of this change and prepare for it. The Inflation Reduction Act presents some zoning and code challenges because electric vehicles only count for 10% of worldwide sales. As new electric vehicles are being made, Mr. Aungst implores that the Administration studies the changes as they move forward.

Mr. Aungst mentioned that there are three types of electric vehicles: Type I, Type II, and Type III. Each type has a different charging speed, Type I being the slowest and Type III being the fastest. This will create safety issues in terms of where the chargers are located and the company that owns the chargers. Mr. Aungst continued that the Administration needs to plan to effectively manage the charging stations and added that the Law Department says that the chargers are only good for two to three years at the moment.

Mr. Aungst remarked that Liberty Ford said that there needs to be a secondary use, such as a shopping area or something that people can use at different times of the day. Mr. Aungst concluded that the moratorium is necessary in order to properly plan for chargers and their effects, and he added that the Administration will be working with a dealer network in the City.

Mr. Delsanter noted that the future of the City is electric vehicles and their chargers. He reasoned that this change is going to take more conversation than one council meeting, and that it would be irresponsible to move forward without all of the information regarding the chargers.

Mr. Hanek explained that, even though moratoriums are in place for six months, moratoriums can be lifted legislatively if the situation is solved within six months.

Mr. Delsanter stated that this is a critical issue, and it can lead to difficult arguments throughout the City. Because of this, the City has to do the right thing and do it with the best information that is available.

Mr. Lambert asked if there will be an opportunity for the Administration to have a sit-down with various experts and business owners regarding the chargers. Mr. Delsanter said that there would be.

Mr. Hanek informed that the Administration is able to make adjustments after the legislative process has started.

Mr. Delsanter noted that much of the understanding about the chargers has to happen before writing legislation. The Administration has to come to a conclusion about the chargers before action is taken on them.

Ms. Piper moved this resolution to tonight's Council Agenda of February 27, 2023, as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Aungst discussed ORD. NO. 121-2022, regarding window graphics. He reported that he received a phone call from business owner, Roger Burzanko of Hounds Town USA, who brought up unique thoughts regarding the issue. Mr. Aungst encouraged that the legislative process works.

Mr. Aungst informed that, after discussing the concerns with ORD. NO. 121-2022, the Law Department advised that more research be done and that the legislation be tabled for a later time. He further disclosed that after the Law Department does research, the legislation can be brought back to Planning & Zoning Committee.

Mr. Delsanter reassured that every piece of legislation that is authored is notified to the public, through public hearings through the Planning Commission. This is something that has to be addressed, primarily for safety and to maintain the community.

Mr. Capretta continued to debrief on the phone call that he received from Mr. Burzanko. Mr. Capretta concurred that not many individuals know the legislative process, and Mr. Burzanko did the right thing by reaching out to City officials.

Mr. Hanek reassigned ORD. NO. 121-2022 back to the Planning & Zoning Committee agenda for discussion.

Mr. Smith reiterated that he was against the ordinance when it was first presented. He continued that he received similar phone calls to that of Mr. Capretta.

Mr. Smith reminded the Administration will have the attention of the public in regards to this legislation.

ADJOURNMENT:

Being no further business, Ms. Piper moved to adjourn at 6:47 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted.

A handwritten signature in cursive script, appearing to read "Joseph Delsanter".

Joseph Delsanter
Chairman

PARKS, RECREATION & COMMUNITY COMMITTEE

February 27, 2023

IN ATTENDANCE: Chairwoman Kristy Piper, Committee Member Anthony Capretta, Committee Member Tim Smith, Joseph Delsanter, Brandon Lambert, Nicholas Hanek, Michael Abella, Parks & Recreation Director Taylor Petkovsek, City Manager/Safety Director Carl DeForest, Acting Law Director Dennis Nevar, Service Director Paul Barnett, Finance Director Todd Fischer, Community & Economic Development Director Grant Aungst, Keith Kuczma, Tracy Harrison, Clerk of Council Laura Timura, News Media.

The meeting convened at 6:05 p.m.

DISCUSSION ITEMS:

(a) Park Spotlight – Rolling Hills Park

Mrs. Petkovsek stated that Rolling Hills Park is in Ward 3. She remarked that this is a secluded park. If the City is able to take advantage of the Story Book Trail application this could be an ideal location. The trail is in fairly good condition and should require little work to improve it. It is a little over ½ a mile, so it is ideal for that project.

Rolling Hills Park has a playground, which is planned to be redone this year. There are also tennis and basketball courts. Mrs. Petkovsek is looking into making improvements to the tennis court and allowing for pickleball. This park can be accessed off of Pearl Road, down Westminster.

(b) **RES. NO. 12-2023** - An emergency resolution authorizing the City Manager to enter into an agreement with Snider Recreation, Inc. for the purchase and installation of playground equipment at City parks in an amount not to exceed \$210,536.42 - **1st Reading** (To be brought from Parks, Recreation & Community Committee, *Administration/Taylor Petkovsek*)

Mrs. Piper asked which parks are to receive new playground equipment, besides Rolling Hills Park. Mrs. Petkovsek explained that with the passing of this legislation there would be 5 new playgrounds. The first one being, Hopkins Park. This park was built in 2000 and greatly needs replacement. She noted that some of the features of the Inclusive Playground will also be incorporated into this playground.

The second project will be Rolling Hills Park which was built in 2007. Some of the play features at this park will be retained, with new equipment added onto it. For example, the rock wall will be retained.

The third park being addressed is James Park. This playground was built around 2007-2008. Some of these play features will also be retained. The Parks Department will take apart the playgrounds at James Park and Rolling Hills Park and try to recoup money using GovDeals. The swing set will be one of the updates.

A tot playground at North Park (by the pavilion) will be renovated. This is one of the oldest playgrounds in the City.

Play features for dogs will be added to the dog park. These are expected to last about 20 years.

Mr. Smith inquired how it is determined which company the City selects for the equipment. Mrs. Petkovsek explained that she went on to the Ohio Buys Cooperative Purchasing Program website and Snider-Recreation Company has a state contract with them. Through them the City is able to receive discounts. A 35% discount is being offered for some play features, if purchased before the end of March.

Mr. Nevar noted that the Law Department drafted this legislation for two readings with an emergency, suspension of the rules due to the fact that this quote is valid for only 30 days.

Mr. Smith moved Resolution Number 12-2023 to tonight's Council Agenda of February 27, 2023, as an emergency with two readings. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mrs. Piper remarked that Tracy Harrison, a former member of the Commemorative Affairs Board, was present at the meeting. She will be talking with the former members to set up a meeting with them in March. Mr. Smith asked if he could attend the meeting. Mrs. Piper verified that this is an open meeting.

Mr. Hanek clarified that this would *not* be a Commemorative Affairs Board meeting, but rather a Parks and Recreation Committee meeting. He explained that the Commemorative Affairs Board is no longer active and that any meetings held would be reflected as Parks and Recreation Center Committee meetings for public record. He divulged that City Hall, the Recreation Center, and BAT could be used as meeting locations.

Mr. Smith informed that the Fishing Derby will be coming up in May. He expressed concerns pertaining to the algae in the lake. Mrs. Petkovsek responded that the body of water is very shallow and that even with treatment there is no guarantee as to what the water conditions will be.

Mr. Smith commented that the water conditions were good last year. Mrs. Petkovsek added that she has had people from the Medina County Park District also look at the water conditions and offer their opinion.

Mr. Delsanter asked if the lake was shallow due to silt build up. Mrs. Petkovsek did not have information on this, but indicated that it is unlikely that the lake was ever dredged. Mr. Delsanter noted that dredging North Park would be expensive.

ADJOURNMENT:

Being no further business, Mr. Capretta moved to adjourn at 6:14 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,



Kristy Piper



COMMITTEE OF THE WHOLE MEETING

February 27, 2023

IN ATTENDANCE: Vice Mayor Nicholas Hanek, Joseph Delsanter, Anthony Capretta, Michael Abella Jr., Tim Smith, Kristy Piper, Brandon Lambert, City Manager/Safety Director Carl DeForest, Acting Law Director Dennis Nevar, Finance Director Todd Fischer, Economic Development Director Grant Aungst, Service Director Paul Barnett, Keith Kuczma, Clerk of Council Laura Timura, News Media.

The meeting convened at 6:47 p.m.

Mr. Delsanter moved to remove Resolution 121-2022 from tonight's Council Agenda and referred back to the Planning Commission for further review and discussion. Vote – 7 Ayes, 0 Nays.

Mr. Hanek noted that there were three Mayoral appointments inadvertently not included on the Council Agenda for Vincent Carl, Thomas Miller and Richard Prospal.

Mr. Delsanter moved to add the motion to approve the Mayor's recommendation to appoint Vincent Carl to the Board of Zoning Appeals to fulfill and unexpired term expiring March 14, 2025, motion to approve Mayor's recommendation to reappoint Thomas Miller to the Board of Zoning Appeals to fulfill a 3-year term expiring March 10, 2026 and a motion to approve Mayor's recommendation to appoint Richard Prospal to the Board of Building Code Appeals to tonight's Council Agenda of February 27, 2023. Vote – 7 Ayes, 0 Nays.

MOTION ITEMS:

- (a) Motion authorizing the City Manager/Safety Director to reject the only bid received and re-bid the grass and weed mowing, debris clearing and branch trimming contract due to the cost exceeding 10% of the estimate.

Mr. Barnett explained that this motion is to reject the bid and allow the City Manager to rebid the grass and weed mowing, debris clearing and branch trimming. This contract allows for the cutting of high weeds that are in excess of 6" in both the residential and commercial areas. There was a misunderstanding with the only bidder. About \$26-27,000 a year was expected, but the bid came in at \$270,000 a year. The company that normally bids, was unable to make the bid due to a family situation that arose. Since the price exceeds more than 10% of the estimated cost, Council is asked for a motion to reject the bid and rebid.

Lambert moved to authorize the City Manager/Safety Director to reject the only bid received and re-bid the grass and weed mowing, debris clearing and branch trimming contract due to the cost exceeding 10% of the estimate. Vote – 7 Ayes, 0 Nays.

- (b) Motion to approve an offer of employment to Irene Jayapandian as the Assistant Clerk of Council

Mrs. Timura explained that the candidate is studying Political Science at Baldwin Wallace College. Ms. Jayapandian is interested in learning and gaining experience in government and Council procedures. She has worked for her school newspaper and exhibits good writing skills.

Mr. Delsanter moved to approve an offer of employment to Irene Jayapandian as the Assistant Clerk of Council. Vote – 7 Ayes, 0 Nays.

REVIEW LEGISLATION:

RES. NO. 13-2023 - An emergency resolution authorizing the participation in the Teva, Allergan, CVS, Walgreens and Walmart National Opioid Settlements and appointing the Finance Director as the City of Brunswick's designated Opioids Implementation Manager and alternate signatory. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/ Ken Fisher*)

Mr. Fisher explained that special legal council was retained for civil litigation against opioid drug manufacturers and distributors. The City is a participant for two settlements. There are five new proposed national opioid settlements. The five companies are listed and the participation settlement forms for each one must be completed by April 18 in order to participate. The amount of money received would be determined based on the number of participants and the size of those communities. The money must be used to remediate and rehabilitate individuals effected by the opioid crisis. This could be addressed through Cathy's House. This legislation is being requested as an emergency for three readings, so that the April 18 deadline can be met. The electronic system, DocuSign is used for this process.

Mr. Hanek noted that Cathy's House will be at the next Committee of the Whole Meeting to allow for further discussion.

Mr. Lambert moved Resolution Number 13-2023 to tonight's Council Agenda of February 27, 2023, as an emergency with 3 readings. Vote – 7 Ayes, 0 Nays.

GENERAL DISCUSSION:

Councilman Abella asked why Ordinance 3-2023 was not included on the agenda. This would be the ordinance to amend the conceptual plan for the Provision Living SPD-5. Mr. Hanek explained that it was removed from the agenda. Mr. Hanek stated that Provision Living contacted the City and requested this ordinance not be on the agenda tonight. They decided either not to go forward with the project at this time or look towards different financing for the project. If they do not go forward with the project, and we have rezoned this to something that may not exist, the parcel could still be developed or someone else could buy the parcel. Based upon that, they requested that it not be on the Council Agenda. Mr. Hanek asked that the City Manager provide a copy of the letter from the developer and that the Council Clerk distribute it.

ADJOURNMENT:

Being no further business, Mr. Delsanter moved to adjourn the Committee of the Whole Meeting at 6:59 p.m. Vote – 7 Ayes, 0 Nays.

Submitted Respectfully,

Laura Timura
Clerk of Council

PROPOSED LEGISLATION



DATE: 3/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Nicholas Hanek

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 7-2023** - A resolution commending Anthony Capretta for his years of service both to the City of Brunswick and to the City Council. - **3rd Reading** (Committee-of-the-Whole, *Brandon Lambert/Council*)

BACKGROUND: Councilman Capretta has submitted his resignation to go into effect at the end of the day on March 12, 2023.

PURPOSE AND EXPLANATION: A resolution to commend Councilman Anthony Capretta for his years of service to the Brunswick community and City Council.

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
RESOLUTION NO. 7-2023

By: Committee-of-the-Whole

A RESOLUTION COMMENDING ANTHONY CAPRETTA FOR HIS YEARS OF SERVICE BOTH TO THE CITY OF BRUNSWICK AND TO THE CITY COUNCIL.

WHEREAS: Anthony Capretta has served the community for almost 20 years as a member of City Council; and

WHEREAS: Anthony Capretta has served with dedication and is highly regarded throughout the community; and

WHEREAS: During his tenure, he served as the Chairman of the Safety & Environment Committee as well as the Building & Building Code Committee.

SECTION 1: That the Brunswick City Council hereby expresses its sincere appreciation and thanks to Anthony Capretta for the manner in which he has carried out his responsibilities and duties as a member of City Council.

SECTION 2: That City Council extends its best wishes to Anthony and his family for good health and happiness in the future.

SECTION 3: Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____
2nd Reading _____
3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 3/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Nicholas Hanek

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 8-2023** - An emergency resolution declaring the intention of the City of Brunswick to provide municipal services to a 5.1207 acre parcel of land (PPN 017-03C-01-015) on Center Road - **3rd Reading** (Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: The City of Brunswick has been notified that a Petition for Regular Annexation on Application of Owners (the "Petition") was presented to the Medina County Commissioners requesting a parcel of land be annexed from Hinckley Township to the City of Brunswick.

PURPOSE AND EXPLANATION: The approved legislation must be filed with the Medina County Commissioners' Office by March 22, 2023.

IMPLEMENTATION

SCHEDULE: Emergency, three readings

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

If emergency or suspension of the rules, why the request?
Emergency, three readings.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NUMBER 8-2023

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION DECLARING THE INTENTION OF THE CITY OF BRUNSWICK TO PROVIDE MUNICIPAL SERVICES TO A 5.1207 ACRE PARCEL OF LAND (PPN 017-03C-01-015) ON CENTER ROAD.

WHEREAS: The City of Brunswick has been notified that a Petition for Regular Annexation on Application of Owners (the "Petition") was presented to the Medina County Commissioners requesting a parcel of land be annexed from Hinckley Township to the City of Brunswick, and

WHEREAS: The City of Brunswick does not object to this Petition.

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

SECTION 1: The Council for the City of Brunswick hereby declares that, should the Medina County Commissioners grant the annexation of 5.1207 acres of land on Center Road (PPN 017-03C-01-015), the City of Brunswick will provide police protection, fire prevention/suppression, EMS service, and any and all other services rendered to residents of the City of Brunswick. Additionally, the City of Brunswick will support any application to the Cleveland Division of Water for connection to the water system for the provision of water services to the property and to the Medina County Sanitary Engineer for connection to the sanitary sewer system, subject to payment of any and all applicable costs and fees.

SECTION 2: That the Council of the City of Brunswick hereby urges the County to undertake a careful and deliberate study of all matters presented in the Petition for Regular Annexation on Application of Owners, as attached hereto as Exhibit "A", and to approve the proposed annexation of such property to the City of Brunswick.

SECTION 3: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, welfare, and providing for the usual daily operation of a municipality, and for the further reason that the approved legislation must be filed with the Medina County Commissioners' Office twenty (20) days before the April 11, 2023 hearing date. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council

Laura E. Timura

PROPOSED LEGISLATION



DATE: 3/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Taylor Petkovsek

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 12-2023** - An emergency resolution authorizing the City Manager to enter into an agreement with Snider Recreation, Inc. for the purchase and installation of playground equipment at City parks in an amount not to exceed \$210,536.42 - **2nd Reading** (Parks, Recreation & Community Committee, *Administration/Taylor Petkovsek*)

BACKGROUND: The 2023 appropriated budget will allow for three (3) new playgrounds, at James Park (playground built in 2007), Rolling Hills (playground built in 2008) and Hopkins Park (playground built in 2000). Because of cost-saving programs- state contract and additional discounts offered by Burke, and 2022 pricing still being in effect, funds are available to upgrade the play equipment at the Dog Park and the 2-5 year old playground at North Park not to exceed \$210,536.42.

PURPOSE AND EXPLANATION: See background and reason for emergency above.

IMPLEMENTATION SCHEDULE: Requesting passage with emergency on March 27, 2023. This would allow for the purchasing of equipment at 2022 pricing and additional discounts. The goal is to be completed with construction in 2023.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: \$210,536.42 - 300-0522-56250 Capital Park Improvement Fund

RECOMMENDED ACTION:

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

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

Recommendation for 2 readings with emergency and suspension of the rules. The reason for the emergency is that Ohio Buys joint purchasing program 2022 pricing is valid until March 31, 2023. Additionally, some of the playgrounds and play features have additional discounts if ordered by March 29, 2023.

**ADDITIONAL
INFORMATION:**

All costs associated with the playgrounds will be recorded in the Capital Improvement Fund #300. Purchase Orders issued to Snider Recreation Inc. for this project will not exceed the bid amount of \$210,536.42.

**Playground Proposal
City of Brunswick**

Snider Recreation
10139 Royalton Road, Suite K
North Royalton, OH 44133

February 17, 2023

City of Brunswick
4095 Center Road
Brunswick, OH 44212

Snider Recreation, Inc. is delighted to provide City of Brunswick with this playground equipment proposal.

This was developed with your specific needs in mind, and we look forward to discussing this project further with you to ensure your complete satisfaction. Snider Recreation, Inc. is confident that this proposal will satisfy City of Brunswick's functional, environmental, and safety requirements - and most importantly, bring joy and excitement to the children and families directly benefiting from your new playground.

This proposal includes the following:

- Estimate 12757 "Hopkins Park" project total = \$84,932.00
- Estimate 12106R "Rolling Hills Park" project total = \$61,225.00
- Estimate 12105R "James Park" project total = \$48,680.00
- Estimate 12599R "Dog Park" project total = \$6,079.42
- Estimate 12756 "North Park - Tot" project total = \$9,620.00
- **Entire playground proposal total = \$210,536.42**

You have our personal commitment to support this project and your organization in every manner possible. We look forward to continuing to develop a long-standing relationship with City of Brunswick. We appreciate your consideration and value this opportunity to earn your business.

Sincerely,



James Snider
Snider Recreation, Inc.
10139 Royalton Road Suite K
North Royalton, OH 44133
440-877-9151



SNIDER RECREATION
School & Park Recreation Equipment
Ohio • Indiana • Michigan • Pennsylvania
10139 Royalton Road, Suite K
North Royalton, Ohio 44133
800-868-2889
www.cvsnider.com



Snider Recreation Inc.

10139 Royalton Road #K
N. Royalton, OH 44133

Ph (440)877-9151 Toll Free (800)888-2889 Fx (440)877-9159
www.cvsnyder.com
info@cvsnyder.com

Estimate

Date	Estimate #
2/16/2023	12757

Name / Address
City of Brunswick 4095 Center Road Brunswick, OH 44212

Ship To
Hopkins Park

Terms	Rep	Customer Phone	Customer Fax	Tax Exempt Number	County
Due on Receipt	JCS	330-273-8040	330-225-0001		Medina-OH

Item	Description	Qty	Rate	Total
	Hopkins Park			
	Ohio State Term Schedule			
Design	BCI Burke Design127-164831-1	1	90,676.00	90,676.00
Discount Recreation	Discount		-24,904.00	-24,904.00
Freight	Shipping Charges	1	3,560.00	3,560.00
Installation	Installation of Equipment	1	15,600.00	15,600.00
	-Removal of existing			
	Surfacing by others			

If tax exempt certificate is not provided appropriate sales tax will be charged. Quote valid for 30 days.

Freight subject to fuel charge. Payment via credit card will incur an additional 3% administrative fee.

Subtotal	\$84,932.00
Sales Tax (7.0%)	\$0.00
Total	\$84,932.00

FEIN 46-5631661



Snider Recreation Inc.

10139 Royalton Road #K
N. Royalton, OH 44133

Ph (440)877-9151 Toll Free (800)888-2889 Fx (440)877-9159
www.cvsnyder.com
info@cvsnyder.com

Estimate

Date	Estimate #
2/16/2023	12106R

Name / Address
City of Brunswick 4095 Center Road Brunswick, OH 44212

Ship To
Rolling Hills Park

Terms	Rep	Customer Phone	Customer Fax	Tax Exempt Number	County
Due on Receipt	JCS	330-273-8040	330-225-0001		Medina-OH

Item	Description	Qty	Rate	Total
Design	Rolling Hills			
Discount Recreation	Ohio State Term Schedule			
Freight	BCI Burke Design127-158001-2	1	59,573.00	59,573.00
Installation	Discount		-16,091.00	-16,091.00
	Shipping Charges	1	2,850.00	2,850.00
	Installation of Equipment	1	14,893.00	14,893.00
	Removal of existing by others			
	Surfacing by others			

If tax exempt certificate is not provided appropriate sales tax will be charged. Quote valid for 30 days.

Freight subject to fuel charge. Payment via credit card will incur an additional 3% administrative fee.

Subtotal	\$61,225.00
Sales Tax (7.0%)	\$0.00
Total	\$61,225.00

FEIN 46-5631661



Snider Recreation Inc.

10139 Royalton Road #K
N. Royalton, OH 44133

Ph (440)877-9151 Toll Free (800)888-2889 Fx (440)877-9159
www.cvsnyder.com
info@cvsnyder.com

Estimate

Date	Estimate #
2/16/2023	12105R

Name / Address
City of Brunswick 4095 Center Road Brunswick, OH 44212

Ship To
James Park

Terms	Rep	Customer Phone	Customer Fax	Tax Exempt Number	County
Due on Receipt	JCS	330-273-8040	330-225-0001		Medina-OH

Item	Description	Qty	Rate	Total
	James Park			
	Ohio State Term Schedule			
Design	BCI Burke Design127-158000-2	1	41,946.00	41,946.00
Discount Recreation	Discount		-8,637.00	-8,637.00
Freight	Shipping Charges	1	2,780.00	2,780.00
Installation	Installation of Equipment	1	12,591.00	12,591.00
	Removal of existing equipment by others			
	Surfacing by others			

If tax exempt certificate is not provided appropriate sales tax will be charged. Quote valid for 30 days.

Freight subject to fuel charge. Payment via credit card will incur an additional 3% administrative fee.

Subtotal	\$48,680.00
Sales Tax (7.0%)	\$0.00
Total	\$48,680.00

FEIN 46-5631661



Snider Recreation Inc.

10139 Royalton Road #K
N. Royalton, OH 44133

Ph (440)877-9151 Toll Free (800)888-2889 Fx (440)877-9159
www.cvsnyder.com
info@cvsnyder.com

Estimate

Date	Estimate #
2/16/2023	12599R

Name / Address
City of Brunswick 4095 Center Road Brunswick, OH 44212

Ship To

Terms	Rep	Customer Phone	Customer Fax	Tax Exempt Number	County
Due on Receipt	JCS	330-273-8040	330-225-0001		Medina-OH

Item	Description	Qty	Rate	Total
Design	Dog Park			
Discount Recreation	Ohio State Term Schedule			
Freight	Play4Pups Model PUP-3130	1	6,078.00	6,078.00
	Discount		-668.58	-668.58
	Shipping Charges	1	670.00	670.00
	Installation by others			

If tax exempt certificate is not provided appropriate sales tax will be charged. Quote valid for 30 days.

Freight subject to fuel charge. Payment via credit card will incur an additional 3% administrative fee.

Subtotal	\$6,079.42
Sales Tax (7.0%)	\$0.00
Total	\$6,079.42

FEIN 46-5631661

Snider Recreation Inc.

**10139 Royalton Road #K
N. Royalton, OH 44133**

Ph (440)877-9151 Toll Free (800)888-2889 Fx (440)877-9159
www.cvsnider.com
info@cvsnider.com

Estimate

Date	Estimate #
2/16/2023	12756

Name / Address
City of Brunswick 4095 Center Road Brunswick, OH 44212

Ship To

Terms	Rep	Customer Phone	Customer Fax	Tax Exempt Number	County
Due on Receipt	JCS	330-273-8040	330-225-0001		Medina-OH

Item	Description	Qty	Rate	Total
	North Park			
	Ohio State Term Schedule			
Design	Burke Design Synergy SY-3002	1	8,732.00	8,732.00
	Sale/Promo Structure			
Freight	Shipping Charges	1	888.00	888.00
	Installation by others			

If tax exempt certificate is not provided appropriate sales tax will be charged. Quote valid for 30 days.

Freight subject to fuel charge. Payment via credit card will incur an additional 3% administrative fee.

Subtotal	\$9,620.00
Sales Tax (7.0%)	\$0.00
Total	\$9,620.00

FEIN 46-5631661

Index No. STS640
Schedule No. 800702
Eff. Date 03/01/2022

STATE OF OHIO
DEPARTMENT OF ADMINISTRATIVE SERVICES
GENERAL SERVICES DIVISION
OFFICE OF PROCUREMENT SERVICES
4200 SURFACE ROAD, COLUMBUS, OH 43228-1395

AMENDMENT FOR CHANGE NO. 4

TO: ALL STATE AGENCIES, STATE INSTITUTIONS OF HIGHER EDUCATION AND PROPERLY REGISTERED COOPERATIVE PURCHASING MEMBERS OF THE COOPERATIVE PURCHASING PROGRAM OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES, AS APPLICABLE

FROM: KATHLEEN C. MADDEN, DIRECTOR, DEPARTMENT OF ADMINISTRATIVE SERVICES

SUBJECT: CONTRACT NO. 800702
OAKS Vendor ID 0000197452 BCI Burke Company, LLC

This amendment is issued to notify as a result of mutual agreement between the State of Ohio and the Contractor, this contract is renewed for an additional twelve (12) months, effective 04/01/22 through 03/31/23.

This amendment is also issued to update the pricelist, effective with all orders issued on or after 03/01/22.

All other prices, terms and conditions remain unchanged.

This amendment, the Contract and any additional amendments thereto are available from the DAS website at the following address:
<http://www.ohio.gov/procure>



STATE OF OHIO
DEPARTMENT OF ADMINISTRATIVE SERVICES
GENERAL SERVICES DIVISION
OFFICE OF PROCUREMENT SERVICES
4200 SURFACE ROAD, COLUMBUS, OH 43228-1395

S & L GOVERNMENT PRICING SCHEDULE

SCHEDULE NUMBER: 800702

EFFECTIVE DATES: 03/19/2018 TO 03/31/2021
Renewal through 03/31/2023

The Department of Administrative Services has completed the evaluation and analysis of the State Term Schedule (STS) offering submitted by the Contractor as listed herein. The Contractor listed herein has been determined to provide competitive, economical and reasonable pricing for the items contained in their offer. The respective offer, including the Standard Contract Terms & Conditions, any proposal amendment, special contract terms & conditions, specifications, pricing schedules and any attachments incorporated by reference and accepted by DAS become a part of this State Term Schedule.

This State Term Schedule is effective beginning and ending on the dates noted above unless, prior to the expiration date, the Schedule is renewed, terminated, or cancelled in accordance with the Standard Contract Terms and Conditions.

This State Term Schedule is available to all state agencies, state institutions of higher education and political subdivisions properly registered as members of the Cooperative Purchasing Program of the Department of Administration Services, as applicable.

Agencies are eligible to make purchases of the supplies and/or services in any amount and at any time as determined by the agency (see maximum order limit). The State makes no representation or guarantee that agencies will purchase the supplies and/or services approved in the State Term Schedule.

State agencies may make purchases under this State Term Schedule up to \$2500.00 using the state of Ohio payment card. Any purchases that exceed \$2500.00 will be made using the official state of Ohio purchase order (ADM-0523). Any non-state agency, institution of higher education or Cooperative Purchasing member will use forms applicable to their respective agency

This State Term Schedule and any Amendments thereto are available from the DAS website at the following address:
<http://procure.ohio.gov>.

BCI Burke Company, LLC

STATE TERM SCHEDULE

Index No. STS640
Eff. Date 03/01/2022

STATE OF OHIO
DEPARTMENT OF ADMINISTRATIVE SERVICES
GENERAL SERVICES DIVISION
OFFICE OF PROCUREMENT SERVICES
4200 SURFACE ROAD, COLUMBUS, OH 43228-1395

CONTRACTOR, PRICES, TERM SCHEDULE, ETC.

Contractor:

Remit To:

OAKS Contract ID:

Contractor does not accept POs
BCI Burke Company, LLC
660 Van Dyne Road
PO Box 549
Fond du Lac, WI 54936-0549

0000197452

Contractor Contacts:

Ms. Marianne Larson

Telephone: (920) 933-6701

Fax: (920) 979-2721

Email: mlarson@bciburke.com

Delivery:

3 Days A.R.O.- F.O.B. Destination

Terms:

Net 30 Days

Basic Order Limitations (Agencies should contact Procurement Services when they expect to exceed the Maximum Order Limitation.)

Minimum: N/A

Maximum: N/A

APPROVED PRODUCTS/SERVICES: Only those vendors, products, or services as listed in the price pages, approved by the Office of Procurement Services, may be purchased from this State Term Schedule. Any vendors, prices, terms, conditions, products or services not listed in the approve price sheets are outside the scope of this schedule.

MANDATORY USE CONTRACTS: All General Distribution Contracts (GDC), Limited Distribution Contracts (LDC), Multiple Award Contracts (MAC), and Request for Proposals (RFP) take precedence over this State Term Schedule (STS). This STS is only for governmental entities without a mandatory use contract.

EXCLUDED ITEMS: (State Agencies Only) in accordance with the Ohio Revised Code Section 5147.07, 125.60, through 125.6012, 5119.16 and 3304.28 through 3304.33 state agencies are required to purchase through Ohio Penal Industries (OPI); Community Rehabilitation Programs (CRP); Department of Mental Health and Addiction Services and Pharmacy Services (MHAS); and Opportunities for Ohioans with Disabilities (OOD). State agencies must obtain a waiver from OPI, CRP, DMHAS, Pharmacy Services, and/or OOD to procure from this schedule.

SPECIAL NOTE: The state of Ohio including but not limited to its agencies, boards, commissions, departments, state universities, state vocational schools, state community colleges of Ohio, and any entity authorized by law to use this State Term Schedule (STS) is not obligated to procure any products or services from this STS. This STS shall not be construed to prevent the state from purchasing products or services using other procurement methods as authorized by law.

NOTICE TO CONTRACTOR / VENDOR: It is the responsibility of the contractor's contact to maintain this State Term Schedule with current information. All updates i.e., telephone numbers, contact names, email addresses, tax identification number, prices, and catalogs etc., are required to be processed through the formal amendment authorization process which is initiated by way of a written request from the contractor's contact.

UNSPSC CODES (OAKS Category ID) and Item Descriptions:

All purchase orders placed against this contract shall use the following UNSPSC Codes when completing requisitions.

49241500 - Playground equipment

56120000 - Classroom and instructional and institutional furniture and fixtures

Dealer Index

Dealer Name & Address

Remit To:

OAKS Contract ID:

0000224166
Snider Recreation Inc
10139 Royalton Road Suite K
North Royalton, OH 44133

800702-1



Dealer's Contact:

Name

Phone

Fax

Email Address

Mr. James Snider

(800) 888-2889 x213

jcsnider@cvsnyder.com

SUMMARY OF AMENDMENTS

Amendment Number	Revision Date	Description
4	03/01/2022	This amendment is issued to notify as a result of mutual agreement between the State of Ohio and the Contractor, this contract is renewed for an additional twelve (12) months, effective 04/01/22 through 03/31/23. This amendment is also issued to update the pricelist, effective with all orders issued on or after 03/01/22.
3	04/01/2021	This amendment is issued to notify as a result of mutual agreement between the State of Ohio and the Contractor, this contract is renewed for an additional twelve (12) months, effective 04/01/21 through 03/31/22.
2	05/29/2020	This amendment is issued to update the pricelist, effective with all orders issued on or after 05/29/2020.
1	05/17/2019	This amendment is issued to update the pricelist, dated 04/08/19, effective with all orders issued on or after 05/17/19.

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SNIDER RECREATION, INC. FOR THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT AT CITY PARKS IN AN AMOUNT NOT TO EXCEED \$210,536.42.

WHEREAS: The City of Brunswick belongs to the State Procurement Program under the direction of the Department of Administrative Services; and

WHEREAS: The State contract under the State Procurement Program has been awarded to Snider Recreation, Inc.

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

SECTION 1: That the City Manager is hereby authorized to enter into an Agreement, upon approval of the Law Director, with Snider Recreation, Inc. for the purchase and installation of playground equipment at City parks in an amount not to exceed \$210,536.42.

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 secure pricing and complete installation in 2023. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading_____

2nd Reading_____

RULES SUSPENDED: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 3/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

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

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 13-2023** - An emergency resolution authorizing the participation in the Teva, Allergan, CVS, Walgreens and Walmart National Opioid Settlements and appointing the Finance Director as the City of Brunswick's designated Opioids Implementation Manager and alternate signatory. - **2nd Reading** (Committee-of-the-Whole, *Administration/ Ken Fisher*)

BACKGROUND: This Council authorized the retention of special legal counsel to commence civil litigation against opioid drug manufacturers and distributors, which civil litigation has been initiated. Within the State of Ohio, discussions have occurred with the Governor, the Attorney General, and local governments regarding the possibility of agreeing to an overall framework.

Five new proposed national opioid settlements ("New National Opioid Settlements") have been reached with Teva, Allergan, CVS, Walgreens, and Walmart ("Settling Defendants"). This Participation Package is a follow-up communication to the Notice of National Opioid Settlements recently received electronically by the City of Brunswick.

The Participation Form for each settlement must be executed, without alteration, and submitted on or before April 18, 2023, in order for the City to be considered for initial participation calculations and payment eligibility.

Based upon participation forms submitted on or before April 18th, the subdivision participation rate will be used to determine whether participation in each deal is sufficient for the settlement to move forward and whether a state earns its maximum potential payment under the settlement. If the settlement moves forward, your release will become effective. If a settlement does not move forward, that release will not become effective. Any city that does not participate cannot directly share in the settlement funds, even if the State of Ohio is settling and other participating subdivisions are sharing in settlement funds. Any Ohio subdivision that does not participate may also reduce the amount of money for programs to remediate the opioid crisis in Ohio. Please note, a subdivision will not necessarily directly receive settlement funds by participating; decisions on how settlement funds will be allocated within a state are subject to

intrastate agreements or state statutes.

Consistent with the previously entered settlements, proceeds from any settlement entered into with any of the five companies identified above will be allocated and distributed in accordance with the OneOhio Memorandum of Understanding.

**PURPOSE AND
EXPLANATION:**

See background above.

**IMPLEMENTATION
SCHEDULE:**

The due date for returning all Settlement Documents is no later than April 18, 2023. The City's Administration request is for City Council to consider an emergency measure with three (3) readings (February 27, March 13 and March 27, 2023) to allow for sufficient time to execute the necessary paperwork before the established deadline.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

Please note, a subdivision will not necessarily directly receive settlement funds by participating; decisions on how settlement funds will be allocated within a state are subject to intrastate agreements or state statutes.

Consistent with the previously entered settlements, proceeds from any settlement entered into with any of the five companies identified above will be allocated and distributed in accordance with the OneOhio Memorandum of Understanding.

Any proceeds received or spent will be accounted for in the City's Opioid Settlement Fund #141. All funds are also required to be appropriated by City Council pursuant to State Law.

**RECOMMENDED
ACTION:**

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

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

The due date for returning all Settlement Documents is no later than April 18, 2023. The City's Administration request is for City Council to consider an emergency measure with three (3) readings (February 27, March 13 and March 27, 2023) to allow for sufficient time to execute the necessary paperwork before the established deadline.

**ADDITIONAL
INFORMATION:**

New National Opioids Settlements: Teva, Allergan, CVS, Walgreens, and Walmart
Opioids Implementation Administrator
opioidsparticipation@rubris.com

Brunswick city, OH
Reference Number: CL-389512

TO LOCAL POLITICAL SUBDIVISIONS AND SPECIAL DISTRICTS:

THIS PACKAGE CONTAINS DOCUMENTATION TO PARTICIPATE IN THE NEW NATIONAL OPIOID SETTLEMENTS. YOU MUST TAKE ACTION IN ORDER TO PARTICIPATE.

Deadline: April 18, 2023

Five new proposed national opioid settlements ("*New National Opioid Settlements*") have been reached with **Teva, Allergan, CVS, Walgreens, and Walmart** ("Settling Defendants"). This *Participation Package* is a follow-up communication to the *Notice of National Opioid Settlements* recently received electronically by your subdivision or special district ("subdivision").

You are receiving this *Participation Package* because Ohio is participating in the following settlements:

- **Teva**
- **Allergan**
- **CVS**
- **Walgreens**
- **Walmart**

If a state does not participate in a particular Settlement, the subdivisions in that state are not eligible to participate in that Settlement.

This electronic envelope contains:

- *Participation Forms* for Teva, Allergan, CVS, Walgreens, and Walmart, including a release of any claims.

The *Participation Form* for each settlement must be executed, without alteration, and submitted on or before April 18, 2023, in order for your subdivision to be considered for initial participation calculations and payment eligibility.

Based upon subdivision participation forms received on or before April 18th, the subdivision participation rate will be used to determine whether participation for each deal is sufficient for the settlement to move forward and whether a state earns its maximum potential payment under the settlement. If the settlement moves forward, your release will become effective. If a settlement does not move forward, that release will not become effective.

Any subdivision that does not participate cannot directly share in the settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds. Any subdivision that does not participate may also reduce the amount of money for programs to remediate the opioid crisis in its state. Please note, a subdivision will not necessarily directly receive settlement funds by participating; decisions on how settlement funds will be allocated within a state are subject to intrastate agreements or state statutes.

Consistent with the previously entered settlements involving Cardinal Health, AmerisourceBergen, the McKesson Corporation, and Johnson & Johnson/Janssen, proceeds from any settlement entered into with any of the five companies identified in this letter will be allocated and distributed in accordance with the OneOhio Memorandum of Understanding, a copy of which can be found at <https://nationalopioidsettlement.com/wp-content/uploads/2021/11/Exhibit-8-2021.07.28-One-Ohio-Memorandum-of-Understanding.pdf>.

You are encouraged to discuss the terms and benefits of the *New National Opioid Settlements* with your counsel, your Attorney General's Office, and other contacts within your state.

Information and documents regarding the *New National Opioid Settlements* and how they are being implemented in your state and how funds will be allocated within your state allocation can be found on the national settlement website at <https://nationalopioidsettlement.com/>. This website will be supplemented as additional documents are created.

How to return signed forms:

There are three methods for returning the executed *Participation Forms* and any supporting documentation to the Implementation Administrator:

- (1) *Electronic Signature via DocuSign*: Executing the *Participation Forms* electronically through DocuSign will return the signed forms to the Implementation Administrator and associate your forms with your subdivision's records. Electronic signature is the most efficient method for returning *Participation Forms*, allowing for more timely participation and the potential to meet higher settlement payment thresholds, and is therefore strongly encouraged.
- (2) *Manual Signature returned via DocuSign*: DocuSign allows forms to be downloaded, signed manually, then uploaded to DocuSign and returned automatically to the Implementation Administrator. Please be sure to complete all fields. As with electronic signature, returning manually signed *Participation Forms* via DocuSign will associate your signed forms with your subdivision's records.
- (3) *Manual Signature returned via electronic mail*: If your subdivision is unable to return executed *Participation Forms* using DocuSign, signed *Participation Forms* may be returned via electronic mail to opioidsparticipation@rubris.com. Please include the name, state, and

reference ID of your subdivision in the body of the email and use the subject line Settlement Participation Forms - [Subdivision Name, Subdivision State] - [Reference ID].

Detailed instructions on how to sign and return the *Participation Forms*, including changing the authorized signer, can be found at <https://nationalopioidsettlement.com>. You may also contact opioidsparticipation@rubris.com.

The sign-on period for subdivisions ends on April 18, 2023.

If you have any questions about executing these forms, please contact your counsel, the Implementation Administrator at opioidsparticipation@rubris.com, or the Ohio Attorney General's Help Center at 800.555.2350.

Thank you,

National Opioids Settlements Implementation Administrator

The Implementation Administrator is retained to provide the settlement notice required by the respective settlement agreements referenced above and to manage the collection of settlement participation forms for each settlement.

EXHIBIT K
Subdivision and Special District Settlement Participation Form

Will your subdivision or special district be signing the settlement participation forms for the Allergan and Teva Settlements at this time?

☐ Yes ☐ No

Governmental Entity: Brunswick city	State: OH
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Allergan Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Allergan Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within fourteen (14) days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the MDL Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
4. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions and Special Districts as defined therein.
5. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.



7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.
8. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Allergan Settlement, including, but not limited to, all provisions of **Section V (Release)**, and along with all departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Allergan Settlement.
11. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

12. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which the Governmental Entity hereby agrees. To the extent this Settlement Participation Form is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.



I have all necessary power and authorization to execute this Settlement Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



Exhibit K
Subdivision and Special District Settlement Participation Form

Governmental Entity: Brunswick city	State: OH
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Teva Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Teva Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Teva Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Teva Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Teva Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
4. The Governmental Entity agrees to the terms of the Teva Settlement pertaining to Subdivisions as defined therein.
5. By agreeing to the terms of the Teva Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Teva Settlement solely for the purposes provided therein.
7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Teva Settlement.



8. The Governmental Entity has the right to enforce the Teva Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Teva Settlement, including but not limited to all provisions of Section V (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Teva Settlement are intended by Released Entities and the Governmental Entity to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Teva Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Teva Settlement.
11. In connection with the releases provided for in the Teva Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Teva Settlement.

12. Nothing herein is intended to modify in any way the terms of the Teva Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Teva Settlement in any respect, the Teva Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K**Subdivision Participation and Release Form**

Will your subdivision or special district be signing the settlement participation form for the CVS Settlement at this time?

☐ Yes ☐ No

Governmental Entity: Brunswick city	State: OH
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 ("*CVS Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the CVS Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the CVS Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the CVS Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the CVS Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the CVS Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the CVS Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the CVS Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the CVS Settlement.
7. The Governmental Entity has the right to enforce the CVS Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the CVS Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the CVS Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The CVS Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the CVS Settlement.
10. In connection with the releases provided for in the CVS Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the CVS Settlement.



11. Nothing herein is intended to modify in any way the terms of the CVS Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the CVS Settlement in any respect, the CVS Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K**Subdivision Participation and Release Form**

Will your subdivision or special district be signing the settlement participation form for the Walgreens Settlement at this time?

☐ Yes ☐ No

Governmental Entity: Brunswick city	State: OH
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 (“*Walgreens Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Walgreens Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walgreens Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Walgreens Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the Walgreens Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Walgreens Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walgreens Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walgreens Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Walgreens Settlement.
7. The Governmental Entity has the right to enforce the Walgreens Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walgreens Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walgreens Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walgreens Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Walgreens Settlement.
10. In connection with the releases provided for in the Walgreens Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walgreens Settlement.



11. Nothing herein is intended to modify in any way the terms of the Walgreens Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Walgreens Settlement in any respect, the Walgreens Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT K**Subdivision Participation Form**

Will your subdivision or special district be signing the settlement participation form for the Walmart Settlement at this time?

☐ Yes ☐ No

Governmental Entity: Brunswick city	State: OH
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated November 14, 2022 ("Walmart Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Walmart Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walmart Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walmart Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Walmart Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Walmart Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walmart Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walmart Settlement.
7. The Governmental Entity has the right to enforce the Walmart Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walmart Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walmart Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walmart Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Walmart Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walmart Settlement.

10. Nothing herein is intended to modify in any way the terms of the Walmart Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walmart Settlement in any respect, the Walmart Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHIZING PARTICIPATION IN THE
TEVA, ALLERGAN, CVS, WALGREENS AND WALMART NATION
OPIOID SETTLEMENTS AND APPOINTING THE FINANCE DIRECTOR AS
THE CITY OF BRUNSWICK’S DESIGNATED OPIOIDS
IMPLEMENTATION MANAGER AND ALTERNATE SIGNATORY.

WHEREAS: This Council authorized the retention of special legal counsel to commence civil litigation against opioid drug manufacturers and distributors, which civil litigation has been initiated;

WHEREAS: Within the State of Ohio, discussions have occurred with the Governor, the Attorney General and local governments regarding the possibility of agreeing to an overall settlement framework as memorialized in the One Ohio Memorandum of Understanding as previously adopted by this Council;

WHEREAS: Five (5) new proposed national opioid settlements have been reached with Teva, Allergan, CVS, Walgreens and WalMart;

WHEREAS: A Participation Form for each proposed settlement must be executed, without alteration, and submitted on or before April 18, 2023 in order for the City to be considered for initial participation calculations and payment eligibility;

WHEREAS: Based upon Participation Forms submitted on or before April 18, 2023, the subdivision participation rate will be utilized to determine whether participation in each proposed settlement is sufficient to move forward and whether a state meets its maximum potential payment under each proposed settlement;

WHEREAS: Any city that does not participate can not directly share in the proposed settlement funds; and

WHEREAS: Proceeds from any proposed settlement will be allocated and distributed in accordance with the One Ohio Memorandum of Understanding.

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

SECTION 1: That the City Manager is hereby authorized and directed, upon approval of the Law Director, to execute all necessary documents to participate in the proposed national opioid settlement with Teva, Allergan, CVS, Walgreens and WalMart.

SECTION 2: That the Finance Director is hereby appointed as the City’s designated Opioids Implementation Manager and alternate signatory, if necessary.

SECTION 3: 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 meet the April 18, 2023 response deadline. 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: 3/13/2023

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. 15-2023** - A resolution authorizing the City Manager to enter into a three (3) year agreement with two (2) separate and one (1) year renewal options with Maintenance Systems of Northern Ohio, the lowest and best bidder, for the provision of street sweeping services. - **2nd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

BACKGROUND: Bids were opened on February 21, 2023 with two bidders. Maintenance Systems of Northern Ohio is the lowest and best bid of the two received. The second bidder did not enclose costs in their bid. Enclosed is a copy of the bid tabulations.

PURPOSE AND EXPLANATION: The sweeping of city streets in the spring and early fall removes a large volume of dirt and debris from the roadways. If left would make its way into the storm water system and eventually into the creeks and streams and possibly clog the storm water system, resulting in flooding. The removal of this material before it reaches the waterways is part of our city-wide storm water permit.

IMPLEMENTATION SCHEDULE: The first sweeping under this contract will be spring of 2023.

FINANCIAL INFORMATION: Maintenance System of Northern Ohio - - \$288,690.00 - 117-0420-54262 and 224-0420-54262 - - \$0.00

FINANCIAL SUMMARY: Two city-wide sweepings at a total cost over 3 years of \$166,382 and a total cost over 2 option years of \$122,308.00. Cost to be split 50/50 between accounts 117-0420-54262 and 224-0420-54262. The 3rd sweeping option and the hourly rate for special sweeping costs are not included in this request. All funding is subject to annual appropriations by the City Council and will be charged an equal 50% each. Subject to sufficient Council appropriations and a properly certified purchase order pursuant to ORC 5705.41D, both accounts will equally be charged the following amounts ; 2023 \$26,650.00, 2024

\$27,716.00, 2025 \$28,825.00, 2026 \$29,977.50 and 2027 \$31,176.50.

**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:**

Street Sweeping Bid Tabulation

Bid Opening February 21, 2023 at Noon

	2022 Cost	2023 Bidder: His Way Investments, LLC, Maintenance System of Northern Ohio						
	Reilly Sweeping Inc.	2023	2024	2025	Total Base Contract	Option Year 2026	Option Year 2027	Budgeted 2023
1st Sweep	\$35,285.00	\$35,178.00	\$36,585.00	\$38,049.00	\$109,812.00	\$39,570.00	\$41,153.00	
2nd Sweep	\$18,020.00	\$18,122.00	\$18,847.00	\$19,601.00	\$56,570.00	\$20,385.00	\$21,200.00	
Total	\$53,305.00	\$53,300.00	\$55,432.00	\$57,650.00	\$166,382.00	\$59,955.00	\$62,353.00	\$58,000.00
		Alternate Bid						
3rd Sweep Alternate	\$18,020.00	\$18,122.00	\$18,847.00	\$19,601.00	\$56,570.00	\$20,385.00	\$21,200.00	
Special Sweeping Bid \$400 per hours.								

SCA of Ohio, LLC provided a bid without pricing.

Note: 3rd Sweep Alternate bid is in case severe storms or other unforeseen issue causes the need for additional city wide sweeping. Special Sweeping Bid is incase there is a localized issue that needs to be addressed as an emergency. Neither of these are currently budged for.

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE (3) YEAR AGREEMENT WITH TWO (2) SEPARATE ONE (1) YEAR RENEWAL OPTIONS WITH MAINTENANCE SYSTEMS OF NORTHERN OHIO, THE LOWEST AND BEST BIDDER, FOR THE PROVISION OF STREET SWEEPING SERVICES.

WHEREAS: The City of Brunswick received two (2) bids for the provision of street sweeping services in accordance with public bidding requirements; and

WHEREAS: The two (2) received public bids were opened on February 21, 2023, with Maintenance Systems of Northern Ohio 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 two (2) separate one (1) year renewal options with Maintenance Systems of Northern Ohio for the provision of street sweeping services in the annual amounts not to exceed submitted bid prices.

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

PROPOSED LEGISLATION



DATE: 3/13/2023

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. 16-2023** - An emergency resolution authorizing the City Manager to enter into a three (3) year agreement with Unifirst Corporation for the rental and maintenance of uniforms, walk-off mats and shop towels pursuant to submitted bid prices.- **2nd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

BACKGROUND: Bids were advertised and opened on February 21, 2023. There were two bidders, with Unifirst Corporation being the lowest and best bid meeting the specifications. The low bidder was Cintas Corporation but they modified the liability language in the bid documents and are therefore considered non-responsive. They were questioned after the bid about the changes and acknowledged that they were only bidding if the revised language was incorporated into the bid. The existing contract expires April 30, 2023. The Divisions of Streets, Parks and Building will be using this contract for uniform rental and all divisions of the city have been using this same existing agreement for walk-off mats and shop towels.

PURPOSE AND EXPLANATION: This contract will be used by all divisions of the city for walk-off mats and shop towels. The divisions of Streets, Parks and Building will use this contract for uniform rental.

IMPLEMENTATION SCHEDULE: This contract will begin on May 1, 2023

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Bid cost for each listed item are included in the bid. Final costs will ultimately depend upon the number of items/services(uniforms, mats, etc.) used/received. Each individual department will be responsible in completing a purchase order for their individual needs. Submitted purchase orders will be subject to sufficient Council appropriations by department, approval by the City Manager and certification of the Finance Director pursuant to ORC Section 5705.41D.

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:**

UNIFORM RENTAL
5/1/23 through 4/30/26

Revised 3-25-2020

Bidder	Service							Building Inspection			Parts			BASE BID	Miscellaneous Items						
	11 Emp 5 chg/wk 11 shirts & long pants	Additional Fee For Cargo Pants Substitution	11 Emp. 5 chg/wk Cargo shorts 22 weeks	Year Total Drivers	2 Emp 5 chg/wk 11 shirts & pants	Year Total Mechanics	Per Year Total Service w/ Misc. Fees	5 Emp Exec Wear 11 shirts & long pants	Total Building w/ Misc. Fees	1 Emp 5 chg/wk 11 shirts & long pants	1 Emp 5 chg/wk 22 weeks	Total Parts w/ Misc. Fees	Annual Total Base Bid	Replace Coat per Shirt	Replace Coat per Pants	Set-up Fee 1xChg	Weekly Service Charge	Emp Name Per Emblem	Cost per Add'l City Furnished Emblem	Per City Emblem	New Emp Added to Service per garment
Cintas Corporation 2020 BID Modified to Match # Units	\$3.30	NA	\$1.10	\$2,129.60	\$3.74	\$388.96	\$2,876.06	\$3.85	\$1,138.50	\$3.30	\$1.10	\$223.30	\$4,237.86	\$15.50	\$18.00	\$0.00	\$0.00	\$1.00	\$0.00	\$1.50	\$0.75
Cintas Corporation 8221 Dow Circle East Strongsville, OH 44136	\$2.64	\$0.77	\$1.21	\$2,243.34	\$4.07	\$423.28	\$2,666.62	\$4.18	\$1,088.80	\$2.64	\$1.21	\$163.90	\$3,917.32	\$15.00	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Unitrust Corporation 1450 East Granger Road Brooklyn, Ohio 44131	\$4.18	\$0.00	\$2.75	\$3,056.46	5.28	\$549.12	\$4,474.23	\$3.96	\$1,382.35	\$4.18	\$2.75	\$344.41	\$6,180.99	\$13.70	\$19.25	\$0.00	\$3.50	\$2.50	\$0.75	\$3.55	\$0.00

Bidder	3 x 3 Carpet per week	3 x 5 Carpet per week	4 x 6 Carpet per week	4 x 8 Carpet per week	3 x 10 Carpet per week	Shop Towels per towel	Est. Annual Mat Cost	Est. Shop Towel	Grand Totals Annual
Cintas Corporation 2020 BID Modified to Match # Units	N/A	\$1.25	\$1.75	\$2.75	\$2.25	\$0.07	\$4,810.00	\$900.00	\$9,947.86
Cintas Corporation 8221 Dow Circle East Strongsville, OH 44136	N/A	\$1.50	\$2.00	\$2.00	\$2.50	\$0.06	\$5,460.00	\$ 811.20	\$10,188.52
Unitrust Corporation 1450 East Granger Road Brooklyn, Ohio 44131	\$1.20	\$1.20	\$1.92	\$2.56	\$2.40	\$0.05	\$4,829.76	\$ 676.00	\$11,686.75

NOTE: the number of units for the 2020 BID were changed to be able to compare the 2020 bid to the current bid. The new number of units for both years match what is needed for the current year. Some uniform needs changed from the last bid.

Walk Off Mats and Shop Towels

Cintas Bid 2-21-2023 for 5/1/23 through 4/30/26														
	Costs Per Mat	\$1.50	\$2.00	\$ 2.00	\$2.50									
Account Codes	Division	3x5	4x6	4x8	3x10	Weekly Cost of Mats	Monthly Ave. Cost Mats	Annual Cost Mats	# of Shop Towels/Week at \$0.06 Each	Weekly Cost Shop Towels	Monthly Cost Shop Towels	Annual Cost Shop Towels	Annual Totals Mats and Shop Towels	Total Cost w/Uniforms by Division
117-0420-54224	Service	1	2		4	\$ 15.50	\$ 67.17	\$ 806.00	150	\$ 9.00	\$ 39.00	\$ 468.00	\$1,274.00	\$3,940.62
131-0830-54243	Recreation	4	4		5	\$ 26.50	\$114.83	\$1,378.00		\$ -	\$ -	\$ -	\$1,378.00	\$1,378.00
127-0810-54224	Parks	1				\$ 1.50	\$ 6.50	\$ 78.00	100	\$ 6.00	\$ 26.00	\$ 312.00	\$ 390.00	\$ 553.90
001-0450-54243	Building	10			3	\$ 22.50	\$ 97.50	\$1,170.00	10	\$ 0.60	\$ 2.60	\$ 31.20	\$1,201.20	\$2,288.00
114-0520-54243	Police	6	1			\$ 11.00	\$ 47.67	\$ 572.00		\$ -	\$ -	\$ -	\$ 572.00	
001-0540-55239	Animal Control	2	1			\$ 5.00	\$ 21.67	\$ 260.00		\$ -	\$ -	\$ -	\$ 260.00	
115-0510-54243	Fire	9	1		3	\$ 23.00	\$ 99.67	\$1,196.00		\$ -	\$ -	\$ -	\$1,196.00	
						\$ 105.00	\$455.00	\$5,460.00	260	\$ 15.60	\$ 67.60	\$ 811.20	\$6,271.20	

Unifirst Corp. Bid 2-21-2023 for 5/1/23 through 4/30/26													
	Costs Per Mat	\$1.20	\$1.92	\$2.50	\$2.40								
Account Codes	Division	3x5	4x6	4x8	3x10	Weekly Cost of Mats	Monthly Ave. Cost Mats	Annual Cost Mats	# of Shop Towels/Week at \$0.05 Each	Weekly Cost Shop Towels	Monthly Cost Shop Towels	Annual Cost Shop Towels	Annual Totals Mats and Shop Towels
117-0420-54224	Service	1	2		4	\$ 14.64	\$ 63.44	\$ 761.28	150	\$ 7.50	\$ 32.50	\$ 390.00	\$1,151.28
131-0830-54243	Recreation	4	4		5	\$ 24.48	\$106.08	\$1,272.96		\$ -	\$ -	\$ -	\$1,272.96
127-0810-54224	Parks	1				\$ 1.20	\$ 5.20	\$ 62.40	100	\$ 5.00	\$ 21.67	\$ 260.00	\$ 322.40
001-0450-54243	Building	10			3	\$ 19.20	\$ 83.20	\$ 998.40	10	\$ 0.50	\$ 2.17	\$ 26.00	\$1,024.40
114-0520-54243	Police	6	1			\$ 9.12	\$ 39.52	\$ 474.24		\$ -	\$ -	\$ -	\$ 474.24
001-0540-55239	Animal Control	2	1			\$ 4.32	\$ 18.72	\$ 224.64		\$ -	\$ -	\$ -	\$ 224.64
115-0510-54243	Fire	9	1		3	\$ 19.92	\$ 86.32	\$1,035.84		\$ -	\$ -	\$ -	\$1,035.84
						\$ 92.88	\$402.48	\$4,829.76	260	\$ 13.00	\$ 56.33	\$ 676.00	\$5,505.76

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 16-2023

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

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE (3) YEAR AGREEMENT WITH UNIFIRST CORPORATION FOR THE RENTAL AND MAINTENANCE OF UNIFORMS, WALK-OFF MATS AND SHOP TOWELS PURSUANT TO SUBMITTED BID PRICES.

WHEREAS: The City of Brunswick received two (2) bids in accordance with public bidding requirements; and

WHEREAS: The two (2) received public bid was opened on February 21, 2023 with Unifirst Corporation 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 Unifirst Corporation, the lowest and best bidder, for the rental and maintenance of uniforms, walk-off mats and shop towels pursuant to submitted bid prices, subject to annual appropriations by City Council as required by law.

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 allow for immediate provision of necessary uniforms. 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 February 27, 2023

2nd Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 3/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Brian Ohlin

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 17-2023** - A resolution authorizing the City Manager to enter into a service agreement with Flock Safety for the provision of ten (10) safety cameras in the City in an amount not to exceed \$25,000.00. - **1st Reading** (To be brought from the Committee of the Whole, *Administration/Brian Ohlin*)

BACKGROUND: The Division of Police requests to enter into an agreement with Flock Safety regarding the services of 10 safety cameras strategically deployed throughout the city.

PURPOSE AND EXPLANATION: The cameras will assist in crime prevention and investigations. They will also assist in helping to locate wanted and missing persons.

IMPLEMENTATION SCHEDULE: As soon as possible.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The cost of the contracted services of \$25,000 for the period of January 1, 2023 through December 31, 2023 is in the approved 2023 police budget. Acct#114-0520-54253.

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:**

Technology and services provided by Flock Safety cameras are proprietary. See attached sole source letter.

flock safety

Sole Source Letter for Flock Safety ALPR Cameras and Solution

Flock Safety is the sole manufacturer and developer of the Flock Safety ALPR Camera. Flock Safety is also the sole provider of the comprehensive monitoring, processing, and machine vision services which integrate with the Flock Safety ALPR Camera.

The Flock Safety ALPR camera and devices are the only Law Enforcement Grade ALPR System to offer the following combination of proprietary features:

1. Vehicle Fingerprint Technology:

- Patented proprietary machine vision to analyze vehicle license plate, state recognition, vehicle color, vehicle type, vehicle make and objects (roof rack, bumper stickers, etc.) based on image analytics (not car registration data)
- Machine vision to capture and identify characteristics of vehicles with a paper license plate and vehicles with the absence of a license plate
- Ability to 'Save Search' based on description of vehicles using our patented Vehicle Fingerprint Technology without the need for a license plate, and set up alerts based on vehicle description
- Only LPR provider with "Visual Search" which can transform digital images from any source into an investigative lead by finding matching vehicles based on the vehicle attributes in the uploaded photo

2. Integrated Cloud-Software & Hardware Platform:

- Ability to capture two (2+) lanes of traffic simultaneously with a single camera from a vertical mass
- Best in class ability to capture and process up to 30,000 vehicles per day with a single camera powered exclusively by solar power
- Wireless deployment of solar powered license plate reading cameras with integrated cellular communication weighing less than 5lbs and able to be powered solely by a solar panel of 60W or less
- Web based footage retrieval tool with filtering capabilities such as vehicle color, vehicle type, vehicle manufacturer, partial or full license plate, state of license plate, and object detection
- Utilizes motion capture to start and stop recording without the need for a reflective plate
- Motion detection allows for unique cases such as bicycle capture, ATV, motorcycle, etc.
- On device machine processing to limit LTE bandwidth consumption
- Cloud storage of footage

flock safety

- Covert industrial design for minimizing visual pollution
- 3. Transparency & Ethical Product Design:
 - One-of-a-kind “Transparency Portal” public-facing dashboard that details the policies in place by the purchaser, as well as automatically updated metrics from the Flock system
 - Built-in integration with NCMEC to receive AMBER Alerts to find missing children
 - Privacy controls to enable certain vehicles to “opt-out” of being captured
- 4. Integrated Audio & Gunshot Detection:
 - Natively integrated audio detection capabilities utilizing machine learning to recognize audio signatures typical of crimes in progress (e.g., gunshots)
- 5. Partnerships:
 - Flock Safety is the only LPR provider to officially partner with AXON to be natively and directly integrated into Evidence.com
 - Flock Safety is the only LPR provider to be fully integrated into a dynamic network of Axon’s Fleet 3 mobile ALPR cameras for patrol cars and Flock Safety’s Falcon cameras
 - Access to additional cameras purchased by our HOA and private business partners, means an ever-increasing amount of cameras and data at no additional cost
- 6. Warranty & Service:
 - Lifetime maintenance and support included in subscription price
 - Flock Safety is the only fully integrated ALPR one-stop solution from production of the camera to delivery and installation
 - Performance monitoring software to predict potential failures, obstructions, tilts, and other critical or minor issues

Thank you,



Garrett Langley CEO, Flock Safety

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICE AGREEMENT WITH FLOCK SAFETY FOR THE PROVISION OF TEN (10) SAFETY CAMERAS IN THE CITY IN AN AMOUNT NOT TO EXCEED \$25,000.00.

WHEREAS: Pursuant to a free trial, Flock Safety has installed ten (10) safety cameras in strategic locations in the City to assist in crime prevention and investigations by the Division of Police.

WHEREAS: The Flock Safety cameras are proprietary in nature and unique to Flock Safety and therefore not subject to competitive bidding.

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 Service Agreement with Flock Safety for the provision of ten (10) safety cameras in strategic locations in the City to assist in crime prevention and investigations by the Division of Police in an amount not to exceed \$25,000.00.

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

PROPOSED LEGISLATION



DATE: 3/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Taylor Petkovsek

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 18-2023** - An emergency resolution authorizing the City Manager to purchase a new 2023 Ford F250 4x4 Super Duty for the Parks Department from Montrose Ford in an amount not to exceed \$46,460.61. - **1st Reading** (To be brought from the Committee of the Whole, *Administration/Taylor Petkovsek*)

BACKGROUND: The City of Brunswick Parks Department budgeted for a new vehicle in 2023. Montrose Ford holds the contract for CUE and the City of Brunswick belongs to that program. Due to Ford's new allocation process, purchasing a 2023 Ford F250 4x4 Super Duty was not an option at a local authorized dealership. Purchasing this vehicle is essential for the operations of the Parks Department.

PURPOSE AND EXPLANATION: The purpose of this purchase is to equip the Parks Department with the vehicles necessary to perform a variety of semi-skilled and skilled tasks in the routine, preventative maintenance and operation of City parks, buildings, grounds and open spaces and in a park setting.

IMPLEMENTATION SCHEDULE: Order as soon as possible,

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: This item has been included in the 2023 budget proposal. The not to exceed cost amount of \$46,460.61, if authorized by the City Manager/City Council, would be charged to acct#960-0810-56252.

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?

With Ford's new allocation process, we are trying to secure a build for the Parks Department. There is no guarantee that even with a purchase order we will acquire this vehicle as Ford can deny a build at any time.

**ADDITIONAL
INFORMATION:**

FORD VEHICLE QUOTE CONFIRMATION

BRUNSWICK

Dealer: F44209

2023 SUPER DUTY

Page: 1

Order No:	G276	Priority:	FIN:QG825	Order Type:	Price Level:		
		RETAIL	DLR INV		RETAIL	DLR INV	
F2B	F250 4X4 SD R/C	\$46760	\$44422.00	76C	EX BACKUP ALARM	\$150	\$137.00
	142" WHEELBASE			85S	TOUGH BED	595	542.00
Z1	OXFORD WHITE				SP DLR ACCT ADJ		(977.00)
A	VNYL 40/20/40				SP FLT ACCT CR		(1344.00)
S	MED DARK SLATE				FUEL CHARGE		28.16
600A	PREF EQUIP PKG			B4A	NET INV FLT OPT	NC	7.00
	.XL TRIM				DEST AND DELIV	1795	1795.00
572	.AIR CONDITIONER	NC	NC				
	.AMFM/MP3/CLK						
99A	.6.8L DEV V8 ENG	NC	NC				
44F	10-SPD AUTOMATC	NC	NC				
TD8	.LT245 BSW AS 17						
X3E	3.73 ELOCKING	430	392.00				
	JOB #1 BUILD				TOTAL BASE AND OPTIONS	50650	45148.16
	FLEET SPCL ADJ	NC	(692.00)		TOTAL BASE AND OPTIONS	50650	45148.16
18B	PLAT RUNNING BD	\$320	\$291.00				
	10300# GVWR PKG						
425	50 STATE EMISS	NC	NC				
473	SNOW PLOW PREP	250	228.00				
	JACK						
66S	UPFITTER SWTCH	165	150.00				
67E	250 AMP ALTRNTR	85	78.00				
68U	PAYLOAD UPGRADE	100	91.00				

CUE COST FOR PICKUP ONLY	\$ 46,100.61
Title & Tag	\$ 35.00
	\$ 46,135.61

BRUNSWICK
Attn: TAYLOR PETKOVSEK

****NOTE** Extra keys cost \$325.00 each.**

Model Yr: 23 Body: F2B Beg Ord: G274 No Units: 003 End Ord: G276

Ord Type: 0 Series/PEP: 600A Engine: 99 A Trans: 44 F Whlbase: 142

Priority: A2 Paint: Z1 Trim: AS Accent: __ Roof: __

Options: B4A X3E 18B 425 473 61J 66S 67E 68U 76C 79A 85S

Init: _ Cust/Flt Name: BRUNSWICK__ Ord FIN: QG825 User FIN: QG825

PO Number: _____ Ship-to Code: _____ Additional Trailers (Y/N): _

Derek Powers
Fleet/Gvmt. Sales Mgr.
Montrose Ford

STATUS: CLEAN UNSCHEDULED ORDER

STATUS DATE: 11/28/22

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A NEW 2023 FORD F250 4X4 SUPER DUTY FOR THE PARKS DEPARTMENT FROM MONTROSE FORD IN AN AMOUNT NOT TO EXCEED \$46,460.61.

WHEREAS: The City of Brunswick is a member of the Community University Education Purchasing Association, a joint purchasing program as authorized by this Council and Ohio Revised Code Section 9.48; and

WHEREAS: The proposed purchase of a new 2023 Ford F250 4x4 Super Duty from Montrose Ford is through the Community University Education Purchasing Association

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

SECTION 1: That the City Manager is hereby authorized to purchase a new 2023 Ford F250 4x4 Super Duty for the Parks Department from Montrose Ford in an amount not to exceed \$46,460.61.

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

PASSED: 1st Reading _____

RULES SUSPENDED: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 3/13/2023

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. 19-2023** - An emergency ordinance amending ordinances #103-2022 and #9-2023 to include amendments to the Appropriation Budget for the year ending December 31, 2023 as incorporated in Exhibit "A" attached hereto. - **1st Reading** (To be brought from the Finance Committee, *Administration/Todd Fischer*)

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

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

IMPLEMENTATION SCHEDULE: Discuss at the March 13, 2023, Finance Committee meeting and move to the March 13, 2023, Council agenda as an emergency with the suspension of the rules.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The total financial impact of this legislation is a net increase to the overall City appropriation budget by \$88,503.76. The largest components of the net increase, in no particular order, relate to:

- 1) \$20,400 in forfeited vehicle sale proceeds owed to the State Treasury pursuant to ORC.
- 2) \$16,068.84 in total advances out to and from various funds to temporarily fund and cover costs of a new grant until grant reimbursements are received. The advances to return the money are also included in this amendment.

3) \$15,000 local contribution to Medina County to add GPS capabilities for underwater investigative robot equipment to be used throughout Medina County, including the City of Brunswick.

4) \$15,000 appropriation for additional tree removal services if needed. Broken out by \$10,000 for parks and \$5,000 for general city areas not otherwise associated with parks.

5) \$8,034.42 new grant award for Bola Wrap Pilot Program Grant for the Division of Police.

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

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

Exhibit B is provided for informational and review purposes only.

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

**RECOMMENDED
ACTION:**

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

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

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

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _

By:

AN EMERGENCY ORDINANCE AMENDING ORDINANCES #103-2022 AND #9-2023 TO INCLUDE AMENDMENTS TO THE APPROPRIATION BUDGET FOR THE YEAR ENDING DECEMBER 31, 2023 AS INCORPORATED IN EXHIBIT "A" ATTACHED HERETO.

WHEREAS: Ordinance #103-2022 adopted appropriations for 2023; and Ordinance #9-2023 regarding amendments to the 2023 appropriation budget, were previously adopted by Council; and

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

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

WHEREAS: In order to properly budget in accordance with State law for expenditures presently anticipated it is necessary to amend Ordinances #103-2022 and #9-2023.

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

SECTION 1: Ordinances #103-2022 and #9-2023 are hereby amended to reflect the appropriations as attached hereto and incorporated herein as Exhibit "A."

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

PASSED: 1st Reading __

RULES SUSPENDED: AYES ____ NAYS ____

ADOPTED: _____ AYES ____ NAYS ____

ATTEST: _____
Clerk of Council
Laura E. Timura

EXHIBIT A

March 13, 2023

Fund Number		Fund Name / Department	Personal Service	Other	Total
General Fund					
001		General Fund			
		City Council	189,566.00	85,435.00	\$ 275,001.00
		Mayor	106,422.00	94,727.00	\$ 201,149.00
		City Manager	196,467.00	138,877.00	\$ 335,344.00
		Information Technologies	181,122.00	507,410.86	\$ 688,532.86
		Engineering	24,972.00	666,285.00	\$ 691,257.00
		Building Department	367,400.00	275,573.00	\$ 642,973.00
		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	59,366.69	\$ 152,932.69
		Economic Development	116,999.00	278,776.00	\$ 395,775.00
		Animal Control	78,667.00	71,440.00	\$ 150,107.00
		Law Department	196,271.00	275,392.00	\$ 471,663.00
		Finance Department	266,697.00	230,195.86	\$ 496,892.86
		Income Tax Department	209,648.00	258,327.00	\$ 467,975.00
		Parks & Recreation Director	78,925.00	63,674.00	\$ 142,599.00
		General Fund Administration	-	1,193,500.00	\$ 1,193,500.00
		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	-	27,728,096.92	\$ 27,728,096.92
001		Total General Fund	\$ 2,204,429.00	\$ 32,198,930.33	\$ 34,403,359.33
Special Revenue Funds:					
110		Court Computerization Fund	5,539.00	16,170.00	\$ 21,709.00
111		FEMA Grant Fund	-	-	\$ -
114		Police Fund	4,705,758.00	4,878,024.85	\$ 9,583,782.85
115		Fire Fund	2,668,467.00	6,417,260.18	\$ 9,085,727.18
117		Street Repair & Maintenance Fund	1,310,904.00	2,734,416.41	\$ 4,045,320.41
118		State Highway Fund	-	131,000.00	\$ 131,000.00
119		Law Enforcement Fund	-	29,212.42	\$ 29,212.42
120		Brunswick Transit Alternative (BTA) Fund	-	45,000.00	\$ 45,000.00
123		Brunswick Area Television (BAT) Fund	171,916.00	266,050.81	\$ 437,966.81
127		Parks Fund	206,930.00	438,666.00	\$ 645,596.00
129		Department of Justice Federal Grant Fund	-	229,109.09	\$ 229,109.09
130		DUI Enforcement & Education Fund	-	10,800.00	\$ 10,800.00
131		Recreation Center Fund	401,731.00	626,908.33	\$ 1,028,639.33
133		Home Improvement Grant Fund (CDBG)	-	43,131.46	\$ 43,131.46
140		Local Fiscal Recovery Fund	-	301,051.15	\$ 301,051.15
141		Opioid Settlement Fund	-	23,155.23	\$ 23,155.23
Enterprise Funds:					
223		Refuse Fund	73,185.00	2,995,329.00	\$ 3,068,514.00
224		Storm Water Management Fund	34,196.00	1,252,357.24	\$ 1,286,553.24
Capital Improvement Funds:					
300		General Permanent Improvement Fund	-	4,382,352.10	\$ 4,382,352.10
332		Road Levy Fund	-	2,671,609.05	\$ 2,671,609.05
333		Road Improvement Fund	-	4,029,248.51	\$ 4,029,248.51
334		Traffic Control Fund	-	-	\$ -

335	Public Square Fund	-	-	\$	-
336	City Building Improvement Fund	-	268,616.00	\$	268,616.00
337	EPA Grant Fund		1,500,000.00	\$	1,500,000.00
339	Fire Improvement Fund	-	-	\$	-
341	Park Improvement Fund	-	1,061,040.00	\$	1,061,040.00
347	North Carpenter Road Improvement Fund	-	1,877,351.06	\$	1,877,351.06
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
371	OPWC Laurel Road Improvement Fund		-	\$	-
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
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:					
881	General Trust Agency Fund	-	770,400.00	\$	770,400.00
882	Unclaimed Money Agency Fund	-	20,000.00	\$	20,000.00
885	Flexible Spending Agency Fund	-	140,000.00	\$	140,000.00
886	Non-Residential 3% Building Permit Agency Fund	-	35,000.00	\$	35,000.00
887	Residential 1% Building Permit Agency Fund	-	10,000.00	\$	10,000.00
Grand Total				\$	88,629,148.18

City of Brunswick, Finance Office

"Exhibit B" : Schedule of Amendments to the Permanent Budget #2 - For informational purposes only

For the Budget Year Ending December 31, 2023

3/13/2023

Fund Name / Account Name	Account Number	Appropriation Adjustment Amount	Description
General (#001)			
PROMOTION PROGRAM/ECON DEVELOPMENT	001-0490-54287	5,000.00	Appropriate donations received from Medina County Convention and Visitor Bureau for Wayfinding/improved signage.
REPAIR AND MAINTENANCE	001-0880-54243	5,000.00	Allow for additional emergency tree removal if and when needed.
INCIDENTALS	001-0880-55239	2,200.00	Community Shred Day (estimated cost of 1 truck for several hours).
COUNTY EMA PARTICIPATION	001-0880-54341	15,000.00	Contribution to Medina County to add GPS capabilities for underwater investigative robot for searches throughout the County, including City of Brunswick.
ADVANCE OUT TO FUND #129 (DOJ GRANT)	001-0999-99892	8,034.92	Advance Out to the DOJ Grant Fund #129 to temporarily cover the Bola Wrap Pilot Project Grant expenses until later reimbursed by OCJS
General Fund Total		35,234.92	
Law Enforcement Trust Fund (#119)			
EQUIPMENT	119-0523-56252	6,800.00	Sale of Forfeited Vehicle by Division of Police with part of proceeds due to Law Enforcement Trust Fund per ORC 2981.13 B & C.
Total Law Enforcement Trust Fund (#119)		6,800.00	
Parks Fund (#127/960)			
CONTRACTUAL SERVICES	127-0810-54273	10,000.00	Allow for additional tree removal in the parks or on park easements if and when needed.
Parks Fund Total		10,000.00	
DOJ Federal Grant Fund (#129)			
JAG GRANT-BOLA WRAP GRANT	129-0544-56266	8,034.42	Division of Police was awarded a \$8,034.42 Bola Wrap Pilot Program Grant through the Office of Criminal Justice System.
ADVANCE OUT	129-0999-80185	8,034.42	Repay the General Fund advance once the Bola Wrap Pilot Project Grant reimbursements are received in full from OCJS.
DOJ Federal Grant Fund Total		16,068.84	
General Trust Fund (#881)			
STATE TREASURY - FORFEITED VEHICLES	881-0010-40180	20,400.00	Sale of Forfeited Vehicle by Division of Police with part of proceeds due to State Treasury per ORC 2743.191 & 4511.191(F)(2)(e).
General Trust Fund Total		20,400.00	

PROPOSED LEGISLATION



DATE: 3/13/2023

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. 20-2023** - An emergency ordinance to advance funds. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

BACKGROUND: In order to comply with the Ohio Revised Code Section 5705 advances may become necessary as certain financial situations arise. An advance is the temporary movement of money from one fund to another fund that will be repaid upon the completion of an anticipated event. The process of advancing funds is required by law in certain financial situations and is audited under the direction of the Auditor of State for compliance every year. Advance legislation is generally presented two to three times a year or more, if deemed necessary.

PURPOSE AND EXPLANATION: Refer to background section.

IMPLEMENTATION

SCHEDULE: Discuss at the March 13, 2023 Finance Committee meeting and move to the March 13, 2023 Council agenda as an emergency with suspension of the rules.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Advances do not have a financial impact on the City funds as a collective whole. Advances are merely the movement of money from one fund to another and are defined in Ohio Revised Code Section 5705 and in the Auditor of State Compliance Supplement. Advances are required to be included in the City's adopted budget and are also required to be approved by City Council.

RECOMMENDED ACTION:

One Reading	Yes
Two Readings	No
Three Readings	No

Emergency	Yes
Suspension of Rules	Yes

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

Recommended approval as an emergency with suspension of the rules. Emergency clause necessary to allow funding to be in place to administer plans and/or purchase orders for various projects, grants, etc.

**ADDITIONAL
INFORMATION:**

None.



CITY OF BRUNSWICK, OHIO
ORDINANCE NO.

By:

AN EMERGENCY ORDINANCE TO ADVANCE FUNDS

WHEREAS: The City of Brunswick wishes to advance monies from the General Fund #001 to the Department of Justice Federal Grant Fund #129 to temporarily fund the 2022-JG-A03-6712E Bola Wrap Pilot Project JAG Grant CFDA#16.738 until federal grant reimbursements have been received, and;

WHEREAS: The City of Brunswick wishes to advance monies from the General Fund #001 to the Department of Justice Federal Grant Fund #129 to temporarily fund the ARPA First Responder Grant CFDA#21.027 until federal grant reimbursements have been received, and;

WHEREAS: The City of Brunswick wishes to return previously advanced monies from the Department of Justice Federal Grant Fund #129 to the General Fund #001 since the 2019-BC-BX-0061 FY 19 Body-Worn Camera Policy and Implementation Program has been completed and all grant reimbursements have been received.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the following funds are hereby advanced:

FROM: General Fund (#001)
TO: Department of Justice Federal Grant Fund (#129)
AMOUNT: \$8,034.42

FROM: General Fund (#001)
TO: Department of Justice Federal Grant Fund (#129)
AMOUNT: \$51,200.00

FROM: Department of Justice Federal Grant Fund (#129)
TO: General Fund (#001)
AMOUNT: \$50,000.00

SECTION 2: This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, welfare, and providing for the usual daily operation of a municipal department, and for the further reason that proper funding sources be advanced. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.



CITY OF BRUNSWICK, OHIO
ORDINANCE NO.

PASSED: 1st Reading ____
Rules Suspended: AYES ____ NAYS ____

ADOPTED: _____ AYES ____ NAYS ____

ATTEST: _____
Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 3/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Nicholas Hanek

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 21-2023** - An emergency resolution opposing the proposed enactment of Ohio Revised Code Section 5501.60 as contemplated by Am. Sub. H. B. No. 23. - **1st Reading** (To be brought from Committee of the Whole, *Administration/Kenneth Fisher*)

BACKGROUND: The City of Strongsville has long proposed a new interchange on Interstate 71 at Boston Road.

PURPOSE AND EXPLANATION: The purpose is to oppose the proposed enactment of Ohio Revised Code Section 5501.60, which provides that when the boundaries of two municipal corporations are adjacent, ODOT shall ensure that limited access exit and entrance interchanges to an interstate highway located in those municipal corporations are constructed at intervals of at least one interchange every 4.5 miles when certain conditions exist.

IMPLEMENTATION

SCHEDULE: One reading with suspension of the rules.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

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

Emergency with suspension of the rules.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 21-2023

BY: Committee of the Whole

AN EMERGENCY RESOLUTION OPPOSING THE PROPOSED
ENACTMENT OF OHIO REVISED CODE SECTION 5501.60 AS
CONTEMPLATED BY AM. SUB. H. B. NO. 23.

WHEREAS: Am. Sub. H. B. No. 23 proposes to enact Ohio Revised Code Section 5501.60, which provides that when the boundaries of two municipal corporations are adjacent, the Ohio Department of Transportation shall ensure that limited access exit and entrance interchanges to an interstate highway located in those municipal corporations are constructed at intervals of at least one interchange every 4.5 miles when the following conditions exist:

- (1) The adjacent municipal corporations each have a population of more than 35,000 per the most recent Federal Census;
- (2) The municipal corporations are located in different counties; and
- (3) At least one municipal corporation is located in a county with a population of at least 1,000,000 per the most recent Federal Census.

WHEREAS: The City of Strongsville has long proposed a new interchange on Interstate 71 at Boston Road (the “Interchange”).

WHEREAS: This Council, per Resolution No. 91-2022 attached hereto as Exhibit “A” and incorporated herein by reference, has opposed the proposed Interchange as same will:

- (1) Increase vehicular and large industrial traffic on Boston Road in the City of Brunswick.
- (2) Result in increased roadway maintenance, repair and replacement costs to the City of Brunswick relative to Boston Road and other roadways in the City of Brunswick.
- (3) Negatively impact City of Brunswick residents, including those residents in the vicinity of the proposed Interchange.

WHEREAS: Upon information and belief, proposed Ohio Revised Code Section 5501.60 would require the Ohio Department of Transportation to construct the Interchange as:

- (1) Both the City of Brunswick and City of Strongsville have populations of more than 35,000 per the 2020 Federal Census.
- (2) Both the City of Brunswick (Medina County) and City of Strongsville (Cuyahoga County) are located in different counties.
- (3) The City of Strongsville is located in Cuyahoga County, which has a

population of at least 1,000,000 per the 2020 Federal Census.

WHEREAS: This Council is charged with protecting the health, safety and welfare of its residents, yet is increasingly pre-empted from acting to fulfill those official duties by the Ohio General Assembly.

WHEREAS: This Council does hereby find that the Ohio General Assembly has introduced laws that erode local Home Rule authority as granted by the Ohio Constitution.

WHEREAS: This Council opposes all measures introduced and/or enacted by the Ohio General Assembly which reduces or eliminates municipalities' constitutionally protected authority to exercise all powers of local self-government and protect the health, safety and welfare of its residents.

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

SECTION 1: This Council does hereby declare its opposition to the proposed enactment of Ohio Revised Code Section 5501.60 as contemplated by Am. Sub. H. B. No. 23.

SECTION 2: That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Resolution to the Strongsville City Council, City of Strongsville Mayor Thomas P. Perciak, Ohio State Representative Thomas F. Patton, Ohio State Representative Melanie Miller, Ohio State Representative Sharon A. Ray, Ohio State Senator Mark Romanchuk, Ohio Department of Transportation Director Jack Marchbanks, Northeast Ohio Areawide Coordinating Agency Executive Director & CEO Grace Gallucci and the Board of Directors for the Northeast Ohio Areawide Coordinating Agency.

SECTION 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety and for the additional reason that this Council wants to express its opposition to the proposed enactment of Ohio Revised Code Section 5501.60 as contemplated by Am. Sub. H. B. No. 23. Therefore, the same shall be in full force 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

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 91-2022

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION OPPOSING THE PROPOSED
INTERCHANGE ON INTERSTATE 71 AT BOSTON ROAD.

WHEREAS: The City of Strongsville has engaged an engineering firm to perform feasibility and traffic studies for a new interchange on Interstate 71 at Boston Road (the "Interchange").

WHEREAS: The proposed Interchange will increase vehicular and large industrial traffic on Boston Road in the City of Brunswick.

WHEREAS: The proposed Interchange will result in increased roadway maintenance, repair and replacement costs to the City of Brunswick relative to Boston Road and other roadways in the City of Brunswick.

WHEREAS: The proposed Interchange will negatively impact City of Brunswick residents, including those residents in the vicinity of the proposed Interchange.

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

SECTION 1: This Council does hereby declare its opposition to the proposed interchange on Interstate 71 at Boston Road.

SECTION 2: That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Resolution to the Strongsville City Council, City of Strongsville Mayor Thomas Perciak, Ohio State Representative Thomas F. Patton, Ohio State Representative Darrell Kick, Ohio State Representative Sharon A. Ray, Ohio Department of Transportation Director Jack Marchbanks, Northeast Ohio Areawide Coordinating Agency Executive Director Grace Gallucci and the Board of Directors for the Northeast Ohio Areawide Coordinating Agency.

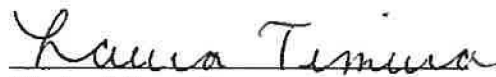
SECTION 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety and for the additional reason that this Council wants to express its opposition to the proposed Interchange. Therefore, the same shall be in full force from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading 9/26/2022

Rules Suspended: AYES 6 NAYS 1

ADOPTED: 9/26/2022 AYES 6 NAYS 1

ATTEST:


Clerk of Council
Laura E. Timura