

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda

JULY 24, 2023

6:15 PM

**or Immediately Following
Finance Committee**

1. Discussion Items

- (a) Columbia Gas Project and W. 130th Street Impact

2. Motion Items

- (a) A motion authorizing the City Manager to enter into a FY 2023 Opioid Settlement Fund Disbursement Agreement with Cathy's House, Inc. to prevent, treat and support recovery from addiction from opioid and/or other co-occurring substance abuse and/or mental health conditions.
- (b) Motion to authorize the City Manager to enter into a five-year depository agreement with Key Bank from October 2, 2023 through October 1, 2028.

3. Review Legislation

ORD. NO. 55-2023 - An emergency ordinance amending Chapter 1060 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Todd Fischer*)

RES. NO. 60-2023 - An emergency resolution determining to proceed to submit to the electors of the City of Brunswick the question of renewing an existing 1.2-mill tax levy for ten (10) years for the general construction, reconstruction, resurfacing and repair of streets, roads and bridges in the City, pursuant to Sections 5705.19(g) and 5705.191 of the Revised Code. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*).

4. General Discussion

5. Executive Session

- (a) Motion to go into Executive Session to discuss the subject of pending or imminent court action and the appointment, employment, dismissal, discipline, demotion, or compensation of public employees.

6. Adjournment

PROPOSED MOTION



DATE: 7/24/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Todd Fischer

COPY: Mayor Ron Falconi

MOTION: A motion authorizing the City Manager to enter into a FY 2023 Opioid Settlement Fund Disbursement Agreement with Cathy's House, Inc. to prevent, treat and support recovery from addiction from opioid and/or other co-occurring substance abuse and/or mental health conditions.

BACKGROUND: The City of Brunswick is one of approximately 2,000 local governments to receive opioid settlement funds to prevent, treat and support recovery from addiction from opioids and/or other co-occurring substance abuse and/or mental health conditions.

During FY 2022, the City received \$10,348.58 in opioid settlement funds.

On October 10th, 2022, the Committee-Of-The-Whole approved a motion 7-0 to authorize the City Manager to enter into an agreement with Cathy's House and to direct the Ohio Opioid Settlement funds received by the City of Brunswick in 2022 to Cathy's House to assist in rehabilitation efforts.

The Executive Director of Cathy's House has provided an annual report as to how the FY 2022 funds were spent and has attended a couple of Committee of the Whole meetings to discuss their services in the City of Brunswick and answer questions from City Council.

The City Administration recommends entering into a subsequent annual settlement fund disbursement agreement that would direct all of the FY 2023 opioid settlement funds to Cathy's House Inc., to prevent, treat and support recovery from on-going addiction from opioids and/or other co-occurring substance abuse and/or mental health conditions.

**PURPOSE AND
EXPLANATION:**

See background above.

**IMPLEMENTATION
SCHEDULE:**

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

Upon execution of the agreement, the Finance Director will prepare a purchase order in the amount equaling the FY 2023 opioid settlement funds received provided that amount does not exceed the annual Council appropriations in place.

From January 1, 2023 through July 12, 2023, the City received \$32,634.08 in opioid settlement funds. Any additional opioid settlement funds received from July 13, 2023 through December 31, 2023 subject to sufficient Council appropriations, would also be added to the purchase order and distributed to Cathy's House Inc., in accordance with the contract terms.

All opioid settlement receipts and disbursements will be accounted for in the City's Opioid Settlement Fund #141.

**RECOMMENDED
ACTION:**

**ADDITIONAL
INFORMATION:**

OPIOID SETTLEMENT FUND DISBURSEMENT AGREEMENT

THIS OPIOID SETTLEMENT FUND DISBURSEMENT AGREEMENT (the “Agreement”) is entered into by and between the City of Brunswick, a municipal corporation duly organized and validly existing under the Constitution and laws of the State of Ohio (the “City”) and Cathy’s House, Inc., an Ohio non-profit corporation (the “Recipient”). Each party to this Agreement is individually referred to as a “Party” and collectively referred to as the “Parties.”

WHEREAS, the City of Brunswick is one of approximately 2,000 local governments to receive opioid settlement funds (the “Settlement Funds”) to prevent, treat and support recovery from addiction from opioids and/or other co-occurring substance abuse and/or mental health conditions.

WHEREAS, pursuant to the terms of settlement, Settlement Funds shall be utilized to prevent, treat and support recovery from addiction, including opioids and/or other co-occurring substance abuse and/or mental health conditions, which are long-lasting (chronic) diseases that can cause major health, social and economic problems at the individual, family and/or community level (the “Intended Use”).

WHEREAS, Settlement Funds disbursed to the City for 2023 to date total \$32,634.08.

NOW, THEREFORE, based upon the recitals, representations, and agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each Party, the Parties hereto agree to the following:

- 1) Settlement Fund Distribution for 2023. Within ten (10) business days of the full execution of this Agreement (the “Effective Date”), the City shall remit Settlement Funds received for 2023 to date, in the amount of \$32,634.08, to Recipient for use as solely provided herein. Additionally, subject to sufficient Council appropriations, any additional Settlement Funds received by the City for 2023 shall be remitted to Recipient for use as solely provided herein.
- 2) Use of Settlement Funds. Recipient agrees that use of Settlement Funds shall be solely for the Intended Use and to the sole benefit of residents of the City of Brunswick.
- 3) Term. This Agreement shall commence as of the Effective Date and remain in effect up to and including December 31, 2023. This Agreement may be renewed on an annual basis by the City Manager, at his/her sole and absolute discretion.
- 4) Accounting. Recipient shall maintain an itemized accounting of the use of Settlement Funds consistent with the Intended Use (the “Account”). Recipient shall provide the City with a copy of the Account for each year in which Settlement Funds are received, which Account shall be submitted to the City no later than March 31st of the following year. Recipient shall include such information in the

Account as requested by the City and to the extent not prohibited by applicable federal or state law.

- 5) Termination. This Agreement shall automatically terminate if: (a) not renewed by the City Manager per Section 3 hereof; (b) Recipient fails to utilize Settlement Funds for the Intended Use as provided in Section 2 hereof; (c) Recipient's non-profit status is revoked or suspended; or (d) if Recipient fails to submit a proper Account to the City per Section 4 hereof.

Otherwise, this Agreement may be terminated by either Party hereto upon provision of thirty (30) days prior written notice.

- 6) Indemnification. Recipient, its affiliates, subsidiaries, members, shareholders, partners, directors, officers, employees, agents, insurers, heirs, beneficiaries, predecessors, successors, assigns, and all representatives acting on its behalf (collectively the "Releasing Party"), shall indemnify, defend and hold the City, its officers, directors, employees, agents, insurers, successors, assigns and all representatives acting on the City's behalf (collectively the "Released Party"), harmless from and against any and all, and covenants not to sue any Released Party, for any, past, present, and future claims, causes of action, damages, losses, counterclaims, demands, obligations, penalties, fines, liabilities and injuries, including but not limited to all liability, costs, expenses, fees (including attorneys' fees), and interest, of any kind or description whatsoever in law or in equity, now known, or hereafter discovered, and all other damages, both compensatory and punitive, whether direct or indirect, arising in common law, tort, contract, statute, administrative rule or process, regulatory rule or process, or otherwise, which any Releasing Party or any third-party, had, or may have, against any Released Party arising from this Agreement, including, without limitation, the distribution of the Settlement Funds to Recipient and/or Recipient's use of the Settlement Funds for the Intended Use (collectively the "Released Claims").
- 7) Representations. Each Party represents and warrants that such Party to this Agreement has full and unrestricted power, right, and authority to enter into this Agreement and perform its respective obligations hereunder.
- 8) Recitals. The recitals set forth herein are incorporated in this Agreement by reference.
- 9) Headings. The headings preceding each Section are intended for the convenience of the Parties to this Agreement and have no legal significance.
- 10) Amendment. This Agreement shall not be amended, changed, or modified except by written instrument signed by all of the Parties hereto.
- 11) Notices. All notices required or permitted to be provided pursuant to this Agreement shall be provided by email to the following (as same may be updated

from time to time in writing), which shall be deemed delivered upon receipt of a delivery confirmation:

If to City:

City of Brunswick
Attn: Carl S. DeForest, City Manager
4095 Center Road
Brunswick, Ohio 44212
cdeforest@brunswick.oh.us

If to Recipient:

Cathy's House, Inc.
Attn: Jon Robinson, Executive Director
515 W. Liberty Street
Medina, Ohio 44256
jrobinson@cathyshouse.org

- 12) Governing Law/Jurisdiction/Litigation. This Agreement shall be interpreted, construed, and governed by the internal laws of the State of Ohio without regard to conflicts of law principles. Any action or lawsuit filed to enforce any provision of this Agreement shall be exclusively filed and venued in the Medina County Court of Common Pleas.
- 13) Execution in Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same document. Signatures delivered by electronic means (facsimile, pdf scan, etc.) shall be deemed binding originals thereof.
- 14) Binding Effect. This Agreement shall bind and inure to the benefit of the Parties hereto, their respective affiliates, subsidiaries, members, shareholders, partners, directors, officers, employees, agents, insurers, heirs, beneficiaries, predecessors, successors, assigns, and all representatives acting on their respective behalves.
- 15) Severability. In the event one or more provisions of this Agreement shall be found by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, the remaining provisions contained in this Agreement shall survive, not in any way be affected or impaired, and this Agreement shall be enforced in full as if the unenforceable provision never existed.
- 16) Full Disclosure. The Parties acknowledge and understand that each Party has had the opportunity to receive and engage counsel regarding its respective rights, obligations, and liabilities under this Agreement.
- 17) Entire Agreement. This Agreement constitutes the entire agreement of the Parties. There are no communications or oral understandings contrary to, different from, or

which in any way restrict this Agreement and all prior agreements or understandings are hereby superseded and rendered null and void. No Party has relied upon any statement or information not found within this Agreement in entering into the same.

IN WITNESS WHEREOF, the Parties hereto have executed this Opioid Settlement Fund Disbursement Agreement as of the dates indicated below.

CITY OF BRUNSWICK

CATHY’S HOUSE, INC.

Carl S. DeForest, City Manager

Jon Robinson, Executive Director

Date: _____

Date: _____

Approved as to form:

Kenneth J. Fisher, Law Director

PROPOSED MOTION



DATE: 7/24/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Todd Fischer

COPY: Mayor Ron Falconi

MOTION: Motion to authorize the City Manager to enter into a five-year depository agreement with Key Bank from October 2, 2023 through October 1, 2028.

BACKGROUND: The City currently has an existing relationship with Key Bank for well over 20 years. To continue that relationship beyond October 1, 2023, we will need to enter into a new depository agreement. The recommendation is to enter into a depository agreement for an additional five years.

PURPOSE AND EXPLANATION: This motion would authorize a five-year depository with Key Bank.

IMPLEMENTATION SCHEDULE:

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The City already has a relationship with Key Bank. The agreement itself does not have a financial cost, but it does allow the City to use bank-related services, if or when needed. Bank fees and costs are also updated and amended on occasion. Those fees and the volume of items processed all play a role in the ultimate banking costs incurred.

RECOMMENDED ACTION: Recommend approval of the new five-year depository with Key Bank.

ADDITIONAL INFORMATION:

PROPOSED LEGISLATION



DATE: 7/24/2023

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. 55-2023** - An emergency ordinance amending Chapter 1060 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Todd Fischer*)

BACKGROUND: During the 2023 budget proposal, the Finance Director informed City Council that refuse rates had not increased since the new hauler contract went into effect on July 1, 2019. The Administration also recommended that refuse rates be increased by \$1.95/month, effective April 1, 2023, to account for various annual fixed cost increases imposed by the hauler since July 1, 2020. All annual fixed cost increases imposed by the hauler were made in accordance with the contract terms and Codified Ordinance Section 1060.03 which stipulates that each resident shall pay their pro-rata share of the costs of the refuse program/costs. At a subsequent Committee-of-the-Whole meeting held on December 12, 2022, a motion to increase refuse rates by \$1.95/month, effective April 1, 2023, was adopted. The rates were subsequently amended and billed by the City in accordance with Section 1060.03. On July 10, 2023, it was noted that certain language contained in Codified Section 1060.05 waiver of charges should have been updated accordingly but was inadvertently missed during this process. This proposed piece of legislation shall correct that administrative oversight made plus correct other small grammatical errors.

PURPOSE AND

EXPLANATION: See background above.

IMPLEMENTATION

SCHEDULE: The administration is requesting one reading with emergency and suspension of the rules on July 24, 2023. If passed, this legislation will correct the administrative oversight and update the language in the Codified Ordinance Section 1060 to be consistent with the C-O-W motion adopted on December 12, 2022.

**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?
An emergency is requested in order to correct an administrative oversight. This will update the language in the Codified Ordinance Section 1060 to be consistent with the C-O-W motion adopted on December 12, 2022.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 55-2023

BY: Committee-of-the-Whole

AN EMERGENCY ORDINANCE AMENDING CHAPTER 1060 OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES.

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

SECTION 1: That Chapter 1060 of the Codified Ordinances is hereby amended to read as follows:

“1060.01 ACCUMULATIONS OF GARBAGE, RUBBISH AND RECYCLABLES.

No person shall accumulate garbage, rubbish or recyclables on private property for a longer period than that covered by the weekly pickup periods of the contract hauler.

1060.02 CONTRACT OR PERMIT REQUEST.

(a) No person shall collect garbage, rubbish or recyclables within the City without first obtaining a valid permit or entering into a valid contract with the City as provided for in these ordinances or the resolutions of the City.

(b) A permit may be issued by the Director of Public Service, without fee, under either of the following conditions:

(1) For hauling of rubbish, bulk rubbish, construction waste or recyclables only from the premises of the permittee for a twenty-four-hour period.

(2) For the removal of specifically enumerated items that were previously discarded as rubbish, bulk rubbish, construction waste or recyclables provided the permittee can produce written permission from the owner of said materials indicating transference of the property to the permittee, fully describing said items to be removed, and assurance that said removal will not create conditions that are hazardous to the public. The permit shall be valid for only a twenty-four-hour period and must include a description of items to be removed.

(c) Notwithstanding any other provision of these Codified Ordinances, the hours of garbage, rubbish or recyclables collection with the City of Brunswick shall be between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except as such hours may be extended by the City Manager.

1060.03 SERVICE CHARGES.

(a) Residences. There shall be a monthly charge to each householder for the weekly collection, transportation and disposal of residential solid waste, yard waste and recyclables. The monthly charge shall include each resident's pro rata share of the contract hauler's current charge to the City under the contract and a service charge for billing, collecting and managing the monthly

charge. The monthly charge shall be billed quarterly in advance. A penalty of eighteen percent (18%) shall be charged on all accounts delinquent in excess of ten days after the expiration of the billing period.

(b) Billing. The City, through the office of the Director of Finance, shall make the billing charges and collections set forth in subsection (a) hereof.

(c) Notice. Notice of any hearing pertaining to rates for services rendered under this chapter shall be given to all interested persons at least seven days before the date set for such hearing. The kind of notice, the place of hearing and all facts connected with or relating to such hearing shall be regulated by Council.

(d) Financial Reports. A financial statement of profit and loss shall be filed with the Director of Public Service by contract haulers for each calendar year, within ninety days after the close of such year.

(e) Delinquent Accounts. The previous balance of delinquent amounts shall be shown once each year on the July billing and shall be stamped "FINAL NOTICE." If payment is not received within thirty days, the Director of Finance shall make a written return to the County Auditor and such amounts, when allowed, shall be entered upon the tax duplicate, shall be a lien upon the land from the date of entry and shall be collected as other taxes and returned to the City with the General Fund.

1060.04 UNCOLLECTED GARBAGE, RUBBISH AND RECYCLABLES.

Fermenting, putrefying or odoriferous garbage in containers or dumped in the open is hereby declared to be a nuisance. Rubbish or recyclables stored in receptacles or containers or in piles on premises in possession of the party responsible therefor for a period exceeding thirty days is also declared to be a nuisance. Such nuisances are prohibited, and the person responsible for either or both of them shall be subject to the penalty provided in Section [1060.99](#).

1060.05 WAIVER OF CHARGES.

Effective April 1, 2023, any homeowner, in the City, that has been granted a Homestead Exemption as of January 1, 2007, as certified by the County Auditor, shall be exempt from the regular garbage and rubbish service collection charges except for a charge of thirteen dollars and thirty cents (\$13.30) per month. Any homeowner in the City who has not previously obtained a Homestead Exemption as of January 1, 2007, shall be charged a monthly rate as provided in Section [1060.03](#).

1060.06 HOURS FOR PLACING GARBAGE, RUBBISH AND RECYCLABLES OUT FOR PICK-UP.

Garbage, rubbish and recyclables are to be set out no earlier than 4:00 p.m. the day before the regularly scheduled pick-up date. All carts are to be removed from the right-of-way no later than 8:00 p.m. the day of the regularly scheduled pick-up date.

1060.06 GARBAGE, RUBBISH AND RECYCLABLE RULES AND REGULATIONS.

The curbside garbage, rubbish and recyclable collection program will utilize carts provided by the City. No other containers will be permitted. The rules and regulations for the program shall be as established, from time to time, by the Service Director.

1060.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter or the rules and regulations as established by the Service Director is guilty of a minor misdemeanor and shall be fined not more than one hundred and fifty dollars (\$150.00) per offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.”

SECTION 2: That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, welfare and safety of the City and to match the Committee-of-the-Whole motion adopted on December 12, 2022. 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 Timura

PROPOSED LEGISLATION



DATE: 7/24/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

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

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 60-2023** - An emergency resolution determining to proceed to submit to the electors of the City of Brunswick the question of renewing an existing 1.2-mill tax levy for ten (10) years for the general construction, reconstruction, resurfacing and repair of streets, roads and bridges in the City, pursuant to Sections 5705.19(g) and 5705.191 of the Revised Code. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*).

BACKGROUND: At an election held on May 6, 2014, the electors of the City of Brunswick approved a 1.2-mill tax levy pursuant to Sections 5705.19(G) and 5705.191 of the Revised Code for the purpose of providing for the general construction, reconstruction, resurfacing, and repair of streets, roads and bridges in the City, for a period of ten (10) years; and

The authority to levy that 1.2-mill tax will expire with the levy on the 2023 duplicate for collection in calendar year 2024; and

This Council has determined that the renewal of that tax upon its expiration is necessary for the general construction, reconstruction, resurfacing and repair of streets, roads and bridges in the City of Brunswick, Ohio; and

On July 10, 2023, this Council adopted Resolution No. 54-2023 pursuant to Section 5705.03 of the Revised Code declaring it necessary to renew the City's existing 1.2-mill tax levy for the purpose of general construction, reconstruction, resurfacing, and repair of streets, roads and bridges in the City of Brunswick, Ohio, a copy of which Resolution was certified to the Medina County Auditor; and

In accordance with that Resolution and Section 5705.03(B) of the Revised Code, on July 12, 2023, the Medina County Auditor certified (on DTE 140R) that (i) the property tax revenue that will be produced by the stated millage (1.2 mills), assuming the taxable value of the City remains constant throughout the life of the levy, is calculated to be \$852,000, (ii) the total taxable value of the City used in calculating the estimated property tax revenue is \$1,111,343,480 and (iii) the millage required for the requested levy is 1.2 mills per \$1 of taxable value, which amounts to \$26.00 for each \$100,000 of the County

Auditor's appraised value;

If the City Council is desirous of submitting this question to the electors on November 7, 2023 and absent from any scheduled special meetings, this legislation will require a separate suspension of the rules and adoption of an emergency in order to meet the August 9, 2023 Board of Election filing deadline; and,

The filing with the Medina County Board of Elections on or before August 9, 2023, must include:

- 1) A certified copy of this resolution, and
- 2) The resolution of necessity (adopted on July 10), and
- 3) The related County Auditor's Certificate (dated July 12, 2023), and
- 4) Suggested forms of notice of election and ballot language

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

**PURPOSE AND
EXPLANATION:**

Same as background

**IMPLEMENTATION
SCHEDULE:**

Recommended with emergency and suspension of the rules on July 24, 2023 to allow adequate time to file any and all the necessary paperwork with the Board of Elections and meet the deadlines of submission for the upcoming November Ballot.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

This legislation is only to submit the question to the electorate and file that information with the Board of Elections. If approved by the electorate, subsequent authorization of tax rate and tax budget legislation would follow.

**RECOMMENDED
ACTION:**

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

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

Recommended with emergency and suspension of the rules on July 24, 2023 to allow adequate time to file any and all the necessary paperwork with the Board of Elections and meet the deadlines of submission for the upcoming November Ballot.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 60-2023

BY: Committee-of-the-Whole

**AN EMERGENCY RESOLUTION DETERMINING TO PROCEED TO
SUBMIT TO THE ELECTORS OF THE CITY OF BRUNSWICK THE
QUESTION OF RENEWING AN EXISTING 1.2-MILL TAX LEVY FOR
TEN (10) YEARS FOR THE GENERAL CONSTRUCTION,
RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS,
ROADS AND BRIDGES IN THE CITY, PURSUANT TO SECTIONS
5705.19(G) AND 5705.191 OF THE REVISED CODE.**

WHEREAS, at an election held on May 6, 2014, the electors of the City of Brunswick approved a 1.2-mill tax levy pursuant to Sections 5705.19(G) and 5705.191 of the Revised Code for the purpose of providing for the general construction, reconstruction, resurfacing, and repair of streets, roads and bridges in the City, for a period of ten (10) years; and

WHEREAS, the authority to levy that 1.2-mill tax will expire with the levy on the 2023 duplicate for collection in calendar year 2024; and

WHEREAS, this Council has determined that the renewal of that tax upon its expiration is necessary for the general construction, reconstruction, resurfacing and repair of streets, roads and bridges in the City of Brunswick, Ohio; and

WHEREAS, on July 10, 2023, this Council adopted Resolution No. 54-2023 pursuant to Section 5705.03 of the Revised Code declaring it necessary to renew the City's existing 1.2-mill tax levy for the purpose of general construction, reconstruction, resurfacing, and repair of streets, roads and bridges in the City of Brunswick, Ohio, a copy of which Resolution was certified to the Medina County Auditor; and

WHEREAS, in accordance with that Resolution and Section 5705.03(B) of the Revised Code, on July 12, 2023, the Medina County Auditor certified (on DTE 140R) that (i) the property tax revenue that will be produced by the stated millage (1.2 mills), assuming the taxable value of the City remains constant throughout the life of the levy, is calculated to be \$852,000, (ii) the total taxable value of the City used in calculating the estimated property tax revenue is \$1,111,343,480 and (iii) the millage required for the requested levy is 1.2 mills per \$1 of taxable value, which amounts to \$26.00 for each \$100,000 of the County Auditor's appraised value;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brunswick, County of Medina, State of Ohio, two-thirds of all members of said Council elected thereto concurring, that:

Section 1. This Council finds, determines and declares that the amount of taxes that may be raised by the City of Brunswick within the ten-mill limitation by levies on the current tax list and duplicate will be insufficient to provide an adequate amount for the necessary requirements of this City, and that it is necessary to levy a tax in excess of that limitation for the purpose of general construction, reconstruction, resurfacing and repair of streets, roads and bridges in the City of Brunswick, Ohio, being a purpose set forth in Section 5705.19(G) of the Revised Code, and specifically that it is necessary to renew in its entirety the existing 1.2-

mill tax levy approved by the voters of the City at an election on May 6, 2014, for that purpose for a period of ten (10) years.

Section 2. The question of renewing the City's existing 1.2-mill ad valorem property tax levy outside the ten-mill limitation for the purpose of general construction, reconstruction, resurfacing, and repair of streets, roads and bridges in the City of Brunswick, Ohio, for a period of ten (10) years beginning with the tax list and duplicate for the year 2024, the proceeds of which levy first would be due and collected and made available to the City in calendar year 2025, shall be submitted under the provisions of Sections 5705.19(G) and 5705.191 of the Revised Code to the electors of the City of Brunswick at an election to be held therein on November 7, 2023, as authorized by law. That election shall be held at the regular places of voting in this City as established by the Board of Elections of Medina County, or otherwise, within the times provided by law and shall be conducted, canvassed and certified in the manner provided by law. A majority vote is required for passage of that levy.

Section 3. The Clerk of Council be and is hereby authorized and directed to give or cause to be given notice of that election as provided by law.

Section 4. The Clerk of Council be and is hereby directed to deliver or cause to be delivered to the Medina County Board of Elections before the close of business on Wednesday, August 9, 2023: (i) a certified copy of Resolution No. 54-2023, adopted on July 10, 2023, (ii) a copy of the related County Auditor's certification of current tax valuation and revenue referred to in the fifth preamble to this Resolution (and if that certificate is later replaced or reissued by the County Auditor, then the replaced or reissued version) and (iii) a certified copy of this resolution.

Section 5. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the adoption of this Resolution were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public, in compliance with the law.

Section 6. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City and for the further reason that it is necessary that this Resolution be effective immediately so that it can be timely filed with the Board of Elections, in order submit the question of the levy to the electors at an election on November 7, 2023; wherefore, this Resolution shall be in full force and effect from and immediately after its adoption by the required number of votes, otherwise, at the earliest time permitted by law.

PASSED: 1st Reading _____

RULES SUSPENDED:

AYES _____ NAYS _____

ADOPTED: _____

AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura