

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda

OCTOBER 9, 2023

6:35 PM

**or Immediately Following
Finance Committee**

1. Discussion Items
2. Motion Items
 - (a) Motion to excuse Councilman Michael Abella Jr. for just cause
3. Review Legislation
 - (a) **RES. NO. 83-2023** - An emergency resolution detailing Council's current intention as to the annual expenditure of proceeds received from the road levy renewal. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*)
 - (b) **ORD. NO. 88-2023** - An emergency ordinance to approve the editing and inclusion of certain ordinances as components of the codified ordinances; to provide for the adoption of new legislation in the updated revised codified ordinances; and to repeal ordinances in conflict therewith. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Laura Timura*)
4. General Discussion
5. Executive Session
 - (a) Motion to go into Executive Session to discuss the subject of pending or imminent court action.
6. Adjournment

PROPOSED LEGISLATION



DATE: 10/9/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Carl DeForest

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 83-2023** - An emergency resolution detailing Council's current intention as to the annual expenditure of proceeds received from the road levy renewal. - **1st Reading**
(To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*)

BACKGROUND: On May 6, 2014, voters 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. The authority to levy that 1.2-mill tax will expire with the levy on the 2023 duplicate for collection in calendar year 2024. In preparation for the passage of the May 6, 2014 levy, Council passed Resolution 3-14 on March 10, 2014 which states Council's intention to earmark 100% of the proceeds of the proposed levy to City projects on publicly dedicated residential streets.

PURPOSE AND EXPLANATION: The purpose of this Resolution is to formally state that if the proposed annual ten (10) year 1.2-mil tax levy renewal passes in the November 7, 2023 election, Council's current intention is that 100% of the annual proceeds of the levy shall be utilized for City projects on publicly dedicated residential streets. In the event earmarked proceeds that are not utilized during any given year, it is Council's current intention that such excess proceeds shall roll-over to the following year and be used solely for the purpose earmarked.

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

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?

This Resolution is a commitment to the voters and must be made prior to the November 7, 2023 election. Early voting will provide opportunities prior to the election day and this commitment is necessary for any citizens that wish to utilize their right of early voting.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 83-2023

BY: Committee-of-the-Whole

**AN EMERGENCY RESOLUTION DETAILING COUNCIL'S CURRENT
INTENTION AS TO THE ANNUAL EXPENDITURE OF PROCEEDS
RECEIVED FROM THE ROAD LEVY RENEWAL.**

WHEREAS: On July 24, 2023, City Council adopted Resolution No. 60-2023 submitting an additional ten (10) year 1.2 mill renewal tax levy for the general construction, reconstruction, resurfacing, and repair of streets, roads and bridges in the City to the electors at the November 7, 2023 election; and

WHEREAS: In the event of passage of the road levy renewal at the November 7, 2023 election, this Council desires to detail the annual expenditure of proceeds therefrom.

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

SECTION 1: That in the event of passage of the road levy renewal at the November 7, 2023 election, it is Council's current intention that annual proceeds therefrom shall be earmarked and expended as follows:

A) 100% of the annual road levy renewal proceeds shall be utilized for City projects on publicly dedicated residential streets.

SECTION 2: In the event earmarked proceeds are not utilized during any given year, it is Council's current intention that such excess proceeds shall roll-over to the following year to be used solely for the purpose earmarked.

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 confirm Council's current intention to utilize annual proceeds from the road levy renewal prior to the November 7, 2023 election. 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: 10/9/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Nicholas Hanek

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 88-2023** - An emergency ordinance to approve the editing and inclusion of certain ordinances as components of the codified ordinances; to provide for the adoption of new legislation in the updated revised codified ordinances; and to repeal ordinances in conflict therewith. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Laura Timura*)

BACKGROUND: This is the bi-annual codification update.

PURPOSE AND EXPLANATION: To approve the editing and inclusion of ordinances as components of the Codified Ordinances; to provide for the adoption of new legislation in the updated revised Codified Ordinances; and to repeal ordinances in conflict therewith.

IMPLEMENTATION SCHEDULE: To adopt as an emergency with suspension of the rules on October 9, 2023 to allow for the updates to be effective immediately.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: As of October 5, 2023, \$4,682.02 remained on the Walter Drane P.O. #2023-56280A for services related to keeping Codifieds up to date. This P.O. is encumbered to account #001-0100-54279.

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?

Recommend adopting as an emergency with the suspension of the rules, so they may be effective immediately.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NUMBER 88-2023

BY: Committee-of-the-Whole

AN EMERGENCY ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS COMPONENTS OF THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION OF NEW LEGISLATION IN THE UPDATED REVISED CODIFIED ORDINANCES; AND TO REPEAL ORDINANCES IN CONFLICT THEREWITH.

WHEREAS: Section 3.18b. of the City Charter provides for the general codification of all City ordinances and resolutions having the force and effect of law and requires that such codification be kept current; and

WHEREAS: The Walter H. Drane Co. has completed its updating and revision of the Codified Ordinances of the City; and

WHEREAS: Various ordinances of a general and permanent nature that have been enacted by Council since the date of the last updating and revision of the Codified Ordinances need to be include in the Codified Ordinances of the City; and

WHEREAS: Certain changes made in the Codified Ordinances to bring City law into conformity with State law.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the editing, arrangement and numbering or renumbering of the ordinances and parts of ordinances attached hereto as "Exhibit "A" as though fully herein written, are hereby approved as parts of the various component codes of the Codified Ordinances of the City of Brunswick, Ohio, so as to conform to the classification and numbering system of the Codified Ordinances.

SECTION 2: That the sections of the Traffic and General Offenses Codes, as amended and attached hereto as Exhibit "B" as though fully herein written, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly.

SECTION 3: That all ordinances and resolutions and parts thereof that are in conflict with any of the provisions of the new matter approved, adopted and listed on Exhibit "A" and in Section 1 are hereby repealed, except as follows:

- (a) The enactment of such matter shall not be construed to affect a right of liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or any action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision or to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purposes of revision and recodification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to December 16, 2019

SECTION 4: That a copy of this ordinance shall be posted in the five public places set forth in Section 222.01 of the Codified Ordinances, together with notice as to where copies of the August 2023 Replacement Pages for the Codified Ordinances of the City, hereby approved, adopted and enacted, may be viewed and inspected by the public. A copy shall also be furnished to City Officers, Medina County Law Library and the Brunswick Public Library.

SECTION 5: 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 additional reason that it is immediately necessary to have an up-to-date codification of the laws of the City, pursuant to Section 3.18b. of the City Charter, that is in conformity with State Law, where such conformity is required by Article XVIII, Section 3, of the Ohio Constitution, with which to administer the affairs of the City and to preserve law and order of the City. Therefore, this Ordinance and the August 2023 Replacement Pages for the Codified Ordinances, hereby approved, adopted and enacted, shall be in full force and effect from and after its passage by the required number of votes, as set forth in Section 3.16 of the City Charter.

PASSED: 1st Reading _____

Rules Suspended: AYES _ NAYS _

ADOPTED: _____ AYES _ NAYS _

ATTEST: _____
Clerk of Council
Laura Timura

EXHIBIT "A"

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
23-2023	3-27-23	February 2023 Replacement Pages
44-2023	7-10-23	432.47
48-2023	6-26-23	416.01, 416.02
51-2023	7-24-23	1072.03
53-2023	7-24-23	1060.01 to 1060.06, 1060.99

EXHIBIT “B”

Traffic Code

404.081	Impounding Vehicles on Private Residential or Agricultural Property. (Amended)
404.082	Private Tow-Away Zones. (Amended)
404.083	Impounding Vehicles on Public Property. (Amended)
404.11	Leaving Junk and Other Vehicles on Private or Public Property Without Permission or Notification. (Amended)
404.991	Committing an Offense While Distracted Penalty. (Amended)
432.35	Occupying Travel Trailer, Fifth Wheel Vehicle or Manufactured or Mobile Home While in Motion. (Amended)
434.01	OVI; Willful Misconduct; Speed. (Amended)
434.03	Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
436.07	Driving Under Suspension or License Restriction. (Amended)
436.071	Driving Under OVI Suspension. (Amended)
436.072	Driving Under Financial Responsibility Law Suspension or Cancellation; Driving Under a Nonpayment of Judgment Suspension. (Amended)
436.073	Driving Without Complying With License Reinstatement Requirements. (Amended)
436.074	Driving Under License Forfeiture or Child Support Suspension. (Amended)
438.22	Windshield and Windshield Wiper; Sign or Poster Thereon. (Amended)
442.01	Commercial Drivers Definitions. (Amended)
452.04	Parking Near Curb; Handicapped Locations on Public and Private Lots and Garages. (Amended)

General Offenses Code

606.01	General Provisions and Penalty Definitions. (Amended)
606.12	Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
608.06	Coloring Rabbits or Baby Poultry; Sale or Display of Poultry. (Amended)
612.02	Sales to and Use By Underage Persons; Securing Public Accommodations. (Amended)
612.07	Open Container Prohibited. (Amended)
618.051	Cruelty to Companion Animals. (Amended)

EXHIBIT “B” (CONT.)

General Offenses (Cont.)

624.01	Drug Abuse Control Definitions. (Amended)
624.03	Drug Abuse; Controlled Substance Possession or Use. (Amended)
624.04	Possessing Drug Abuse Instruments. (Amended)
624.12	Drug Paraphernalia. (Amended)
630.08	Raffles. (Amended)
636.02	Assault. (Amended)
636.05	Menacing. (Amended)
636.10	Endangering Children. (Amended)
636.17	Temporary Protection Order. (Amended)
642.02	Misdemeanor Theft. (Amended)
648.13	Impeding Public Passage of an Emergency Service Responder. (Added)
660.02	Spreading Contagion. (Added)
666.01	Obscenity and Sex Offenses Definitions. (Amended)
666.06	Voyeurism. (Amended)
666.08	Procuring; Engagement in Sexual Activity for Hire. (Amended)
672.02	Carrying Concealed Weapons. (Amended)
672.04	Improperly Handling Firearms in a Motor Vehicle. (Amended)
698.02	Penalties for Misdemeanors. (Amended)