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

Administration Representatives

DECEMBER 11, 2023

1. Prayer and Pledge of Allegiance

2. Roll Call of Members

3. Correspondence

4. Approval of Regular Council Meeting Minutes dated November 27, 2023.

5. Mayor's Report:
   (a) Proclamation in recognition of Law Director Kenneth J. Fisher's years of service to the City of Brunswick
   (b) Proclamation in recognition of Service Director Paul Barnett's years of service to the City of Brunswick
   (c) Mayor's Court Financial Report for the month ending November 2023 will be posted on the website and added to the minutes for the record.
   (d) Mayor's Update

6. Clerk of Council's Report

7. Council Committee Reports:

Economic Development Committee.....Mr. Lambert

Economic Development Committee Minutes dated November 27, 2023

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

Services, Utilities, Technology & Cable Committee Minutes dated November 27, 2023

Finance Committee.....Mr. Hanek

Finance Committee Minutes dated November 27, 2023

Safety & Environment Committee.....Mr. Kuczma

Safety & Environment Committee Minutes dated November 27, 2023

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

Parks, Recreation & Community Committee.....Mrs. Piper
Building & Building Code Committee.....Mr. Abella

8. Other Committees, Boards and Commissions

   (a) Ad Hoc Committee for Youth Sports Minutes dated November 27, 2023
   (b) Committee-of-the-Whole Minutes dated November 27, 2023

9. Petitions from the Public on Legislation

10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

RES. NO. 93-2023 - A resolution authorizing the City Manager to enter into a three (3) year agreement with Any Domestic Work, Inc. to provide custodial services at City Hall and the Division of Police in a monthly amount not to exceed $4,190.00. - **3rd Reading** (Committee-of-the-Whole, *Administration/Carl DeForest*)

RES. NO. 94-2023 - A resolution authorizing the City Manager to enter into a three (3) year agreement with Any Domestic Work, Inc. to provide custodial services at the Brunswick Community Recreation and Fitness Center in a monthly amount not to exceed $6,195.00. - **3rd Reading** (Committee-of-the-Whole, *Administration/Carl DeForest*)

b. 2nd Reading(s)

RES. NO. 97-2023- An emergency resolution requesting an advance release of property tax revenue funds from the Medina County Treasurer collected for the benefit of the City of Brunswick. - **2nd Reading** (Finance Committee, *Administration/Todd Fischer*)

ORD. NO. 98-2023- An emergency ordinance adopting the Annual Appropriation Budget for Expenditures of the City of Brunswick for the year beginning January 1, 2024 and ending December 31, 2024. - **2nd Reading** (Finance Committee, *Administration/Todd Fischer*)

ORD. NO. 99-2023 - An emergency ordinance amending Section 1 of Ordinance No. 104-2022 to provide for a Revised Allocation of Municipal Income Tax receipts during the period from January 1, 2024 through December 31, 2024. - **2nd Reading** (Finance Committee, *Administration/Todd Fischer*)

ORD. NO. 100-2023 - An emergency ordinance amending Ordinance No.106-2022 and the City's Fund Balance Reserve Policy. - **2nd Reading** (Finance Committee, *Administration/Todd Fischer*)

ORD. NO. 101-2023 - An emergency ordinance creating an OPWC Pepperwood Drive Improvement Fund (#375) - **2nd Reading** (Finance Committee, *Administration/Todd Fischer*)

RES. NO. 102-2023 - An emergency resolution permitting the City Administration to sell, through public internet auctions, personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired, for the year 2024. - **2nd Reading** (Committee-of-the-Whole, *Administration/Carl DeForest*)

ORD. NO. 103-2023 - An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of $12,000,000 to provide funds for the purpose of constructing, furnishing, equipping and otherwise improving a new fire station and preparing, equipping and otherwise improving its site. - **2nd Reading** (Finance Committee, *Administration/Todd Fischer*)

RES. NO. 104-2023 - A resolution authorizing the City Manager to enter into an agreement with TAC Computers for maintenance of various software in the Divisions of Police and Fire in an amount not to exceed $35**,**070**.**51. - **2nd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Robert Marok*)

c. 1st Reading(s)

ORD. NO. 106-2023 - An emergency ordinance extending a temporary moratorium on the acceptance and processing of rezoning, conditional use and/or use variance applications for all real property located in the R-L Low Density Residential District, and the issuance of such approvals. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

RES. NO. 107-2023 - A resolution commending Law Director Kenneth J. Fisher for his years of service to the City of Brunswick. - **1st Reading** (To be brought from Committee-of-the-Whole, *Council/Nicholas Hanek)*

RES. NO. 108-2023 - A resolution commending Service Director Paul Barnett for his years of service to the City of Brunswick. - **1st Reading** (To be brought from Committee-of-the-Whole, *Council/Nicholas Hanek*)

RES. NO. 109-2023 - An emergency resolution authorizing the City Manager to enter into a one (1) year contract with the Jefferson Health Plan (through Medical Mutual of Ohio) for the provision of major medical health insurance and prescription coverage for all full-time employees from January 1, 2024 through December 31, 2024. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*)

RES. NO. 110-2023 - An emergency resolution authorizing the City Manager to enter into a two (2) year contract with Principal for the provision of dental insurance

coverage for all full-time employees from January 1, 2024 through December 31, 2025. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*)

RES. NO. 111-2023 - An emergency resolution authorizing the City Manager to enter into a three (3) year agreement with TEC Communications for the purchase of a Cisco Collaboration Aflex3 Software Subscription for the City-wide telephone system in an amount not to exceed $29,976.00. – **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Robert Marok*)

11. City Manager's Report

12. Open Forum

13. Unfinished Business

14. New Business

15. Adjournment

ECONOMIC DEVELOPMENT COMMITTEE

November 27, 2023

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

The meeting convened at 5:55 p.m.

DISCUSSION ITEMS:

a) DORA

Mr. Aungst revealed that the Administration is receiving a great response from the DORA. Regarding signage, the Division of Service has determined and marked where signs will go.

Mr. Aungst remarked that different utility companies will check that the signs do not interfere with various utilities, which takes time and effort. Signs will be up where they are planned, but there will also be additional signs to ensure the DORA is clear for the community.

Mr. Aungst disclosed that it was challenging to locate a vendor that would supply the DORA cups as the Administration does not know how many cups will be needed. However, Printing Partners on Pearl Road is willing to work with various businesses and restaurants to supply DORA cups. The cups will not be an expense to the City. The Administration is working on a specific logo for the cups so that they cannot be duplicated illegally.

Mr. Aungst noted that the Cable Office has developed a website for the DORA. The site is not live yet but will go live eventually. The website will contain the Do's and Don'ts, the rules, and a map of the DORA.

Mr. Delsanter stated that he has seen many other DORAs in other cities since Brunswick adopted it.

Mr. Aungst responded that DORAs have been around Ohio for twenty years. He added that Brunswick would be the first in Medina County to establish a DORA. He continued that the DORA has grown in popularity due to its benefits.

Mr. Delsanter inquired if the City would see some economic upticks in tenants due to the DORA.

Mr. Aungst answered that the primary ownership of Brunswick Town Center has indicated that there are some additional plans for the location. They have hired a new leasing company to work

on getting tenants for the area. He divulged that Mission BBQ and First Watch, which are under construction, will also be included in the DORA.

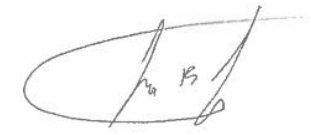
GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mr. Delsanter moved to adjourn at 5:59 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,



Brandon Lambert
Chairman

SERVICES, UTILITIES, TECHNOLOGY & CABLE COMMITTEE

November 27, 2023

IN ATTENDANCE: Chairman Tim Smith, Committee Member Keith Kuczma, Committee Member Michael Abella Jr., Nicholas Hanek, Kristy Piper, Brandon Lambert, Joseph Delsanter, City Manager/Safety Director Carl DeForest, Acting Law Director Dennis Nevar, Information Technology & Security Officer Robert Marok, Finance Director Todd Fischer, Tobacco 21 Ohio Regional Director Wendy Hyde, Clerk of Council Laura Timura, News Media.

The meeting convened at 5:59 p.m.

DISCUSSION ITEMS:

a) **RES. NO. 104-2023 -** A resolution authorizing the City Manager to enter into an agreement with TAC Computers for maintenance of various software in the Divisions of Police and Fire in an amount not to exceed $35,070.51. **- 1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Robert Marok*)

Mr. Marok noted that this annual housekeeping resolution is needed to maintain the software in the Divisions of Police and Fire. The $35,000 will be split between Police and Fire.

Mr. Kuczma asked if the $35,000 is in line with what the agreement has been in the past.

Mr. Marok responded that the amount has gone up yearly but has a maximum capacity of $40,000.

Mr. Kuczma moved Resolution Number 104-2023 to tonight's Council Agenda of November 27, 2023, for three 3 readings. Vote – 3 Ayes, 0 Nays.

b) **RES. NO. 105-2023** - An emergency resolution authorizing the City Manager to enter into an agreement with CDW-G for the upgrade and renewal of Microsoft licensing in an amount not to exceed $60,000.00. **- 1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Robert Marok*)

Mr. Marok explained that this is an emergency resolution to enter into an agreement with CDW-G to upgrade and renew the City's Microsoft licensing agreement.

Mr. Smith inquired how often the City's license is upgraded.

Mr. Marok replied that it is updated every three years.

Mr. Kuczma questioned how long this agreement is for.

Mr. Marok answered that the agreement would be for three years and would cost $60,000 upfront.

Mr. Abella moved Resolution Number 105-2023 to tonight's Council Agenda of November 27, 2023, as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mr. Abella moved to adjourn at 6:03 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

Tim Smith
Chairman

FINANCE COMMITTEE

November 27, 2023

IN ATTENDANCE: Chairman Nicholas Hanek, Committee Member Brandon Lambert, Committee Member Michael Abella Jr., Keith Kuczma, Kristy Piper, Tim Smith, Joseph Delsanter, City Manager/Safety Director Carl DeForest, Mayor Ron Falconi, Acting Law Director Dennis Nevar, Finance Director Todd Fischer, Clerk of Council Laura Timura, News Media

The meeting convened at 6:30 p.m.

DISCUSSION ITEMS:

a) **RES. NO. 97-2023**- An emergency resolution requesting an advance release of property tax revenue funds from the Medina County Treasurer collected for the benefit of the City of Brunswick. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

b) **ORD. NO. 98-2023-** An emergency ordinance adopting the Annual Appropriation Budget for Expenditures of the City of Brunswick for the year beginning January 1, 2024 and ending December 31, 2024. **- 1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

c) **ORD. NO. 99-2023 -** An emergency ordinance amending Section 1 of Ordinance No. 104-2022 to provide for a Revised Allocation of Municipal Income Tax receipts during the period from January 1, 2024 through December 31, 2024. **- 1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

d) **ORD. NO. 100-2023 -** An emergency ordinance amending Ordinance No.106-2022 and the City's Fund Balance Reserve Policy. **- 1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

e) **ORD. NO. 101-2023 -** An emergency ordinance creating an OPWC Pepperwood Drive Improvement Fund (#375) **- 1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

Mr. Lambert moved Resolution Number 97-2023, Ordinance Number 98-2023, Ordinance Number 99-2023, Ordinance Number 100-2023, and Ordinance Number 101-2023 to tonight's Council Agenda of November 27, 2023, as an emergency with 2 readings. Vote – 3 Ayes, 0 Nays.

f) **ORD. NO. 103-2023 -** An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of $12,000,000 to provide funds for the purpose of constructing, furnishing, equipping and otherwise improving a new fire station and preparing, equipping and otherwise improving its site. **- 1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

Mr. Fischer explained that this ordinance is the first step to receive the proceeds from the levy.

Mr. Abella moved Ordinance Number 103-2023 to tonight's Council Agenda of November 27, 2023, as an emergency with 3 readings. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Fischer announced there would be an Audit Committee Meeting on Wednesday, November 29th.

ADJOURNMENT:

Being no further business, Mr. Lambert moved to adjourn at 6:33 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

Nicholas Hanek
Chairman

SAFETY & ENVIRONMENT COMMITTEE

November 27, 2023

IN ATTENDANCE: Chairman Keith Kuczma, Committee Member Kristy Piper, Committee Member Joseph Delsanter, Nicholas Hanek, Brandon Lambert, Michael Abella Jr., Tim Smith, City Manager/Safety Director Carl DeForest, Acting Law Director Dennis Nevar, Finance Director Todd Fischer, Clerk of Council Laura Timura, Tobacco 21 Regional Director Wendy Hyde, News Media.

The meeting convened at 6:04 p.m.

DISCUSSION ITEMS:

a) Tobacco Retail License

Ms. Hyde remarked that the City of Columbus voted to ban flavored vapes in their City effective January 1, 2024. This did not please the Ohio State Legislature, so they introduced a broad bill that would negate any tobacco retail enforcement that has been done in the past and any enforcement in the future at the local level. She added that the first look at the bill was vetoed by the Governor in January and vetoed again when it was introduced in the bi-annual budget in June. The state legislature has the ability to override the veto until December 2024. She noted that Tobacco 21 has been working as a coalition to stay updated with more information.

Ms. Hyde revealed that the Tobacco 21 coalition has been working to pass tobacco retail licenses at the local as they are a very effective mechanism to limit access for the youth to obtain tobacco products.

Mr. Kuczma asked if Ms. Hyde could give a quick explanation as to what a Tobacco Retail License (TRL) is.

Ms. Hyde explained that a TRL is a way to put an enforcement mechanism on the books for current laws. The current law is that tobacco sales are not to be made to individuals under 21. Not all retailers follow this law, and there is currently no suitable mechanism for enforcement. The Federal Department of Agriculture (FDA) fails to have annual checks on all retailers. There is also no licensing program for vapor shops in Ohio, so the only shops being checked are those that sell combustible products. The TRL would require all retailers that sell any nicotine product to have a TRL and provide a penalty structure with a graduated penalty that could lead to license removal. The program would be self-sustaining based on retailer fees, which are annual fees that retailers would pay to be able to have a license. The program would also work with the Health Department, which would be doing investigations with decoy underage buyers.

Ms. Hyde noted that the Medina County Health Department has received a grant through the Ohio Department of Health. This is a five-year grant that allows for TRLs to pass within Medina County. Once they pass, some of the funding can be used towards implementing the TRL.

Mr. Kuczma inquired if there would be any cost to the City.

Ms. Hyde replied that there would not be.

Mr. Delsanter questioned if the TRL would inhibit retailers from selling flavored products.

Ms. Hyde answered that it would not and that the TRL is strictly an enforcement mechanism.

Mr. Delsanter then asked if Ms. Hyde was sure that the Medina County Health Department was willing to take on the task of implementing TRLs.

Ms. Hyde disclosed that she has met with the Health Department, and they have stated that they will support cities that implement the TRL.

Mr. Delsanter remarked that the law should be clear regardless of how the City addresses the problem.

Mr. Hanek reminded that there are two pieces of legislation: one for the TRL and one for banning flavored vapor products. He stated that he had no issues with the TRL but liked that the other legislation addressed the fact that many flavored vapor products are marketed toward children. He continued that the City currently has a moratorium on any new stores that sell vapor products.

Mr. Kuczma inquired if the City could limit the number of TRLs it gives out.

Ms. Hyde replied that the City could cap the number of licenses based on the population density or the number of retailers the City currently has. She added that the City can limit the proximity of vapor stores to other locations, such as youth access facilities.

Mr. Delsanter advised that the Administration should look at how TRLs and proximity regulations affect the total economic picture of the City.

Mr. Nevar questioned what type of contractual relations Ms. Hyde is seeing between municipalities and municipality health departments.

Ms. Hyde responded that the contracts are similar to other health services that the City may have contracted with the Health Department.

Mr. Nevar revealed that the Administration is contemplating having a retail license fee that is paid annually and financial penalties for infractions. Those funds would not go to the City but to the licensing agent, perpetuating the TRL program.

Mr. Nevar stated that Council and the Administration have yet to determine the number of licenses they are willing to give out. He continued to lay out various considerations regarding the distribution of the TRLs.

Mr. Hanek suggested referring the TRL and its legislation to the Division of Law and the rest of the City Administration so that the Administration can determine a logical number of licenses to give out and iron out any other provisions.

Ms. Hyde offered that the Health Department would have a good estimated number of retailers so the Administration could better evaluate how many TRLs to distribute.

Mr. Kuczma moved to authorize the City Administration to review and place the Tobacco Retail License legislation on a future Council Meeting. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mr. Delsanter moved to adjourn at 6:30 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

Keith Kuczma
Chairman

AD HOC COMMITTEE FOR YOUTH SPORTS

November 27, 2023

IN ATTENDANCE: Chairman Michael Abella Jr., Committee Member Brandon Lambert, Committee Member Keith Kuczma, Nicholas Hanek, Joseph Delsanter, City Manager/Safety Director Carl DeForest, Acting Law Director Dennis Nevar, Community & Economic Development Director Grant Aungst, Parks & Recreation Director Taylor Petkovsek, Information Technology & Security Officer Robert Marok, Clerk of Council Laura Timura, BYS Vice President Frank Bertoli, BYS Secretary Wendy Bertoli, BYS Treasurer Chris Gaglione, BYS Executive Board Member Gavin Hulvalchick, News Media.

The meeting convened at 5:00 p.m.

Mr. Delsanter arrived at 5:45 p.m.

GENERAL DISCUSSION:

Mr. Abella reminded that Brunswick Youth Sports (BYS) has a binding legal contract that needs to be abided by. He added that, if needed, the Parks & Recreation Director could take over BYS. He remarked that there was a change in the BYS Executive Board.

Mr. Gaglione remarked that the BYS Treasurer retired. He added that the new president is Adam Murphy.

Mr. Abella stated that the intention of BYS is to partner with the City, but the execution has not been there. He mentioned that one of the issues that needs to be resolved is the annual report, which is part of the contract.

Mr. Gaglione discussed some of the field improvements that were done this past year.

Mr. Abella insisted that the annual report is needed as it is a part of the BYS contract. He continued that another concern was that taxes were not being filed. This is very concerning because losing this program would mean that many kids could not participate in sports.

Mr. Gaglione revealed that BYS is moving over to QuickBooks and has hired an accountant to manage finances.

Mr. Abella noted that the City needs access to the background checks done on BYS volunteers.

Mr. Abella asked if league designations and rules are posted on the BYS website.

Mr. Gaglione responded that BYS is trying to transfer information from the new website back to the old one. He then discussed how the different BYS fields are split up by age.

Mr. Hanek disclosed that he has had meetings with the City Administration regarding some of the BYS recordkeeping. He stated that the response to records requests asked of BYS was not sufficient, detailed, or timely. He explained that the need for transparency is taken seriously as it is needed to fulfill public records requests.

Mr. Lambert echoed Mr. Hanek's comments and emphasized the need for transparency in BYS operations.

Mr. Lambert questioned if the BYS Executive Board would have an issue with a new contract that specifies more transparency.

The BYS Board responded that they would have to review the contract but would be open to it.

Mr. Hanek suggested various ways for BYS to partner with the City to make processes easier for volunteers.

Mr. Gaglione mentioned that he had contacted the Administration but did not receive a response.

Mr. Hanek replied that he has reached out to BYS multiple times, and the responses have been inconsistent.

Mr. Lambert recounted that BYS acquiring legal counsel after a records request from the Division of Law set off many red flags.

Mr. Gaglione responded that BYS decided to obtain legal counsel because emails sent to the Law Director regarding the records went unanswered.

Mr. Abella and Mr. Kuczma reiterated that transparency is vital, especially with a $275,000 budget.

Mr. Hanek strongly suggested that there needs to be a structure in BYS regarding recordkeeping. He indicated that a City employee could serve on the BYS Board to ensure things were done appropriately.

Mr. DeForest remarked that the City should look at amending the agreement and increasing the level of transparency.

Mrs. Petkovsek agreed with Mr. DeForest.

Mr. Hanek noted that having more transparency could lead to more investment and sponsorships for BYS.

Mr. Abella advised that the City can help alleviate some of the volunteer responsibilities in various ways.

ADJOURNMENT:

Being no further business, Mr. Kuczma moved to adjourn at 5:50 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

Michael Abella Jr.
Chairman

COMMITTEE OF THE WHOLE

November 27, 2023

IN ATTENDANCE: Nicholas Hanek, Joseph Delsanter, Keith Kuczma, Michael Abella Jr., Tim Smith, Kristy Piper, Brandon Lambert, City Manager/Safety Director Carl DeForest, Mayor Ron Falconi, Acting Law Director Dennis Nevar, Finance Director Todd Fischer, Medina County Commissioner Aaron Harrison, Clerk of Council Laura Timura, News Media

The meeting convened at 6:34 p.m.

DISCUSSION ITEMS:

a) NOACA (Commissioner Harrison)

Mr. Hanek thanked Commissioner Harrison for advocating against the proposed interchange at Boston Road. He announced that Commissioner Harrison would be bringing a resolution to the NOACA Board on Friday to be voted on.

Commissioner Harrison stated that the interchange issue is very problematic for the City. He mentioned that he got the idea to approach NOACA when speaking to Representative Romanchuk. When bringing it to NOACA, the standing answer was that NOACA did not have any play in the interchange until they were asked to do a study. He then proposed Resolution 2023-045, which would oppose the interchange and support the passage of Ohio House Bill 275 and Ohio Senate Bill 155 to repeal the construction requirement.

Mr. Delsanter thanked Mr. Harrison for his support regarding the interchange. He added that there are other coordinating agencies, like NOACA, around the state that he would like to see involved.

Commissioner Harrison responded that he is unsure if this has happened yet but surmised that the implications do go beyond the boundaries of Medina and Cuyahoga County. He revealed that there was an op-ed piece in the Plain Dealer referencing the point that Mr. Delsanter made. He disclosed that he does not know how NOACA will vote on the resolution as it has 48 members, but the advocates against the interchange have made their voices heard to the members of NOACA. He hopes there is a good showing of people who are against the interchange and has no doubt that similar individuals to those who testified in Columbus will make their voices heard at the NOACA meeting.

Mr. Delsanter commented that he could not imagine more essential projects being set aside because of the forced interchange.

Commissioner Harrison added that in addition to the one-time cost, there would be additional costs to the City of Brunswick and Medina County.

Mr. Hanek reiterated that Commissioner Harrison's resolution will be voted on at the NOACA meeting on Friday. He revealed that the City of Strongsville had a staffer at NOACA present at their City Council meeting last Monday. He believed that this was a deliberate attempt to confuse the public, NOACA, and the legislatures by pretending that their most recent traffic study did not happen and focusing the attention on a 2015 study. He stated that some lawmakers intend to use the passage of Ohio House Bill 23 as a sword against NOACA and the State of Ohio.

Commissioner Harrison noted that in the 2015 traffic study, the Boston Road interchange is not the priority interchange in Medina County. If there were going to be an I-71 interchange in Medina County, according to NOACA's 2015 study, it would be about twelve miles south of Brunswick.

MOTION ITEMS:

a) A motion authorizing the City Manager to amend the FY 2023 Opioid Settlement Fund Disbursement Agreement with Cathy's House, Inc. to include an additional $10,970.52 in opioid settlement funds received after the original agreement was executed.

Mr. DeForest explained that this money will be redirected to Cathy's House, Inc., which rehabilitates those who struggle with addiction.

Mr. Hanek asked if the Administration has a very detailed understanding of how Cathy's House, Inc. is spending the money.

Mr. DeForest responded that there is absolute transparency from Cathy's House.

Mr. Fischer added that Cathy's House, Inc. provides an annual report detailing the use of their funds.

Mr. Delsanter moved to authorize the City Manager to amend the FY 2023 Opioid Settlement Fund Disbursement Agreement with Cathy's House, Inc. to include an additional $10,970.52 in opioid settlement funds received after the original agreement was executed. Vote – 7 Ayes, 0 Nays.

REVIEW LEGISLATION:

a) **RES. NO. 102-2023** - An emergency resolution permitting the City Administration to sell, through public internet auctions, personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired, for the year 2024. - **1st Reading** (To be brought from Committee-of-the Whole, *Administration/Carl DeForest*)

Mr. DeForest revealed that this is an annual resolution to allow the City to use the Internet to sell unwanted or unused items. An emergency is necessary so that it can be applicable on January 1, 2024. The City has done this resolution every year for the past fifteen years. A lot of items have been sold through GovDeals.

Mr. Smith inquired where the money from the sales goes.

Mr. DeForest replied that it goes into either the General Fund or the fund of the department that sold it.

Mr. Delsanter questioned if items being recirculated through City Hall broke any rules.

Mr. DeForest answered that it does not.

Mr. Lambert moved Resolution Number 102-2023 to tonight's Council Agenda of November 27, 2023, as an emergency with three readings. Vote – 7 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

EXECUTIVE SESSION:

Mr. Smith moved to go into Executive Session to discuss the subject of pending or imminent court action, seconded by Mr. Delsanter. Roll Call – Ayes – 7, Mr. Hanek, Mr. Lambert, Mr. Smith, Mr. Abella, Mr. Delsanter, Mr. Kuczma, Mrs. Piper. Nays – 0

Mr. Kuczma moved to adjourn from Executive Session. – Vote – 7 Ayes, 0 Nays.

The Committee-of-the-Whole reconvened.

ADJOURNMENT:

Being no further business, Mr. Abella moved to adjourn the Committee of the Whole Meeting at 7:00 p.m. Vote – 7 Ayes, 0 Nays.

Submitted Respectfully,

Irene Jayapandian

Irene Jayapandian
Assistant Clerk of Council

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 12/11/2023

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. 93-2023** - A resolution authorizing the City Manager to enter into a three (3) year agreement with Any Domestic Work, Inc. to provide custodial services at City Hall and the Division of Police in a monthly amount not to exceed $4,190.00. - **3rd Reading** (Committee-of-the-Whole, *Administration/Carl DeForest*)

BACKGROUND: Public bids were received and opened on October 10, 2023. Two bids were received. The lowest and best bidder was Any Domestic Work, Inc.

PURPOSE AND EXPLANATION: Custodial services are required at City Hall five (5) days a week and the Division of Police seven (7) days a week.

IMPLEMENTATION SCHEDULE: As soon as allowed by law and/or by March 1, 2024.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The monthly amount for City Hall and the Division of Police in total is $4,190.00. The costs will be broken down between the General Fund and the Police Fund, based on a calculation relating to the square footage and the number of days cleaned in the year. The costs for this contract must be appropriated (budgeted) by Council pursuant to State law. The costs for this contract will be subject to sufficient Council appropriations and properly certified purchase orders pursuant to ORC 5705.41D. Preliminary cost breakdown is $1,923.93/month to #001-0441-54260 & $2,266.07/month to #114-0520-54260.

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. 93-2023

BY: Committee-of-the-Whole

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE (3) YEAR AGREEMENT WITH ANY DOMESTIC WORK, INC. TO PROVIDE CUSTODIAL SERVICES AT CITY HALL AND THE DIVISION OF POLICE IN A MONTHLY AMOUNT NOT TO EXCEED $4,190.00.

WHEREAS: The City of Brunswick received two (2) bids to provide custodial services at City Hall and the Division of Police, in accordance with public bidding requirements; and

WHEREAS: The two (2) received public bids were opened on October 10, 2023, with Any Domestic Work, Inc. 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 Any Domestic Work, Inc., the lowest and best bidder, to provide custodial services at City Hall and the Division of Police in a monthly amount not to exceed $4,190.00, subject to annual appropriations by City Council as required by law.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 12/11/2023

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. 94-2023** - A resolution authorizing the City Manager to enter into a three (3) year agreement with Any Domestic Work, Inc. to provide custodial services at the Brunswick Community Recreation and Fitness Center in a monthly amount not to exceed $6,195.00. - **3rd Reading** (Committee-of-the-Whole, *Administration/Carl DeForest*)

BACKGROUND: Public bids were received and opened on October 10, 2023. Two bids were received. The lowest and best bidder was Any Domestic Work, Inc.

PURPOSE AND EXPLANATION: The Brunswick Recreation and Community Fitness Center needs custodial services seven (7) days a week.

IMPLEMENTATION SCHEDULE: As soon as allowed by law and/or by March 1, 2024.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Monthly rate is $6,195.00. The costs for this contract must be appropriated (budgeted) by Council pursuant to State law. The costs for this contract will be subject to sufficient Council appropriations and properly certified purchase orders pursuant to ORC 5705.41D. The account#131-0830-54260.

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. 94-2023

BY: Committee-of-the-Whole

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE (3) YEAR AGREEMENT WITH ANY DOMESTIC WORK, INC. TO PROVIDE CUSTODIAL SERVICES AT THE BRUNSWICK COMMUNITY RECREATION AND FITNESS CENTER IN A MONTHLY AMOUNT NOT TO EXCEED $6,195.00.

WHEREAS: The City of Brunswick received two (2) bids to provide custodial services at the Brunswick Community Recreation and Fitness Center, in accordance with public bidding requirements; and

WHEREAS: The two (2) received public bids were opened on October 10, 2023, with Any Domestic Work, Inc. 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 Any Domestic Work, Inc., the lowest and best bidder, to provide custodial services at the Brunswick Community Recreation and Fitness Center in a monthly amount not to exceed $6,195.00, subject to annual appropriations by City Council as required by law.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 12/11/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Todd Fischer

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 97-2023**- An emergency resolution requesting an advance release of property tax revenue funds from the Medina County Treasurer collected for the benefit of the City of Brunswick. - **2nd Reading** (Finance Committee, *Administration/Todd Fischer*)

BACKGROUND: Each year, the City of Brunswick requests an advance release of the maximum amount allowed by law of property taxes collected by the Treasurer. This request is for the 2024 collection year.

PURPOSE AND EXPLANATION: To allow the City to maximize the interest to be earned on available monies and improve the cash flows of the City. If the City did not execute this legislation then Medina County would be able to reap the interest and cash flow benefits from this otherwise "available" City money.

IMPLEMENTATION SCHEDULE: Consideration for passage as an emergency with the suspension of the rules on 2nd reading - December 11, 2023.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The total financial impact of this legislation is determined by a few variables that cannot be measured at this time. However, the impact of this legislation is positive for the City of Brunswick as it will allow for the City to obtain financial resources earlier than what it would be if it was not passed. This legislation merely changes the timing of when property tax money is received, thus allowing for better interest earning potential and improving cash flows. The actual amount of each advancement of property taxes received and the actual interest rates available when the advancements are received cannot be measured or determined at the time this legislation is presented.

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 passage as an emergency with a suspension of the rules on December 11, 2023, to allow for the timely filing of paperwork with Medina County Auditor's Office. The emergency and suspension of the rules are deemed necessary in order for the City to be prepared and allow it to receive its property tax revenues in advance of the semi-annual settlement and maximize its interest revenue potential. Once the paperwork is received from the Medina County Auditor's Office, it must be completed and filed no later than early January with this Resolution to receive the property taxes in advance of the normal settlement times defined by law.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO

RESOLUTION NUMBER 97-2023

By: Mr. Hanek, Mr. Abella, Mr. Lambert

AN EMERGENCY RESOLUTION REQUESTING AN ADVANCED RELEASE OF PROPERTY TAX REVENUE FUNDS FROM THE MEDINA COUNTY TREASURER COLLECTED FOR THE BENEFIT OF THE CITY OF BRUNSWICK

WHEREAS: The City Council of the City of Brunswick wishes to receive advance release of property tax revenues collected by the Medina Country Treasurer for the benefit of the City of Brunswick.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: That the City of Brunswick hereby requests advance release payment of the maximum amount allowed by law from the taxes collected for the benefit of said City credited to the General, Police Pension (Police Fund), Road Levy Improvement and Fire Station Construction Funds of said City, said release payment to be made from prior years, but not collected until 2024 on any and all levies pertaining to the City of Brunswick.

SECTION 2: That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of the Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with legal requirements including Section 121.22 of the Ohio Revised Code.

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 and welfare of the City, and for the further reason that it is necessary to provide for the City of Brunswick, the necessary funds for the operation of the City; wherefore, this Resolution shall be in full force and effect immediately after its passage by the required number of votes; otherwise, the earliest time permitted by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 12/11/2023

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. 98-2023**- An emergency ordinance adopting the Annual Appropriation Budget for Expenditures of the City of Brunswick for the year beginning January 1, 2024 and ending December 31, 2024. - **2nd Reading** (Finance Committee, *Administration/Todd Fischer*)

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

PURPOSE AND EXPLANATION: In order to comply with the Ohio Revised Code Section 5705 any and all activity of the City must be included in the budget.

As actual information is obtained and compared to estimates or new items are requested to be added or deleted by the respective departments, it is required to present proposed budget amendments to Council for approval. This process is required by law and audited under the direction of the Auditor of State for compliance every year.

IMPLEMENTATION SCHEDULE: The 2024 Budget proposal will be presented and discussed with the Finance Committee and other members of Council on November 20, 2023. If approved by the Finance Committee, the Administration's request is to move this legislation to the November 27, 2023 Council agenda as an emergency with suspension of the rules for two readings.

The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, allowing for the daily operations of the City of Brunswick to continue without interruptions, allowing for the process involving capital purchases with significant supply chain issues to begin as soon as possible and allowing for a more timely and seamless transition into 2024.

FINANCIAL INFORMATION: Schedule of Fund Appropriations - See Exhibit A - 01/01/2024 - See Exhibit A - Various - - $100,406,914.56

FINANCIAL SUMMARY: The total 2024 appropriation budget for all funds (including all book internal transfers, self-insurance, agency funds, etc.) equals $100,406,914.56

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?

The 2024 Budget proposal will be presented and discussed with the Finance Committee and other members of Council on November 20, 2023. If approved by the Finance Committee, the Administration's request is to move this legislation to the November 27, 2023 Council agenda as an emergency with suspension of the rules for two readings.

The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, allowing for the daily operations of the City of Brunswick to continue without interruptions, allowing for the process involving capital purchases with significant supply chain issues to begin as soon as possible and allowing for a more timely and seamless transition into 2024.

ADDITIONAL INFORMATION: See Exhibit A.

CITY OF BRUNSWICK, OHIO

ORDINANCE NUMBER 98-2023

By: Mr. Hanek, Mr. Abella, Mr. Lambert

AN EMERGENCY ORDINANCE ADOPTING THE ANNUAL APPROPRIATION BUDGET FOR EXPENDITURES OF THE CITY OF BRUNSWICK FOR THE YEAR BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2024.

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

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

WHEREAS: City Council has publicly reviewed the 2024 Operating and Capital Program Budget and is desirous to comply with local and State Laws.

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

SECTION 1: That to provide for expenditures of the City of Brunswick, Ohio during the fiscal year beginning January 1, 2024 and ending December 31, 2024, the 2024 Operating and Capital Program Appropriation Budget, as attached hereto and incorporated herein as Exhibit "A", is hereby adopted.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare, and for the further reason that Ohio law prescribes time limitations on the adoption and certification of the 2024 Operating and Capital Appropriation Budget. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

PASSED: 1st Reading _____
2nd Reading _____
3rd Reading _____
Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

City of Brunswick, Ohio
Departmental Budget Worksheet
For the Budget Year Ending, December 31, 2024

EXHIBIT A

Fund Number	Fund Name / Department	Personal Service	Other	Total
General Fund				
001	General Fund			
	City Council	193,737.00	89,869.00	$ 283,606.00
	Mayor	111,478.00	98,163.00	$ 209,641.00
	City Manager	201,060.00	135,145.00	$ 336,205.00
	Information Technologies	185,620.00	363,190.00	$ 548,810.00
	Engineering	25,723.00	669,247.00	$ 694,970.00
	Building Department	361,000.00	303,838.00	$ 664,838.00
	Cemetery Maintenance	-	23,000.00	$ 23,000.00
	Janitorial Contract	-	23,100.00	$ 23,100.00
	City Hall Building & Grounds	5,843.00	49,704.00	$ 55,547.00
	Administrative Services	96,093.00	58,826.00	$ 154,919.00
	Economic Development	120,517.00	259,847.00	$ 380,364.00
	Animal Control	81,109.00	73,012.00	$ 154,121.00
	Law Department	191,671.00	349,585.00	$ 541,256.00
	Finance Department	274,410.00	240,883.00	$ 515,293.00
	Income Tax Department	216,279.00	248,717.00	$ 464,996.00
	Parks & Recreation Director	81,299.00	64,056.00	$ 145,355.00
	General Fund Administration	-	1,337,547.25	$ 1,337,547.25
	Planning Division/Community Development	77,096.00	183,557.00	$ 260,653.00
	Board of Building Appeals	516.00	1,222.00	$ 1,738.00
	Board of Zoning Appeals	1,281.00	4,613.00	$ 5,894.00
	Board of Civil Service	11,849.00	49,092.00	$ 60,941.00
	Board of Ethics	4,080.00	4,650.00	$ 8,730.00
	Board of Charter Review	-	-	$ -
	Board of Commemorative Affairs	-	34,500.00	$ 34,500.00
	General Fund Transfers / Advances	-	28,295,643.33	$ 28,295,643.33
001	Total General Fund	$ 2,240,661.00	$ 32,961,006.58	$ 35,201,667.58
Special Revenue Funds:				
110	Court Computerization Fund	5,705.00	16,396.00	$ 22,101.00
112	VAWA Grant Fund	-	-	$ -
113	CDBG Grant Fund	-	-	$ -
114	Police Wages Fund	4,890,609.00	5,131,351.00	$ 10,021,960.00
115	Fire Fund	2,737,861.00	3,207,075.00	$ 5,944,936.00
117	Street Repair & Maintenance Fund	1,295,714.00	2,719,577.60	$ 4,015,291.60
118	State Highway Fund	-	165,960.00	$ 165,960.00
119	Law Enforcement Fund	-	10,615.00	$ 10,615.00
120	Brunswick Transit Alternative (BTA) Fund	-	45,000.00	$ 45,000.00
123	Brunswick Area Television (BAT) Fund	159,317.00	273,929.00	$ 433,246.00
127	Parks Fund	212,807.00	441,518.00	$ 654,325.00
129	Department of Justice Federal Grant Fund	-	112,117.69	$ 112,117.69
130	DUI Enforcement & Education Fund	-	9,700.00	$ 9,700.00
131	Recreation Center Fund	413,973.00	642,396.00	$ 1,056,369.00
140	Local Fiscal Recovery Fund	-	-	$ -
Enterprise Funds:				
223	Refuse Fund	74,701.00	3,053,927.00	$ 3,128,628.00
224	Storm Water Management Fund	35,224.00	1,365,878.25	$ 1,401,102.25
Capital Improvement Funds:				
300	General Permanent Improvement Fund	-	3,460,733.99	$ 3,460,733.99
332	Road Levy Fund	-	2,579,373.00	$ 2,579,373.00
333	Road Improvement Fund	-	3,566,633.18	$ 3,566,633.18
334	Traffic Control Fund	-	3,125.00	$ 3,125.00
335	Public Square Fund	-	12,297.56	$ 12,297.56
336	City Building Improvement Fund	-	177,226.00	$ 177,226.00
337	EPA Grant Fund		1,500,000.00	$ 1,500,000.00
339	Fire Improvement Fund	-	79,618.16	$ 79,618.16
341	Park Improvement Fund	-	500,000.00	$ 500,000.00
345	U.S. Army Corp of Engineer's Grant Fund	-	2,255,000.00	$ 2,255,000.00
347	North Carpenter Road Improvement Fund	-	1,736,328.34	$ 1,736,328.34
348	Boston Road Improvement Fund	-	-	$ -

City of Brunswick, Ohio
Departmental Budget Worksheet
For the Budget Year Ending, December 31, 2024

EXHIBIT A

Fund Number	Fund Name / Department	Personal Service	Other	Total
353	I-71 / Rt. 303 Enhancement Fund	-	3,895.03	$ 3,895.03
359	Fire Station Construction Fund	-	12,000,000.00	$ 12,000,000.00
360	Brunswick Lake Improvement Fund	-	602,572.55	$ 602,572.55
373	OPWC Skyview Drive Improvement Fund	-	912,030.90	$ 912,030.90
374	OPWC Magnolia Drive Improvement Fund	-	1,582,139.25	$ 1,582,139.25
375	OPWC Pepperwood Drive Improvement Fund		1,317,000.00	$ 1,317,000.00
Self Insurance Fund:				
600	Self Insurance Fund	-	3,799,560.00	$ 3,799,560.00
Debt Service Funds:				
771	General Obligation Bond Retirement Fund	-	-	$ -
772	General Obligation Fire Station Bond Retirement Fund	-	1,075,125.00	$ 1,075,125.00
782	Special Assessment BRF: Laurel Road (2006)	-	35,462.50	$ 35,462.50
783	Special Assessment BRF: Brunswick Lake - Dam	-	18,948.80	$ 18,948.80
784	Special Assessment BRF: Brunswick Lake - Dredging	-	11,826.18	$ 11,826.18
Agency Funds:				
880	Recreation Programs Agency Fund	-	-	$ -
881	General Trust Agency Fund	-	750,000.00	$ 750,000.00
882	Unclaimed Money Agency Fund	-	20,000.00	$ 20,000.00
883	Twelve Step Agency Fund	-	-	$ -
884	Family Violence Agency Fund	-	-	$ -
885	Flexible Spending Agency Fund	-	140,000.00	$ 140,000.00
886	Non-Residential 3% Building Permit Agency Fund	-	35,000.00	$ 35,000.00
887	Residential 1% Building Permit Agency Fund	-	10,000.00	$ 10,000.00
			Grand Total	$ 100,406,914.56

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 12/11/2023

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. 99-2023** - An emergency ordinance amending Section 1 of Ordinance No. 104-2022 to provide for a Revised Allocation of Municipal Income Tax receipts during the period from January 1, 2024 through December 31, 2024. - **2nd Reading** (Finance Committee, *Administration/Todd Fischer*)

BACKGROUND: Per Codified Ordinance Section 880.01.1 (e), the Council is required to pass an Ordinance when amending the distribution of municipal income taxes to various funds. Generally, this process occurs at the beginning of the year when the new annual appropriation measure is being considered or "as needed". The estimated income tax collections and distribution of net income taxes, as written, have also been set to comply with the levy language of the City's two income tax specific safety levies in place for 2024.

PURPOSE AND EXPLANATION: In accordance with Section 880.01.1 (e) of the Brunswick Codified Ordinances, this Council will be required to pass ordinances from time to time to provide for the allocation of income tax receipts as required and permitted by Section 880.01; and

The City Council has determined that the allocation formula during the period from January 1, 2024 through December 31, 2024, should maximize the amounts provided for municipal services and improvements; and

In order to carry out that purpose subject to and consistent with the requirements of Section 880.01 of the Codified Ordinances, this Council has determined that it is necessary to amend Section 1 of Ordinance No. 104-2022;

IMPLEMENTATION SCHEDULE: The proposed 2024 income tax allocation draft legislation and 2024 appropriation budget will be presented and discussed with the Finance Committee and other members of Council on November 20, 2023. This 2024 income tax allocation legislation is anticipated to be moved to the November 27, 2023 Council agenda for two readings as an emergency with suspension of the rules. The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, synch up similar 2024 budget legislation together at the same time, allowing for the daily operations of the City of

Brunswick to continue without interruptions, and allowing for a more seamless transition into 2024.

FINANCIAL INFORMATION:

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

RECOMMENDED ACTION:

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

If emergency or suspension of the rules, why the request?
The proposed 2024 income tax allocation draft legislation and 2024 appropriation budget will be presented and discussed with the Finance Committee and other members of Council on November 20, 2023. This 2024 income tax allocation legislation is anticipated to be moved to the November 27, 2023 Council agenda for two readings as an emergency with suspension of the rules. The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, synch up similar 2024 budget legislation together at the same time, allowing for the daily operations of the City of Brunswick to continue without interruptions, and allowing for a more seamless transition into 2024.

ADDITIONAL INFORMATION: None.

CITY OF BRUNSWICK, OHIO
ORDINANCE NUMBER 99-2023

By: Mr. Hanek, Mr. Abella, and Mr. Lambert

AN EMERGENCY ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 104-2022 TO PROVIDE FOR A REVISED ALLOCATION OF MUNICIPAL INCOME TAX RECEIPTS DURING THE PERIOD FROM JANUARY 1, 2024 THROUGH DECEMBER 31, 2024.

WHEREAS: In accordance with Section 880.01.1 (e) of the City of Brunswick Codified Ordinances, this Council is required to pass Ordinances from time to time to provide for the allocation of income tax receipts as required and permitted by Codified Ordinance Section 880.01.1; and

WHEREAS: This Council has determined that the allocation formula during the period from January 1, 2024 through December 31, 2024 should maximize the amounts provided for municipal services and improvements; and

WHEREAS: In order to carry out such purpose, subject to and consistent with the requirements of Section 880.01.1 of the Codified Ordinances, this Council has determined that it is necessary to amend Section 1 of Ordinance No. 104-2022;

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

SECTION 1: That Section 1 of Ordinance No. 104-2022, adopted on November 28, 2022, be and is hereby amended to read as follows:

"SECTION 1. Subject to and consistent with the provisions of Section 880.01.1 of the Codified Ordinances, during the period from January 1, 2024 through December 31, 2024, the income tax receipts collected under the provisions of Chapter 880 of the Codified Ordinances each month, after provision for costs of administering and enforcing the provisions of that Chapter (the "Net Income Tax Receipts"), shall be allocated to and deposited in or transferred to the following funds at the close of each month in the following percentage allocations notwithstanding the tax year to which they are attributable:

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

; provided that when amounts allocated to a fund reach the designated annual maximum for that fund for 2024 set forth below, no additional net income tax receipts will be deposited into that fund in 2024.

The annual maximum allocations for the various funds for 2024 shall be as follows:

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

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

Fund	Allocation
Police Fund	$9,425,000
Fire Fund	$6,525,000
Aggregate Police & Fire Funds Total	$15,950,000

or

(ii) As to the Police Fund, 59.09% of the aggregate amount of Net Income Tax Receipts from the taxes levied pursuant to Section 880.005.1(b) and (c) of the Codified Ordinances in that year, and as to the Fire Fund, 40.91% of the aggregate amount of Net Income Tax Receipts from the taxes levied pursuant to Section 880.005.1(b) and (c) of the Codified Ordinances in that year.

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

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

Fund	Maximum Allocation
Street Repair & Maintenance Fund	$1,575,000
BTA Fund	$15,000
Parks Fund	$580,000

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

(C) There shall be no annual maximum applicable to the allocation of Net Income Tax Receipts to the General Fund or to the Capital Improvement Fund in 2024.

This Council finds and determines that, based on the City's estimated income tax receipts for 2024, the allocation percentages and maximum allocations set forth in this Section are consistent with the requirements of paragraphs (b), (c) and (d) of Section 880.01.1 of the Codified Ordinances. This Council shall act promptly to revise the foregoing allocation percentages and or maximum allocations if, as and when such revisions are necessary to ensure continuing compliance with the requirements of Section 880.01.1 of the Codified Ordinances.

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

SECTION 2: That Section 1 of Ordinance No. 104-2022, as adopted on November 28, 2022, be and is hereby repealed.

CITY OF BRUNSWICK, OHIO

ORDINANCE NUMBER 99-2023

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

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

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

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 12/11/2023

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. 100-2023** - An emergency ordinance amending Ordinance No.106-2022 and the City's Fund Balance Reserve Policy. - **2nd Reading** (Finance Committee, *Administration/Todd Fischer*)

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

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

From mid 2010 through the date of this proposal, City Council, City Administration and the Committee have taken measures to restore the City's fiscal infrastructure, rebuild its cash reserves and revamp various fiscal and budgeting practices. As a part of these revamped practices, City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee established a fund balance reserve policy. The City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee decided to systematically increase the reserve levels and thus amend the fund balance reserve policy during 2017. Additional increases to the fund balance reserves were recommended in 2020, 2021, 2022 and 2023 to better prepare and react to the health pandemic, future economic downturns, inflationary pressures, or any other emergency situation.

As part of the City Manager's 2024 budget proposal and five-year capital program, additional increases to this policy are recommended. All of the amendments made to this policy include increases to the fund balance reserve levels. Approved increases provide more financial flexibility for the City in the future to react to secure more grant funding and react to various situations, including but not limited to economic downturns or

address emergency situations.

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

IMPLEMENTATION SCHEDULE: This legislation to amend the City's Fund Balance Reserve Policy and 2024 appropriation budget will be presented and discussed with the Finance Committee and other members of Council on November 20, 2023. This legislation is anticipated to be moved to the November 27, 2023 Council agenda for two readings as an emergency with suspension of the rules. The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, allowing for the daily operations of the City of Brunswick to continue without interruptions, sync up various pieces of legislation with the 2024 appropriation budget and allowing for a more seamless transition into 2024.

FINANCIAL INFORMATION:

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

RECOMMENDED ACTION:

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

If emergency or suspension of the rules, why the request?
This legislation to amend the City's Fund Balance Reserve Policy. This draft legislation and the 2024 appropriation budget will be presented and discussed with the Finance Committee and other members of Council on November 20, 2023. This legislation is anticipated to be moved to the November 27, 2023 Council agenda for two readings as an emergency with suspension of the rules. The emergency clause is considered necessary in order to remain in compliance with the Ohio Revised Code, allowing for the daily operations of the City of Brunswick to continue without interruptions, syncing up various pieces of legislation with the 2024 appropriation budget and allowing for a more seamless transition into 2024.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 100-2023

By: Mr. Hanek, Mr. Abella, Mr. Lambert

AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 106-2022 AND THE CITY'S FUND BALANCE RESERVE POLICY.

WHEREAS: Per determination by this Council, the City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee, the City adopted a Fund Balance Reserve Policy per Ordinance No. 96-12, as amended by Ordinance Nos. 90-17, 20-2020, 101-2020, 115-2021 and 106-2022, to detail the City's objective to achieve a sound financial condition and to maintain appropriate levels of unencumbered cash reserves in the General Fund; and

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

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

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

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

PASSED: 1st Reading _____

2nd Reading _____

RULES SUSPENDED: AYES ____ NAYS ___

ADOPTED: _____ AYES ____ NAYS ____

ATTEST: _____
Clerk of Council
Laura E. Timura

CITY OF BRUNSWICK

FUND BALANCE

RESERVE POLICY

Established October 2012 (Ordinance #96-12)

Amended by City Council - (Ordinance #90-17), (Ordinance #20-2020), (Ordinance #101-2020), (Ordinance #115-2021), (Ordinance #106-2022) and (Ordinance # -2023)

BACKGROUND:

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

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

During mid 2010 through the date of this proposal, City Council, City Administration and the Committee have taken measures to restore the City's fiscal infrastructure, rebuild its cash reserves and revamp various fiscal and budgeting practices. As a part of these revamped practices, City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee established a fund balance reserve policy. The City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee decided to systematically increase the reserve levels and thus amend the fund balance reserve policy during 2017. Additional increases to the fund balance reserves were recommended in 2020, 2021, 2022 and 2023 to better prepare and react to the health pandemic, future economic downturns, inflationary pressures, or any other emergency situation.

OBJECTIVE:

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

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

RESERVE POLICY:

The City's General Fund accounts for all financial resources except those required to be accounted for in another fund. These financial resources are available for any purpose, provided they are expended or

transferred according to the general laws of Ohio and the Charter of the City of Brunswick. The City shall attempt to maintain a minimum General Fund unencumbered cash fund balance reserve of no less than $7,000,000 as of December 31, 2023 and $7,500,000 as of December 31, 2024. As of December 31, 2025, and each fiscal year thereafter, the City shall attempt to maintain a minimum General Fund unencumbered cash fund balance of no less than $8,000,000.

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

In the event the General Fund unencumbered cash fund balance reserve exceeds $11,750,000 as of December 31, 2023; $12,750,000 as of December 31, 2024; and $13,500,000 as of December 31, 2025; and each fiscal year thereafter on the last day of the fiscal year, the excess may be used in one of or a combination of the following ways:

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

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

CITY OF BRUNSWICK

FUND BALANCE

RESERVE POLICY

Established October 2012 (Ordinance #96-12)

Amended by City Council - (Ordinance #90-17), (Ordinance #20-2020), (Ordinance #101-2020), (Ordinance #115-2021), ~~and~~ (Ordinance #106-2022~~—2022~~) and (Ordinance # -2023)

BACKGROUND:

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

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

During mid 2010 through the date of this proposal, City Council, City Administration and the Committee have taken measures to restore the City's fiscal infrastructure, rebuild its cash reserves and revamp various fiscal and budgeting practices. As a part of these revamped practices, City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee established a fund balance reserve policy. The City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee decided to systematically increase the reserve levels and thus amend the fund balance reserve policy during 2017. Additional increases to the fund balance reserves were recommended in 2020, 2021, 2022 and 2023~~2022~~ to better prepare and react to the health pandemic, future economic downturns, inflationary pressures, or any other emergency situation.~~.~~

OBJECTIVE:

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

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

RESERVE POLICY:

The City's General Fund accounts for all financial resources except those required to be accounted for in another fund. These financial resources are available for any purpose, provided they are expended or

transferred according to the general laws of Ohio and the Charter of the City of Brunswick. The City shall attempt to maintain a minimum General Fund unencumbered cash fund balance reserve of no less than ~~$$6,500,000~~ $7,000,000 as of December 31, ~~2022~~2023 and $7,500,000 as of December 31, 2024. As of December 31, ~~2023~~2025, and each fiscal year thereafter, the City shall attempt to maintain a minimum General Fund unencumbered cash fund balance of no less than $8,000,000 ~~$7,000,000~~.

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

In the event the General Fund unencumbered cash fund balance reserve exceeds ~~$10,250,000 as of December 31, 2022; $11,250,000~~ $11,750,000 as of December 31, 2023; $12,750,000 as of December 31, 2024 and $1~~3~~2,500~~000~~,000 as of December 31, 2025 ~~4~~and each fiscal year thereafter on the last day of the fiscal year, the excess may be used in one of or a combination of the following ways:

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

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

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 12/11/2023

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. 101-2023** - An emergency ordinance creating an OPWC Pepperwood Drive Improvement Fund (#375) - **2nd Reading** (Finance Committee, *Administration/Todd Fischer*)

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

The OPWC Pepperwood Drive Improvement Fund (#375) will be created and used to account for the OPWC monies awarded to the City of Brunswick for Pepperwood Drive improvement projects as outlined in the OPWC application(s).

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

The OPWC Pepperwood Drive Improvement Fund (#375) will be created and used to account for the OPWC monies awarded to the City of Brunswick for Pepperwood Drive improvement projects as outlined in the OPWC application(s).

IMPLEMENTATION SCHEDULE: The requested timeline is for this legislation to be moved to the November 27, 2023 Council agenda as an emergency with suspension of the rules for two readings.

This will sync up with other 2024 budget legislation and related timetables for a seamless transition into 2024.

FINANCIAL INFORMATION:

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

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

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

RECOMMENDED ACTION:

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

If emergency or suspension of the rules, why the request?
The emergency and suspension clause is considered necessary in order to remain in compliance with the Ohio Revised Code, allow for the daily operations of the City of Brunswick to continue without interruptions, synch up 2024 budget related legislation together and allow for a timely and seamless transition into 2024 by having the accounting structure in place.

ADDITIONAL INFORMATION: None.

CITY OF BRUNSWICK, OHIO

ORDINANCE NUMBER 101-2023

By: Mr. Hanek, Mr. Abella, and Mr. Lambert

AN EMERGENCY ORDINANCE CREATING AN OPWC PEPPERWOOD DRIVE IMPROVEMENT FUND (#375)

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

WHEREAS: The OPWC Pepperwood Drive Improvement Fund #375 will be created and used to account for any OPWC monies awarded to the City of Brunswick for Pepperwood Drive improvement projects as outlined in the OPWC application(s).

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That an OPWC Pepperwood Drive Improvement Fund #375 is hereby created.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, welfare, and providing for the usual daily operation of a municipal department, and for the further reason that proper fund accounting measures be created. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

PASSED: 1st Reading _____

2nd Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 12/11/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Gia D'Amico

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 102-2023** - An emergency resolution permitting the City Administration to sell, through public internet auctions, personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired, for the year 2024. - **2nd Reading** (Committee-of-the-Whole, *Administration/Carl DeForest*)

BACKGROUND: City Council is required to adopt an annual resolution permitting the City to utilize the internet auction provisions of O.R.C. Section 721.15

PURPOSE AND EXPLANATION: In order to allow the City Administration to see, through public internet auctions, personal property, including motor vehicles acquired for the use of municipal offices and departments, and road machinery, equipment, tools or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired, legislation must be adopted by City Council annually.

IMPLEMENTATION SCHEDULE: As soon as allowed by law.

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 after third reading to be effective January 1, 2024.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 102-2023

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION PERMITTING THE CITY ADMINISTRATION TO SELL, THROUGH PUBLIC INTERNET AUCTIONS, PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES ACQUIRED FOR THE USE OF MUNICIPAL OFFICERS AND DEPARTMENTS, AND ROAD MACHINERY, EQUIPMENT, TOOLS, OR SUPPLIES, WHICH ARE NOT NEEDED FOR PUBLIC USE, OR ARE OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, FOR THE YEAR 2024.

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

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

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

SECTION 1: That this Council hereby permits the City Administration to utilize the internet auction for the sale of personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired for the year 2024.

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

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

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

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

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

SECTION 7: That the highest bidder upon the close of the open bidding period will be deemed to be the successful bidder of the internet auction. Upon the close of the auction, the City shall remit an invoice to the successful bidder for the amount of the bid. The successful bidder shall remit the entire payment within ten days of receipt of the invoice. Acceptable forms of payment include cashier's check, certified check, or money order. Other payment arrangements may be made by the City where circumstances warrant. Payment options such as on-line payment systems and PayPal or similar services are acceptable payment options. Notwithstanding the foregoing, all payment options are subject to the approval of the City's Finance Director.

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

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

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

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

SECTION 11: That this Resolution 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 sales of personal property by internet auction effective as of January 1, 2024. 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

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 12/11/2023

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. 103-2023** - An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of $12,000,000 to provide funds for the purpose of constructing, furnishing, equipping and otherwise improving a new fire station and preparing, equipping and otherwise improving its site. - **2nd Reading** (Finance Committee, *Administration/Todd Fischer*)

BACKGROUND: At an election held in this City on May 2, 2023, on the question of issuing bonds of the City in the aggregate principal amount of $12,000,000 for the purpose stated in Section 2 and of levying taxes outside the ten-mill limitation provided by law to pay the debt charges on those bonds and any anticipatory securities, the requisite majority of those voting on the question voted in favor of it; and

Council finds and determines that the City should proceed at this time to authorize the issuance and sale of the bonds authorized at that election for that purpose; and

The Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of each class of the improvements described in Section 2 of this Ordinance is at least five years and that the maximum maturity of the Bonds described in Section 2 is at least 20 years;

PURPOSE AND EXPLANATION: See background above.

IMPLEMENTATION SCHEDULE: The requested timeline is for this legislation to be moved to the November 27, 2023 Council agenda as an emergency for three readings.

The recommendation is for this Ordinance to be in effect on or before January 1, 2024.

FINANCIAL INFORMATION:

FINANCIAL

SUMMARY: There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be unlimited as to amount or rate, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund (G.O, Fire Station Bond Retirement SubFund #772), which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

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?
Consideration for emergency measure as it is necessary for the immediate preservation of the public peace, health, safety and welfare of the City and for the further reason that it is necessary that this Ordinance be effective immediately in order to issue and sell the Bonds, which is necessary to enable the City to enter into contracts for the improvements which are needed to provide for the health and safety of the residents of the City.

ADDITIONAL INFORMATION: None.

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 103-2023

BY: Mr. Hanek, Mr. Abella, Mr. Lambert

AN EMERGENCY ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF $12,000,000 TO PROVIDE FUNDS FOR THE PURPOSE OF CONSTRUCTING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING A NEW FIRE STATION AND PREPARING, EQUIPPING AND OTHERWISE IMPROVING ITS SITE.

WHEREAS: At an election held in this City on May 2, 2023, on the question of issuing bonds of the City in the aggregate principal amount of $12,000,000 for the purpose stated in Section 2 and of levying taxes outside the ten-mill limitation provided by law to pay the debt charges on those bonds and any anticipatory securities, the requisite majority of those voting on the question voted in favor of it; and

WHEREAS: This Council finds and determines that the City should proceed at this time to authorize the issuance and sale of the Bonds authorized at that election for that purpose; and

WHEREAS: The Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of each class of the improvements described in Section 2 is at least five years and that the maximum maturity of the Bonds described in Section 2 is at least 20 years;

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES THAT:

SECTION 1: Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Authorized Denominations" means (subject to any limitations in Section 3) the denomination of $5,000 or any integral multiple thereof.

"Bond proceedings" means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

"Bond Purchase Agreement" means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and signed by the City Manager and the Fiscal Officer in accordance with Section 6.

"Bond Register" means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

"Bond Registrar" means the bank or trust company appointed pursuant to Section 4 or in the Certificate of Award as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Bond Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Bond Registrar Agreement and, thereafter, "Bond Registrar" shall mean the successor Bond Registrar.

"Bond Registrar Agreement" means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and signed by the City Manager and the Fiscal Officer in accordance with Section 4.

"Bonds" means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of book entry interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository or its agent. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Bonds and that principal and interest.

"Certificate of Award" means the certificate authorized by Section 6(a), to be signed by the Fiscal Officer, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

"Closing Date" means the date of physical delivery of, and payment of the purchase price for, the Bonds.

"Code" means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

"Continuing Disclosure Agreement" means the agreement authorized by Section 6(c), as it may be modified from the form on file with the Clerk of Council, and signed by the City Manager and the Fiscal Officer in accordance with Section 6(c), made by the City for the benefit of holders and beneficial owners of the Bonds in accordance with the Rule.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in Bonds or the principal of and interest on Bonds, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Fiscal Officer" means the Director of Finance of the City.

"Interest Payment Dates" means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing June 1, 2024.

"Original Purchaser" means Stifel, Nicolaus & Company, Incorporated.

"Participant" means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies, and clearing corporations.

"Principal Payment Dates" means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, December 1 in each of the years from and including 2024 to and including 2044, provided that in no case shall the total number of Principal Payment Dates exceed the maximum maturity of the Bonds referred to in the preambles hereto.

"Rule" means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

"SEC" means the Securities and Exchange Commission.

"Serial Bonds" means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

"Term Bonds" means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 2: Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of the City in one lot in the maximum principal amount of $12,000,000 (the Bonds) for the purpose of constructing, furnishing, equipping and otherwise improving a new fire station and preparing, equipping and otherwise improving its site (the improvements), being bonds approved at the election identified in the first preamble of this ordinance, including the payment of expenses related to the issuance of the Bonds.

The aggregate principal amount of Bonds to be issued shall not exceed $12,000,000 and shall be issued in an amount determined by the Fiscal Officer in the Certificate of Award to be the aggregate principal amount of Bonds required to be issued, taking into account any premium above or discount from the aggregate principal amount of the Bonds at which they are sold to the Original Purchaser, in order to effect the purpose for which the Bonds are to be issued, including the payment of any expenses properly allocable to the issuance of the Bonds.

The proceeds from the sale of the Bonds (except any premium and accrued interest) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued. Any portion of those proceeds received by the City and representing premium and accrued interest shall be paid into the Bond Retirement Fund.

SECTION 3: Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than 60 days prior to the Closing Date.

(a) Interest Rates and Interest Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of 12 30-day months) as shall be determined by the Fiscal Officer in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) on the Principal Payment Dates in principal amounts as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award, consistent with the Fiscal Officer's determination of the best interest of and financial advantages to the City.

Consistent with the foregoing and in accordance with the Fiscal Officer's determination of the best interest of and financial advantages to the City, the Fiscal Officer shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (Mandatory Redemption Dates) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such that (i) the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other such fiscal year and (ii) the true interest cost of the Bonds does not exceed 8%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Fiscal Officer, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those dates, for which provision is made in the Certificate of Award (such dates and amounts being the Mandatory Sinking Fund Redemption Requirements).

The aggregate of the money to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that date the principal amount of Term Bonds payable on that date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding

mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Fiscal Officer, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Fiscal Officer, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities, if any, specified in the Certificate of Award shall be subject to redemption by and at the sole option of the City, in whole or in part in integral multiples of $5,000, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Fiscal Officer in the Certificate of Award; provided that (a) the earliest optional redemption date shall not be more than 10½ years after the Closing Date and (b) the redemption price for the earliest optional redemption date shall not be greater than 102%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Fiscal Officer to the Bond Registrar, given upon the direction of this Council through a resolution or an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities selected by the City. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds of that maturity to be redeemed, or portions thereof in amounts of $5,000 or any integral multiple

thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than $5,000 are then outstanding, each $5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of $5,000. If it is determined that one or more, but not all, of the $5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a $5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (a) for payment of the redemption price of the $5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (b) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (a) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (b) the redemption price to be paid, (c) the date fixed for redemption, and (d) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall

not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, provided that any interest earned on the money so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

SECTION 4: Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the City Manager and the Fiscal Officer, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the provisions of Chapter 133 of the Revised Code and this Ordinance.

The Huntington National Bank is appointed to act as the initial Bond Registrar; provided, however, that the Fiscal Officer is authorized to appoint a different Bond Registrar in the Certificate of Award after determining that such bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The City Manager and the Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Bond Registrar Agreement, in substantially the form as is now on file with the Clerk of Council. The Bond Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Registrar Agreement or amendments thereto. In accordance with the Bond Registrar Agreement, the Bond Registrar is permitted to establish a Cost of Issuance Fund for the payment of costs and expenses incurred in connection with the Bonds. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Bond Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Fiscal Officer on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

SECTION 5: Registration; Transfer and Exchange; Book Entry System.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at the office satisfactory to the Fiscal Officer and the Bond Registrar. Subject to the provisions of Section 6, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar designated in the Certificate of Award or, if not so designated, then at the principal corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Fiscal Officer determines in the Certificate of Award that it is in the best interest of

and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and so long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent which may be the Bond Registrar; (ii) the book entry interest owners of Bonds in book entry form shall not have any right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Fiscal Officer may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer does not or is unable to do so, the Fiscal Officer, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Fiscal Officer is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds.

SECTION 6: Award and Sale of the Bonds.

(a) Original Purchaser Designated in Certificate of Award. The Bonds shall be sold to the Original Purchaser at a purchase price, not less than 97% of their aggregate principal amount to be determined by the Fiscal Officer in the Certificate of Award, plus accrued interest on the Bonds from their date to the Closing Date, and shall be awarded by the Fiscal Officer with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance and the Bond Purchase Agreement.

The Fiscal Officer shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The City Manager, Fiscal Officer, Director of Law, Clerk of Council and other City officials, as appropriate, each are authorized

and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

The Fiscal Officer shall sign and deliver, in the name and on behalf of the City, the Bond Purchase Agreement, in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Bond Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments thereto.

(b) Primary Offering Disclosure – Official Statement. The City Manager and the Fiscal Officer, on behalf of the City and in their official capacities, are authorized to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, an official statement in connection with the original issuance of the Bonds, (ii) determine, and to certify or otherwise represent, when the official statement is to be "deemed final" (except for permitted omissions) by the City or is a final official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (iii) use and distribute, or authorize the use and distribution of, that official statement and any supplements thereto in connection with the original issuance of the Bonds and (iv) complete and sign that official statement as so approved together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of that official statement as they deem necessary or appropriate.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The City Manager and the Fiscal Officer are authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Fiscal Officer on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Director of Law and/or bond or other qualified independent special counsel selected by the City. The Fiscal Officer, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City

of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Municipal Advisor; Application for Rating or Bond Insurance; Financing Costs. If, in the judgment of the Fiscal Officer, (i) engagement of the services of a municipal advisor or (ii) the filing of an application for (A) a rating on the Bonds by one or more nationally-recognized rating agencies, or (B) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to the City, the Fiscal Officer is authorized to engage a municipal advisor and prepare and to submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the fees of a municipal advisor or the cost of obtaining each such rating or policy, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement or by the Bond Registrar in accordance with the Bond Registrar Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The Fiscal Officer is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Fiscal Officer determines to be necessary in connection with the engagement of a municipal advisor or of obtaining that bond insurance.

The expenditure of the amounts necessary to engage a municipal advisor and/or secure those rating(s) and to pay the other financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds, to the extent not paid by the Original Purchaser in accordance with the Bond Purchase Agreement or by the Bond Registrar in accordance with the Bond Registrar Agreement, is authorized and approved, and the Fiscal Officer is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 7: Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be unlimited as to amount or rate, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

SECTION 8: Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Section 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds to which Section 103 of the Code

applies, and (b) the interest thereon will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purposes of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Fiscal Officer, or any other officer of the City having responsibility for the issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Bonds as "qualified tax-exempt obligations," if such designation is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

SECTION 9: Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and a signed copy of the Certificate of Award to the Medina County Auditor.

SECTION 10: Retention of Bond and Disclosure Counsel. In connection with the issuance of the Bonds, the legal services of Squire Patton Boggs (US) LLP, as bond and disclosure counsel, are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Bonds and the rendering of the necessary legal opinion upon the delivery of the Bonds. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political

subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Fiscal Officer is authorized and directed, to the extent they are not paid by the Original Purchaser in accordance with the Bond Purchase Agreement or by the Bond Registrar in accordance with the Bond Registrar Agreement, to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

SECTION 11: Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

SECTION 12: Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken in open meetings of this Council or committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 13: Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and for the further reason that it is necessary that this Ordinance be effective immediately in order to issue and sell the Bonds, which is necessary to enable the City to enter into contracts for the improvements which are needed to provide for the health and safety of the residents of the City; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage by the required number of votes, otherwise, at the earliest time permitted by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____ AYES _____ NAYS _____
Clerk of Council
Laura E. Timura

FISCAL OFFICER'S CERTIFICATE

To the Council of the City of Brunswick, Ohio:

As fiscal officer of the City of Brunswick, Ohio, I certify in connection with your proposed issue of not to exceed $12,000,000 of bonds approved by the voters of the City at an election on May 2, 2023 (the Bonds), to provide funds for the purpose of constructing, furnishing, equipping and otherwise improving a new fire station and preparing, equipping and otherwise improving its site (the improvements), as follows:

1. The estimated life or period of usefulness of the improvements above described is certified to be at least five years.

2. The maximum maturity of bonds to be issued for such purpose, calculated in accordance with the provisions of Section 133.20 of the Revised Code and as the maximum maturity approved by the voters, is 20 years.

Dated: November 27, 2023

Todd R Finkes

Director of Finance
City of Brunswick, Ohio

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 12/11/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Robert Marok

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 104-2023** - A resolution authorizing the City Manager to enter into an agreement with TAC Computers for maintenance of various software in the Divisions of Police and Fire in an amount not to exceed $35**,**070**.**51. - **2nd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Robert Marok*)

BACKGROUND: The City of Brunswick utilizes TAC Computers Dispatch and Record system for Police and Fire Dispatch.

PURPOSE AND EXPLANATION: This ordinance will allow for the payment of next year's support for police and fire dispatch software.

IMPLEMENTATION SCHEDULE: Upon passage of next year's budget

FINANCIAL INFORMATION: Budget - 01/01/2024 - police fire contract lines - - 33890.94 police, 1179.57 fire - $35,070.51

FINANCIAL SUMMARY: The City Manager 2024 budget proposal includes sufficient appropriations for this contract, but does require adoption of the budget to become effective.

Police portion to be charged to: 114-0520-54253
Fire portion to be charged to: 115-0510-54253

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: This ordinance covers maintenance due in January of next year.

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 104-2023

BY: Mr. Smith, Mr. Abella, Mr. Kuczma

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TAC COMPUTERS FOR MAINTENANCE OF VARIOUS SOFTWARE IN THE DIVISIONS OF POLICE AND FIRE IN AN AMOUNT NOT TO EXCEED $35,070.51.

WHEREAS: The Division of Police and Division of Fire utilize various software from TAC Computers, which software requires annual maintenance.

WHEREAS: The maintenance of the software provided by TAC Computers is proprietary in nature and unique to TAC Computers 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 an Agreement with TAC Computers for maintenance of various software in the Divisions of Police and Fire in an amount not to exceed $35,070.51.

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

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 12/11/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 106-2023** - An emergency ordinance extending a temporary moratorium on the acceptance and processing of rezoning, conditional use and/or use variance applications for all real property located in the R-L Low Density Residential District, and the issuance of such approvals. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: On June 26, 2023, City Council adopted Ordinance No. 52-2023, establishing a six (6) month moratorium on the acceptance and processing of rezoning, conditional use and/or use variance applications for all real property located in the R-L Low Density Residential District, and the issuance of such approval. Council believes that extending a temporary moratorium on the acceptance and processing of rezoning, conditional use and/or use variance applications for all real property located in the R-L Low Density Residential District, and on the issuance of such approvals, will not deny property owners economically viable use of their property and will permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code for possible amendments.

PURPOSE AND EXPLANATION: For a period of six (6) months from the effective date of this Ordinance, the City shall not accept or process any rezoning, conditional use and/or use variance applications for any real property located in the R-L Low Density Residential District, and further shall not issue any such approvals during said period.

IMPLEMENTATION SCHEDULE: Immediately.

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 Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City and its residents and property owners and for the additional reason that it is required to permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 106-2023

BY: Mr. Delsanter, Mr. Lambert, Mrs. Piper

AN EMERGENCY ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF REZONING, CONDITIONAL USE AND/OR USE VARIANCE APPLICATIONS FOR ALL REAL PROPERTY LOCATED IN THE R-L LOW DENSITY RESIDENTIAL DISTRICT, AND THE ISSUANCE OF SUCH APPROVALS.

WHEREAS: The City of Brunswick, as a chartered home rule municipality, may legitimately regulate zoning and land use within the City;

WHEREAS: On June 26, 2023, City Council adopted Ordinance No. 52-2023, establishing a six (6) month moratorium on the acceptance and processing of rezoning, conditional use and/or use variance applications for all real property located in the R-L Low Density Residential District, and the issuance of such approvals; and

WHEREAS: This Council believes that extending a temporary moratorium on the acceptance and processing of rezoning, conditional use and/or use variance applications for all real property located in the R-L Low Density Residential District, and on the issuance of such approvals, will not deny property owners economically viable use of their property and will permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code for possible amendment thereof.

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

SECTION 1: The six (6) month moratorium established by Ordinance No. 52-2023 shall be extended for a period of six (6) months up to and including June 26, 2024, wherein the City shall not accept or process any rezoning, conditional use and/or use variance applications for any real property located in the R-L Low Density Residential District, and further shall not issue any such approvals during said period.

SECTOIN 2: This Ordinance shall not apply to applications for rezoning, conditional use and/or use variances filed prior to the effective date of Ordinance No. 52-2023 or to real property legally annexed into the City that applies for rezoning to the R-L Low Density Residential District.

SECTION 3: Whenever the provisions of this Ordinance conflict with any other Ordinance or any provision of the Codified Ordinances of the City, the provisions of this Ordinance shall control.

SECTION 4: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City and its residents and property owners and for the additional reason that it is required to permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof. 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

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 12/11/2023

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. 107-2023** - A resolution commending Law Director Kenneth J. Fisher for his years of service to the City of Brunswick. - **1st Reading** (To be brought from Committee-of-the-Whole, *Council/Nicholas Hanek)*

BACKGROUND: Kenneth Fisher submitted his resignation to go into effect on December 31, 2023.

PURPOSE AND EXPLANATION: A resolution to commend Kenneth Fisher for his years of service to the City of Brunswick and its citizens.

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	No
Suspension of Rules	Yes

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

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO

RESOLUTION NO. 107##-2023

By: Committee-of-the-Whole

A RESOLUTION COMMENDING LAW DIRECTOR KENNETH J. FISHER FOR HIS YEARS OF SERVICE TO THE CITY OF BRUNSWICK.

WHEREAS: Kenneth J. Fisher has faithfully served as the Law Director for the City of Brunswick for the past 20 years, providing wise legal counsel and guidance to the City Council and Administration; and

WHEREAS: Kenneth J. Fisher has assisted in drafting and reviewing the City's laws, ordinances, contracts, and other legal documents during his tenure, helping to protect the City's interests, and has successfully represented the City of Brunswick in numerous general litigation matters; and

WHEREAS: Kenneth J. Fisher has worked diligently with the City Administration and City Council to ensure the City follows all applicable laws and regulations.

SECTION 1: That the Brunswick City Council hereby expresses its profound appreciation to Kenneth J. Fisher for his dedicated service, leadership, and legal guidance.

SECTION 2: That City Council extends its best wishes to Kenneth J. Fisher and his family for an enjoyable and rewarding retirement from the practice of Public Law.

SECTION 3: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading _____

RULES SUSPENDED: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 12/11/2023

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. 108-2023** - A resolution commending Service Director Paul Barnett for his years of service to the City of Brunswick. - **1st Reading** (To be brought from Committee-of-the-Whole, *Council/Nicholas Hanek*)

BACKGROUND: Paul Barnett submitted his resignation to go into effect on January 5, 2024.

PURPOSE AND EXPLANATION: A resolution to commend Paul Barnett for his years of service to the City of Brunswick and its citizens.

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	No
Suspension of Rules	Yes

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

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 108-2023

By: Committee-of-the-Whole

A RESOLUTION COMMENDING SERVICE DIRECTOR PAUL BARNETT FOR HIS YEARS OF SERVICE TO THE CITY OF BRUNSWICK.

WHEREAS: Paul Barnett has served the City of Brunswick and the Division of Service with distinction for almost 8 years; and

WHEREAS: Paul Barnett has managed complex construction projects and guided the Division of Service with wisdom and a steadfast commitment to public service; and

WHEREAS: Paul Barnett's years of service demonstrate the highest levels of integrity, civic dedication, and leadership.

SECTION 1: That the Brunswick City Council hereby honors Paul Barnett for his distinguished tenure as Service Director, and thanks him for significantly improving the City's infrastructure and services.

SECTION 2: That City Council extends its best wishes to Paul and his family for happiness and fulfillment in his retirement.

SECTION 3: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading _____

RULES SUSPENDED: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 12/11/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Gia D'Amico

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 109-2023** - An emergency resolution authorizing the City Manager to enter into a one (1) year contract with the Jefferson Health Plan (through Medical Mutual of Ohio) for the provision of major medical health insurance and prescription coverage for all full-time employees from January 1, 2024 through December 31, 2024. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*)

BACKGROUND: We are required by our six (6) union contracts to provide medical and prescription coverage for all full time employees.

PURPOSE AND EXPLANATION: We are required to provide medical and prescription coverage for all full time employees.

IMPLEMENTATION SCHEDULE: The coverage will be effective from January 1, 2024 through December 31, 2024.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Our renewal for this year includes an estimated average increase of 4.3% in premium costs from last year. Depending on the individual plan selected, the increased cost could vary between 4.0 and 5.12 percent from last year. All medical premium costs included in this legislation are subject to sufficient Council appropriations. The employee selected plans and exact related costs associated with this legislation were not known prior to the compilation of the 2024 budget document. The compilation of the 2024 budget document assumed that each employee would select the same plan as in the previous year. Any employee who selects a different plan or experiences a qualifying event changing coverage between family and single coverage from one year to the next, will all require budget amendment legislation to update the budget and related costs accordingly. All costs associated with medical insurance follow the various Collective Bargaining Agreement languages.

Employees are also required to pay a percentage of the monthly premium based on

whether they have participated in a wellness program or are a new employee.

The monthly premium amounts are charged to each department and then paid into a self-insurance fund. All health care claim costs are paid out of the City's internal self-insurance fund #600, regardless of whether the costs are borne by the City or employees.

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?
We request this Resolution be adopted on an emergency basis with suspension of the rules in order for it to be effective immediately to allow for open enrollment to be conducted timely so the insurance carrier has time to make adjustments to the enrollment census.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 109-2023

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE (1) YEAR CONTRACT WITH THE JEFFERSON HEALTH PLAN (THROUGH MEDICAL MUTUAL OF OHIO) FOR THE PROVISION OF MAJOR MEDICAL HEALTH INSURANCE AND PRESCRIPTION COVERAGE FOR ALL FULL-TIME EMPLOYEES FROM JANUARY 1, 2024 THROUGH DECEMBER 31, 2024.

WHEREAS: The City of Brunswick is required per applicable Collective Bargaining Agreements to provide major medical health insurance and prescription coverage for all full-time employees.

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 enter into a one (1) year contract with the Jefferson Health Plan (through Medical Mutual of Ohio) for the provision of major medical health insurance and prescription coverage for all full-time City employees from January 1, 2024 through December 31, 2024, which contract shall be expressly subject to sufficient 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 open enrollment of full-time City employees and to ensure the coverage is effective on January 1, 2024. 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

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 12/11/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Gia D'Amico

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 110-2023** - An emergency resolution authorizing the City Manager to enter into a two (2) year contract with Principal for the provision of dental insurance coverage for all full-time employees from January 1, 2024 through December 31, 2025. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*)

BACKGROUND: We are required by our six (6) union contracts to provide dental coverage for full time employees.

PURPOSE AND EXPLANATION: We are required to provide dental coverage to our full time employees per their union agreements.

IMPLEMENTATION SCHEDULE: This coverage would be effective from January 1, 2024 through December 31, 2025.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Our renewal for dental insurance, a premium based plan, includes no increase in premium costs from last year. All costs included as a result of this legislation are subject to sufficient Council appropriations. Once plan selections occur by the employees and are known by the Finance Department, budget amendment legislation may be needed, especially if the employee has changed plan selections from one year to the next. The current 2024 budget proposal assumes the employee retains the same health insurance plan from one year to the next. The 2025 budget process and estimates are not expected to be compiled for another year but all costs are subject to sufficient Council appropriations per State law before being paid.

Employees are required to pay a percentage of the monthly premium based on the Collective Bargaining Agreements. Date of hire and participation in wellness are also factors in the cost to the employee and the City.

The monthly premium amounts are charged to each department and then paid into a self-insurance fund to keep all costs together. This is regardless of whether the insurance is actually premium based or self insurance based. All health care costs are paid out of the City's internal self-insurance fund #600 regardless of whether the costs are borne by the City or employees.

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?
We are requesting this Resolution be adopted as an emergency with suspension of the rules in order for it to be effective immediately so open enrollment can be conducted timely and the carrier has enough time to make any changes to the employee census.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 110-2023

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A TWO (2) YEAR CONTRACT WITH PRINCIPAL FOR THE PROVISION OF DENTAL INSURANCE COVERAGE FOR ALL FULL-TIME EMPLOYEES FROM JANUARY 1, 2024 THROUGH DECEMBER 31, 2025.

WHEREAS: The City of Brunswick is required per applicable Collective Bargaining Agreements to provide dental insurance coverage for all full-time employees.

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 enter into a two (2) year contract with Principal for the provision of dental insurance coverage for all full-time City employees from January 1, 2024 through December 31, 2025, which contract shall be expressly subject to sufficient 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 open enrollment of full-time City employees and to ensure the coverage is effective on January 1, 2024. 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

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 12/11/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Robert Marok

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 111-2023** - An emergency resolution authorizing the City Manager to enter into a three (3) year agreement with TEC Communications for the purchase of a Cisco Collaboration Aflex3 Software Subscription for the City-wide telephone system in an amount not to exceed $29,976.00. – **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Robert Marok*)

BACKGROUND:

PURPOSE AND EXPLANATION: The City purchased from TEC Communications and installed the citywide phone system and has been doing updates and will continue to have the need to do updates. The City has previously paid a yearly cost to maintain the phone system. However, Cisco has changed their renewal quote language to indicate that the subscription is now for 3 years with annual payments. Due to the change in language and Cisco no longer selling one-year options, this is the city's option to maintain the support and security of the phone system.

IMPLEMENTATION SCHEDULE: Upon adoption

FINANCIAL INFORMATION: Budget - 12/12/2023 - General Fund #001 - 001-0880-54253 - - $29,976.00

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?

Maintaining the software that operates the city telephone number is essential as the system is exposed to the general threats of the Internet and requires consistent updates to apply patches for known exploits.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE (3) YEAR AGREEMENT WITH TEC COMMUNICATIONS FOR THE PURCHASE OF A CISCO COLLABORATION AFLEX3 SOFTWARE SUBSCRIPTION FOR THE CITY-WIDE TELEPHONE SYSTEM IN AN AMOUNT NOT TO EXCEED $29,976.00.

WHEREAS: The City of Brunswick belongs to the Ohio Cooperative Purchasing Program under the direction of the Ohio Department of Administrative Services; and

WHEREAS: The State contract under the State Purchasing Program has been awarded to TEC Communications.

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

SECTION 1: That the City Manager, upon approval of the Law Director, is hereby authorized to enter into a three (3) year Agreement with TEC Communications for the purchase of a Cisco Collaboration Aflex3 Software Subscription for the City-wide telephone system in an amount not to exceed $29,976.00.

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 to maintain the integrity of the software that operates the City-wide telephone system. 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