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 18, 2023

1. Prayer and Pledge of Allegiance

2. Roll Call of Members

3. Correspondence

4. Approval of Regular Council Meeting Minutes dated December 11, 2023.

5. Mayor's Report:
   (a) Proclamation in recognition of Chief Brian J. Ohlin's years of service to the City of Brunswick
   (b) Proclamation in recognition of Annabelle Strauss' achievement in the NBA Math Hoops Global Championship
   (c) Mayor's Update

6. Clerk of Council's Report

7. Council Committee Reports:
   Economic Development Committee..Mr. Lambert
   Services, Utilities, Technology & Cable Committee..............................Mr. Smith
      Services, Utilities, Technology & Cable Committee Minutes dated December 11, 2023
   Finance Committee...Mr. Hanek
   Safety & Environment Committee...Mr. Kuczma
   Planning & Zoning Committee...Mr. Delsanter
      Planning & Zoning Committee Minutes dated December 11, 2023
   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 December 11, 2023

9. Petitions from the Public on Legislation

10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

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. - **3rd 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. - **3rd 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. - **3rd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Robert Marok*)

b. 2nd Reading(s)

c. 1st Reading(s)

RES. NO. 112-2023 - A resolution commending Chief Brian J. Ohlin for his years of service to the City of Brunswick. - **1st Reading** (To be brought from Committee-of-the-Whole, *Council/Nicholas Hanek*)

ORD. NO. 113-2023 - An emergency ordinance establishing a temporary moratorium on the issuance of building permits and/or certificates of occupancy for any building, structure, use, or change of use that would enable the cultivation, processing or retail sale of recreational marijuana to allow the City Administration, Council and Planning Commission an opportunity to review applicable law and to consider possible amendments to the Brunswick Zoning Code. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

11. City Manager's Report

12. Open Forum

13. Unfinished Business

14. New Business

15. Adjournment

SERVICES, UTILITIES, TECHNOLOGY & CABLE COMMITTEE

December 11, 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, Law Director Ken Fisher, Community & Economic Development Director Grant Aungst, Service Director Paul Barnett, Interim Service Director Paul Magovac, Information Technology & Security Officer Robert Marok, Commissioner Stephen Hambley, One Digital Ohio Representative Dino Sciulli, Medina County Public Transit Representative Shannon Rine, Clerk of Council Laura Timura, Betsy Barnett, News Media.

The meeting convened at 6:05 p.m.

Mr. Lambert arrived at 6:07 p.m.

DISCUSSION ITEMS:

a) 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*)

Mr. Marok explained that this resolution is needed because Cisco has switched their contract from a yearly agreement to a three-year agreement.

Mr. Kuczma moved Resolution Number 111-2023 to tonight's Council Agenda of December 11, 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 6:08 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

Tim Smith
Chairman

PLANNING & ZONING COMMITTEE

December 11, 2023

IN ATTENDANCE: Chairman Joseph Delsanter, Committee Member Brandon Lambert, Committee Member Kristy Piper, Nicholas Hanek, Keith Kuczma, Michael Abella Jr., Tim Smith, City Manager/Safety Director Carl DeForest, Law Director Ken Fisher, Community & Economic Development Director Grant Aungst, Service Director Paul Barnett, Interim Service Director Paul Magovac, Commissioner Stephen Hambley, One Digital Ohio Representative Dino Sciulli, Medina County Public Transit Representative Shannon Rine, Free Clinic of Medina County Representative Nancy Peacock, Clerk of Council Laura Timura, Betsy Barnett, News Media.

The meeting convened at 6:08 p.m.

DISCUSSION ITEMS:

a) **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*)

Mr. Aungst mentioned that Council approved this moratorium, and this ordinance is to renew those efforts to continue the planning and research to ensure that all residential districts are being taken care of and prepared for future planning.

Mr. Delsanter added that the City's land availability has dwindled, so the Administration has to be thinking about what is the best and most practical use.

Mr. Hanek reminded that Boston Road is almost entirely within the R-L District. Much of the moratorium was spurred on due to the continued battle against the interchange.

Mrs. Piper moved Ordinance Number 106-2023 to tonight's Council Agenda of December 11, 2023, as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Delsanter revealed that the Planning & Zoning Committee will be meeting in 2024 to debrief on the current and future plans for the City.

ADJOURNMENT:

Being no further business, Mr. Lambert moved to adjourn at 6:11 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

Joseph Delsanter
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 had retired and that he would be taking over the position. He added that the new president was Adam Murphy who could not attend the meeting tonight. He revealed that this was a new BYS Executive Board.

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 many kids could not participate in sports.

Mr. Gaglione revealed that BYS is moving 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 had not received 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. Gaglione and Mr. Hanek disagreed significantly regarding the timeline of events and why BYS hired an attorney.

Mr. Hanek referenced that the Division of Police was involved in an investigation due to the lack of public records provided by BYS. He asked if the BYS Board knew about this.

The BYS Board replied that they did not know the Division of Police was involved.

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

December 11, 2023

IN ATTENDANCE: Nicholas Hanek, Joseph Delsanter, Keith Kuczma, Michael Abella Jr., Tim Smith, Kristy Piper, Brandon Lambert, City Manager/Safety Director Carl DeForest, Law Director Ken Fisher, Community & Economic Development Director Grant Aungst, Service Director Paul Barnett, Interim Service Director Paul Magovac, Commissioner Stephen Hambley, One Digital Ohio Representative Dino Sciulli, Medina County Public Transit Representative Shannon Rine, Free Clinic of Medina County Representative Nancy Peacock, Clerk of Council Laura Timura, Betsy Barnett, News Media.

The meeting convened at 6:11 p.m.

DISCUSSION ITEMS:

a) Free Clinic of Medina County (Nancy Peacock)

Ms. Peacock revealed that she was very encouraged to be invited to speak to Council. The Free Clinic of Medina County has been around for almost 20 years. The biggest shortcoming is that people do not know about the clinic. The clinic offers no billing, and patients can see volunteer doctors if they have any concerns. If testing or lab work is needed, the patient is already signed up through the Cleveland Clinic HCAP Program. The clinic is located in the Cleveland Clinic Medina Hospital. Hence, people from the Medina area know more about the clinic. However, the clinic wants to serve the entire county.

Ms. Peacock noted that the clinic did an impact report that shows how effective they have been. The patients need to live or work in Medina County, be between the ages of 18-64, and be within 250% of the federal poverty guidelines per Cleveland Clinic regulations.

Mr. Delsanter remarked that it is astonishing that he is only hearing about the clinic now after living in the City for over 20 years. He asked if there are limitations on what could overwhelm the organization.

Ms. Peacock answered that there are not.

Mr. Delsanter asked if the clinic has reached out to religious organizations and nonprofits.

Ms. Peacock replied that they do. She disclosed that many residents from St. Ambrose Catholic Parish in Brunswick come to the clinic.

Mr. Delsanter advised that Ms. Peacock should contact the Brunswick Eagles and ask if information about the Free Clinic can be included with the gift bags they hand out to families in need.

Mr. DeForest divulged that the City would do a cable show to promote the clinic and share the information.

Mr. Hanek offered that having a Brunswick location for the clinic may increase the number of patients the clinic sees.

b) MCFlex - Medina County Public Transit (Shannon Rine)

Commissioner Hambley expressed his support for the MCFlex program.

Mr. Rine disclosed that Brunswick currently runs a traditional bus schedule, but this route only has limited stops. Microtransit is a transition into something more flexible, with a much larger area where individuals can be picked up and dropped off. The MCFlex program would result in less travel time and fuel consumption. The service offers a mobile app similar to Uber and Lyft. The program would increase the number of passengers per bus.

Mr. Rine shared data from other cities where the number of bus trips and revenue increased due to the MCFlex program.

Mr. Rine disclosed that the Medina County Public Transit service would be looking into a Saturday bus service and if that would be necessary. The MCFlex program is looking to start in January 2024.

Mr. Rine advised that the best way to reach the public is through sharing the brochure with instructions and answers to frequently asked questions.

Mrs. Piper inquired if the buses could accommodate those who need a wheelchair.

Mr. Rine replied that all of the buses are ADA Accessible.

Mr. Hanek requested Mr. Rine to expand on the program working with organizations in the City.

Mr. Rine responded that the program partners with organizations with dedicated riders. He noted that many need this service.

Mr. Delsanter asked if there was any information about the program on the City's website.

Mr. Barnett answered that there would be a link on the City's site that would take the user to the Medina County Public Transit website.

Mr. Delsanter advised that posting this information on the City's site would be an excellent way to get the word out about the program.

Mr. Rine offered that the MCFlex program would increase the capacity of individuals who can ride the bus, increasing productivity.

Mr. Rine recognized Mr. Barnett's efforts as a partner with the Medina County Public Transit Department.

Mr. Barnett added that there would be a one-page description about the program added to the City Manager's newsletter.

Mr. Hanek suggested adding verbiage about working with other agencies, such as the VA.

Mr. Smith commented that this new system would be much more efficient and appease residents.

Mr. Rine agreed, stating there has been a 30% decrease in travel time with this new system.

REVIEW LEGISLATION:

a) **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)*
b) **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*)

Mr. Hanek commented that these resolutions continue the pattern of recognizing an individual's service to the City.

Mr. Delsanter moved Resolution Number 107-2023 and Resolution Number 108-2023 to tonight's Council Agenda of December 11, 2023, with a suspension of the rules. Vote – 7 Ayes, 0 Nays.

c) **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*)
d) **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*)

Mr. DeForest explained that the medical health and dental insurance contracts must be renewed annually.

Mr. Sciulli commented that the City accesses the Medical Mutual plan through a state-wide consortium called the Jefferson Health Plan. The purpose of using the Jefferson Health Plan is that it provides stability over time. The proposed rates are a 4.3% increase from last year's rates.

Mr. Sciulli disclosed that the current dental plan, MetLife, started at a 19% increase. The proposed dental plan, Principal, offers no increase in rates. The vision plan remains the same.

Mr. Delsanter asked if the plans have an exposure-driven rating evaluation.

Mr. Sciulli answered that the plans are experience-driven. With the Jefferson Health Plan, an individual owns their own reserves.

Mr. Lambert moved Resolution Number 109-2023 and Resolution Number 110-2023 to tonight's Council Agenda of December 11, 2023, as an emergency with suspension of the rules. Vote – 7 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Hanek mentioned that he would be moving the approval of the Ad Hoc Committee for Youth Sports Minutes dated November 27, 2023 to the next Council Agenda of December 18, 2023.

EXECUTIVE SESSION:

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

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

The Committee-of-the-Whole reconvened.

Mr. Delsanter moved to authorize the City Manager to enter into a contract with MAD Global Strategy for the 2024 year. Vote – 7 Ayes, 0 Nays.

ADJOURNMENT:

Being no further business, Mr. Abella moved to adjourn the Committee-of-the-Whole Meeting at 7:02 p.m. Vote – 7 Ayes, 0 Nays.

Submitted Respectfully,

Irene Jayapandian
Assistant Clerk of Council

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 12/18/2023

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. - **3rd 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: 12/18/2023

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. - **3rd 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: <u>Certification and Delivery of Ordinance and Certificate of Award</u>. 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: <u>Retention of Bond and Disclosure Counsel</u>. 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 Finley
Director of Finance
City of Brunswick, Ohio

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE:	12/18/2023
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. - **3rd 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:	12/18/2023
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. 112-2023** - A resolution commending Chief Brian J. Ohlin for his years of service to the City of Brunswick. - **1st Reading** (To be brought from Committee-of-the-Whole, *Council/Nicholas Hanek*)
BACKGROUND:	Chief Brian J. Ohlin submitted his resignation to go into effect on February 23, 2024.
PURPOSE AND EXPLANATION:	A resolution to commend Chief Brian J. Ohlin 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. 112-2023

By: Committee-of-the-Whole

A RESOLUTION COMMENDING CHIEF BRIAN J. OHLIN FOR HIS YEARS OF SERVICE TO THE CITY OF BRUNSWICK.

WHEREAS: Police Chief Brian J. Ohlin has honorably served the City of Brunswick and the Division of Police for the past 29 years; and

WHEREAS: Chief Ohlin has earned the abiding respect and admiration of both his fellow officers and the broader Brunswick community for his passion, courage and wisdom; and

WHEREAS: During his tenure, he served in multiple roles including that of Police Officer, Sergeant, Temporary Acting Lieutenant, Lieutenant, and Police Chief.

SECTION 1: That the Brunswick City Council hereby expresses its sincere appreciation and thanks to Chief Brian J. Ohlin for his professionalism, integrity and commitment to public service.

SECTION 2: That City Council extends its best wishes to Chief Brian J. Ohlin and his family for happiness, good health, and prosperity in the future.

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:	12/18/2023
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. 113-2023** - An emergency ordinance establishing a temporary moratorium on the issuance of building permits and/or certificates of occupancy for any building, structure, use, or change of use that would enable the cultivation, processing or retail sale of recreational marijuana to allow the City Administration, Council and Planning Commission an opportunity to review applicable law and to consider possible amendments to the Brunswick Zoning Code. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)
BACKGROUND:	On November 7, 2023, the electorate of the State of Ohio adopted Issue 2 enacting Ohio Revised Code Chapter 3780 wherein the cultivation, processing, sale, purchase, possession, home grow and use of recreational marijuana by adults over the age of 21 is permitted. Issue 2 is subject to potential revision and/or repealment by the Ohio General Assembly. The City Administration, Council and Planning Commission require additional time to undertake a review of applicable law and to consider possible amendment to the Brunswick Zoning Code.
PURPOSE AND EXPLANATION:	That a temporary moratorium on the issuance of building permits and/or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing or retail sale of recreational marijuana is hereby established for a period of six (6) months from the effective date of this Resolution to allow the City Administration, Council and Planning Commission an opportunity to review applicable law and to consider possible amendments to the Brunswick Zoning Code.
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?

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, welfare and safety of the City and for the additional reason to allow the City Administration, Council and Planning Commission an opportunity to review applicable law and to consider possible amendments to the Brunswick Zoning Code.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 113-2023

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

AN EMERGENCY ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND/OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE, OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING OR RETAIL SALE OF RECREATIONAL MARIJUANA TO ALLOW THE CITY ADMINISTRATION, COUNCIL AND PLANNING COMMISSION AN OPPORTUNITY TO REVIEW APPLICABLE LAW AND TO CONSIDER POSSIBLE AMENDMENTS TO THE BRUNSWICK ZONING CODE.

WHEREAS: On November 7, 2023, the electorate of the State of Ohio adopted Issue 2 enacting Ohio Revised Code Chapter 3780 wherein the cultivation, processing, sale, purchase, possession, home grow and use of recreational marijuana by adults over the age of 21 is permitted;

WHEREAS: Issue 2, which remains subject to potential revision and/or repealment by the Ohio General Assembly, permits, among other things, the cultivation, processing, sale, purchase, possession, home grow and use of recreational marijuana by adults over the age of 21; creates state regulatory and licensing oversight thereover; and authorizes the legislative authorities of municipal corporations to, by ordinance, prohibit or limit the number of Adult Use Cannabis Operators, which include cultivators, processors and dispensaries, permitted within the municipal corporation;

WHEREAS: The City Administration, Council and Planning Commission require additional time to undertake a review of applicable law and to consider possible amendment to the Brunswick Zoning Code; and

WHERAS: Pursuant to the Ohio Constitution and Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality, including restricting areas used for businesses and trades.

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

SECTION 1: That a temporary moratorium on the issuance of building permits and/or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing or retail sale of recreational marijuana is hereby established for a period of six (6) months from the effective date of this Ordinance to allow the City Administration, Council and Planning Commission an opportunity to review applicable law and to consider possible amendments to the Brunswick Zoning Code.

SECTION 2: No building permits, certificates of occupancy or any other permits shall be granted to any person or entity who intends to open, use any land or devote any floor area of the business for the purposes of the cultivation, processing or retail sale of recreational marijuana for the period of this moratorium. No valid existing business in the City may expand in any way that would establish cultivation, processing or retail sale of recreational marijuana for the duration of this moratorium.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all such 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.

SECTION 4: That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, welfare and safety of the City and for the additional reason to allow the City Administration, Council and Planning Commission an opportunity to review applicable law and to consider possible amendments to the Brunswick Zoning Code.
Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

PASSED: 1st Reading _____________

RULES SUSPENDED: AYES _______ NAYS _______

ADOPTED: ________________________ AYES _______ NAYS _______

ATTEST: ________________________
Clerk of Council
Laura E. Timura