



BRUNSWICK CITY COUNCIL AGENDA

Brandon Lambert Ward 3	Kristy Piper At-Large	Tim Smith At-Large	Dennis Nevar Law Director	Carl S. DeForest City Manager	Ron Falconi Mayor	Laura Timura Clerk of Council	Nicholas Hanek Ward 2	Michael Abella Jr. Ward 1	Joseph Delsanter At-Large	Keith Kuczma Ward 4
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Administration Representatives

JANUARY 8, 2024

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of Regular Council Meeting Minutes dated December 18, 2023.
5. Mayor's Report:
 - (a) Mayor's Court Financial Report for the month ending December 2023 will be posted on the website and added to the minutes for the record.
 - (b) 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
Finance Committee.....	Mr. Hanek
Safety & Environment Committee.....	Mr. Kuczma
Safety & Environment Committee Minutes dated December 18, 2023	
Planning & Zoning Committee.....	Mr. Delsanter
Planning & Zoning Committee Minutes dated December 18, 2023	
Parks, Recreation & Community Committee.....	Mrs. Piper
Building & Building Code Committee.....	Mr. Abella
8. Other Committees, Boards and Commissions
 - (a) Committee-of-the-Whole Minutes dated December 18, 2023
9. Petitions from the Public on Legislation

10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

b. 2nd Reading(s)

c. 1st Reading(s)

RES. NO. 1-2024 - A resolution authorizing the City Manager to purchase liquid asphalt emulsion for the Service Department from Leader Machinery Equipment in an amount not to exceed \$40,000.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Magovac*)

RES. NO. 2-2024 - An emergency resolution authorizing the City Manager to purchase a new Hitachi loader for the Service Department from RECO Equipment, Inc. in an amount not to exceed \$189,437.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Magovac*)

RES. NO. 3-2024 - An emergency resolution authorizing the City Manager to purchase a new X-treme 16 cubic yard box and a new X-treme leaf vacuum with wireless remote for the Service Department from Best Equipment in an amount not to exceed \$105,402.42. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Magovac*)

RES. NO. 4-2024 - An emergency resolution authorizing the City Manager to purchase a new Ford F350 4WD pickup truck for the Service Department from Liberty Ford in an amount not to exceed \$50,925.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Magovac*)

RES. NO. 5-2024 - An emergency resolution ratifying and approving the five (5) year agreement entered into with Stryker Sales Corp. for the provision of services to maintain emergency medical equipment utilized by the Division of Fire in an amount not to exceed \$105,513.75. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Greg Glauner*)

RES. NO. 6-2024 - An emergency resolution selecting City of Medina Councilman Dennie R. Simpson to serve as a voting member on the Medina County 9-1-1 Program Review Committee. - **1st Reading** (Committee-of-the-Whole, *Administration/Carl DeForest*)

ORD. NO. 7-2024 - An ordinance establishing Codified Ordinance Chapter 868 of the City of Brunswick Codified Ordinances relative to the license of Tobacco Retail Establishments - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Dennis Nevar*)

11. City Manager's Report

12. Open Forum
13. Unfinished Business
14. New Business
15. Adjournment

SAFETY & ENVIRONMENT COMMITTEE

December 18, 2023

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

The meeting convened at 6:23 p.m.

DISCUSSION ITEMS:

a) Tobacco Retail License

Mr. Kuczma revealed that the Medina County Health Department provided that there are about 40-45 tobacco retail locations within the City. He asked for input regarding the number of tobacco retail licenses (TRLs) the City should give out.

Mr. Delsanter offered that the number of TRLs should be based on population, similar to the state liquor license. He suggested that there may be events that require temporary licensing and inquired how the TRLs would address this. He reminded that the objective of the TRL is to project the message that the City is ensuring that businesses are being responsible regarding the sale of tobacco products to underage buyers. However, he asserted that adults should have free choice regarding purchasing tobacco products.

Mr. Kuczma questioned if the Administration could come up with a number of TRLs instead of using the population of the City.

Mr. Nevar responded that the Administration is trying to take a look at the number of establishments that are currently involved in the retail of combustible tobacco products, which are licensed by the State of Ohio at \$125 a year, versus the retailers that sell vape products that are currently not licensed in the same manner. These numbers will aid in determining the number of TRLs the City should give out.

Mr. Nevar recommended that the City give out one license for every 750 residents. There are several provisions in the proposed legislation that detail proximity requirements. These requirements would not apply to existing vendors, as they would be grandfathered in. The TRLs are property-specific and licensee-specific, so they cannot be transferred.

Mr. Hanek concurred with the Division of Law's suggestion of implementing one TRL per 750 residents. He reminded that the City has had an instance where a vape retailer was caught selling to underage buyers. He added that the City has a rampant vaping problem among children that needs to be addressed.

Mr. Delsanter inquired how events, such as a cigar festival, would be managed using the TRL.

Mr. Nevar responded that the Division of Law had not considered an event where different vendors would sell tobacco products.

Mr. Hanek added that Council and the Administration could create a temporary permit if the situation Mr. Delsanter described ever presented itself in the City. He recommended that Council move forward with this legislation with the revision that one TRL would be given out per 750 residents. He offered that the Division of Law could work on legislation regarding the temporary license for vendors at a later time.

Mr. Kuczma, Mrs. Piper, and Mr. Delsanter agreed on the \$600 fee for the TRLs.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mr. Delsanter moved to adjourn at 6:38 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Keith A. Kuczma".

Keith Kuczma
Chairman

PLANNING & ZONING COMMITTEE

December 18, 2023

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

The meeting convened at 6:10 p.m.

DISCUSSION ITEMS:

- a) **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*)

Mr. Nevar explained that this ordinance is a preemptive moratorium in response to the passage of Issue 2 in the State of Ohio. Issue 2 remains subject to revision by the Ohio General Assembly and could lead to a repealment, but this is not expected. There are certain things that the bill, as presently drafted, permits legislative authorities of municipal corporations to do. This includes prohibiting the number of adult-use cannabis operators. It does not allow the regulation and prohibition of the home grow provisions of the bill. Each adult is permitted to have six plants in their home, not to exceed twelve plants per home.

Mr. Nevar continued that at this point, the Division of Law recommends a temporary six-month moratorium as the Administration awaits the final version from the Ohio General Assembly. This also charges the newly formed Ohio Cannabis Commission to provide rules and regulations that would govern how recreational dispensaries, cultivators, and processors do business in the State of Ohio. The Administration is at a standstill while it waits for the Ohio General Assembly. Governor DeWine was pushing for some action by the Ohio General Assembly prior to the end of the year to allow currently operating medical marijuana retail facilities to start selling recreational marijuana, but that did not happen. This will be considered in the new year.

Mr. Delsanter commented that the legal enforcement of marijuana will be quite challenging.

Mr. Lambert asked if the City could make the moratorium last until October since that is how long the Ohio General Assembly has to make rules and regulations.

Mr. Nevar replied that it is up to the Council and Administration to decide how long the moratorium should be and that the Division of Law has no objections. He added that the State Legislature has nine months to develop rules and regulations. Otherwise, they are open to a

mandamus action by any person or entity in the State of Ohio, requesting that the court tell the Ohio Cannabis Commission that they are mandated to put the rules out.

Mr. Lambert disclosed that bars, restaurants, and other places that serve alcohol are not allowed to allow marijuana on their premises because it is still considered a controlled substance in Ohio.

Mr. Hanek recalled that when the City was responding to medical marijuana being legalized, it did not ban processing because there were companies that were looking at utilizing different THC-type products in industrial uses. Cultivation is most likely never appropriate in Brunswick because it is used much like storage, which is not allowed in the industrial parks because it takes up too much room and does not create many jobs. Regarding retail, he agreed that the Administration needs to sort this out based on rules and regulations. In other situations, the Administration could lift portions of the moratorium if necessary.

Mr. Nevar disclosed that the Ohio General Assembly must first develop a final version of the ORC Section 3780. Then, the Ohio Cannabis Commission will prepare rules and regulations. Tying the moratorium to the date that the Ohio Cannabis Commission passes its rules and regulations is a possibility.

Mr. Hanek suggested that Council pass the current resolution as it is written because of practicality.

Mr. Delsanter offered that he is okay with keeping the moratorium at six months and reviewing it afterward.

Mrs. Piper and Mr. Lambert agreed.

Mrs. Piper moved Ordinance Number 113-2023 to tonight's Council Agenda of December 18, 2023, as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mrs. Piper moved to adjourn at 6:23 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

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

Joseph Delsanter
Chairman



COMMITTEE OF THE WHOLE

December 18, 2023

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

The meeting convened at 6:38 p.m.

Mr. Lambert moved to excuse Mr. Abella for just cause. Vote – 6 Ayes, 0 Nays.

MOTION ITEMS:

- a) Motion to approve payment to Software Solutions Inc. in the amount of \$29,742.40 for annual software support for the period of 2/01/2024 through 1/31/2025. This support covers various receipts, accounts payable, payroll, refuse billing and storm water billing software support services.

Mr. Fischer mentioned that Software Solutions Inc. handles many operations that the Division of Finance is responsible for. Since the cost is over \$25,000, Council must approve the payment to move forward.

Mr. Delsanter moved to approve payment to Software Solutions Inc. in the amount of \$29,742.40 for annual software support for the period of 2/01/2024 through 1/31/2025. Vote – 6 Ayes, 0 Nays.

- b) Motion authorizing the City Manager to advertise for public bids for the Magnolia Drive Phase 2 project.

Mr. Jones revealed that this project received OPWC funding earlier this year. The Administration wanted to wait until 2024 to start the project to minimize the inconvenience to parents who drop their children off at the nearby school. The work limits on this project are between Judita Drive and a little east of Sunflower Drive. Bids will go out in January, and construction will not start until May.

Mr. Delsanter asked if this project would help alleviate the sinkage problems along the curb lines.

Mr. Jones replied that it would. He remarked that concrete will be replaced in areas with significant sink issues. A gutter line mill will also be installed to level out to create a more predictable drainage pattern.

Mr. Delsanter moved to authorize the City Manager to advertise for public bids for the Magnolia Drive Phase 2 project. Vote – 6 Ayes, 0 Nays.

- c) Motion authorizing Change Order #2 to Set in Stone Contracting, LLC in an amount not to exceed \$1,500.00 for the 2023 Asphalt Road Program.

Mr. Jones recalled that Council approved a change order for this project in October. After discovering a clerical mistake, a second change order needs to be approved to correct the error.

Mr. Smith moved to authorize Change Order #2 to Set in Stone Contracting, LLC in an amount not to exceed \$1,500.00 for the 2023 Asphalt Road Program. Vote – 6 Ayes, 0 Nays.

REVIEW LEGISLATION:

- a) **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*)

Mr. Hanek remarked that this resolution is to commend Chief Ohlin for his years of service.

Mr. Lambert moved Resolution Number 112-2023 to tonight's Council Agenda of December 18, 2023, for 1 reading with a suspension of the rules. Vote – 6 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

EXECUTIVE SESSION:

Mrs. Piper moved to go into Executive Session to discuss the subject of pending or imminent court action, seconded by Mr. Lambert. Roll Call – Ayes – 6, Mr. Hanek, Mr. Lambert, Mr. Smith, Mr. Delsanter, Mr. Kuczma, Mrs. Piper. Nays – 0

Mr. Delsanter moved to adjourn from Executive Session. – Vote – 6 Ayes, 0 Nays.

The Committee-of-the-Whole reconvened.

ADJOURNMENT:

Being no further business, Mrs. Piper moved to adjourn the Committee of the Whole Meeting at 7:02 p.m. Vote – 6 Ayes, 0 Nays.

Submitted Respectfully,



Irene Jayapandian
Assistant Clerk of Council

PROPOSED LEGISLATION



DATE: 1/8/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Magovac

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 1-2024** - A resolution authorizing the City Manager to purchase liquid asphalt emulsion for the Service Department from Leader Machinery Equipment in an amount not to exceed \$40,000.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Magovac*)

BACKGROUND: This emulsion is one component that is used in the durapatch machine to be able to patch potholes throughout the city. This emulsion is a proprietary product that is a specified design for use in our machine.

PURPOSE AND EXPLANATION: Service Department has a Durapatcher which is a trailer mounted spray injection machine that will allow for the mixing of asphalt emulsion and stone to create an asphalt patch at the site of the pothole. This legislation will allow for the purchase of hot liquid asphalt emulsion which is delivered in bulk and stored in a heated tank that will be stationary at Streets West 130th Street yard.

IMPLEMENTATION SCHEDULE: Spring of 2024

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Purchase to be split 50% between Road Improvement Fund #333 & Streets R&M Fund #117 - - \$20,000.00 333-0474-56870 \$20,000.00 117-0420-55303

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. 1-2024

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE LIQUID ASPHALT EMULSION FOR THE SERVICE DEPARTMENT FROM LEADER MACHINERY EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$40,000.00.

WHEREAS: The liquid asphalt emulsion is a component used by the Service Department in its Durapatch Machine to patch potholes on roads within the City.

WHEREAS: The liquid asphalt emulsion is a proprietary product that is specified for use in the Service Department's Durapatch Machine.

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

SECTION 1: That the City Manager is hereby authorized to purchase liquid asphalt emulsion from Leader Machinery Equipment in an amount not to exceed \$40,000.00.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____

AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laure E. Timura

PROPOSED LEGISLATION



DATE: 1/8/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Magovac

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 2-2024** - An emergency resolution authorizing the City Manager to purchase a new Hitachi loader for the Service Department from RECO Equipment, Inc. in an amount not to exceed \$189,437.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Magovac*)

BACKGROUND: The City of Brunswick belongs to the Sourcewell Procurement Program. The price for this loader under the Sourcewell Procurement Program (RECO Equipment, Inc.) is \$189,437.00 and will replace a "like" loader that will be taken out of service. This purchase was budgeted for in the approved 2024 Capital Budget.

PURPOSE AND EXPLANATION: The purpose of this purchase is to replace old obsolete equipment with "like" equipment in order to provide snow and ice services to the City of Brunswick.

IMPLEMENTATION

SCHEDULE: Order as soon as possible with an expected delivery in late October.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: \$189,437.00 953-0420-56252

RECOMMENDED ACTION:

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

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

Due to the possibility of being locked out of the fabrication of this chassis in 2024 as we were in 2022, we are asking for one reading with emergency suspension of the rules. This equipment is for the health and safety of the citizens of Brunswick.

**ADDITIONAL
INFORMATION:**

RECO Equipment, Inc.

ADMINISTRATION OFFICE: 50985 National Road, Suite 2, St. Clairsville, OH 43950 Phone: 740-782-1314

BELMONT

41245 Reco Rd.
Belmont, OH 43718
740-782-1314

CLEVELAND

2841 Brecksville Rd.
Richfield, OH 44286
330-659-0800

COLUMBUS

4250 Perimeter Dr.
Columbus, OH 43228
614-276-0001

CINCINNATI

8075 Production Dr.
Florence, KY 41042
859-727-7970

DAYTON

1040 Reed Rd.
Monroe, OH 45050
513-539-5255

TOLEDO

5560 Angola Rd.
Toledo, OH 43615
419-874-6001

DETROIT

10461 Grand River Rd.
Brighton, MI 48116
810-225-9016

GRAND RAPIDS

1245 Comstock St.
Marne, MI 49435
616-616-1550

PITTSBURGH

20620 Route 19 North
Cranberry Twp., PA 16066
724-779-4646

FT WAYNE

2530 Charleston Place
Ft. Wayne, IN 46808
260-255-3115

INDIANAPOLIS

1315 Terminal Rd.
Indianapolis, IN 46217
317-781-8100

LOUISVILLE

3939-8 Produce Rd.
Louisville, KY 40218
502-861-7326

NASHVILLE

1615 JP Hennesy Dr.
LaVergne, TN 37086
615-610-7326

CHARLOTTE

2023 John Crosland Jr. Way
Charlotte, NC 28208
704-399-7555

CONSTRUCTION - MATERIAL HANDLING - INDUSTRIAL MACHINERY AND SUPPLIES

www.recoequip.com

City of Brunswick
1230 W. 130th St,
Brunswick, OH 44233

December 15, 2023

RECO Equipment, Inc. is pleased to present to you the following quote:

New 2024 Hitachi Model ZW150-6 Wheel Loader [ID#15832, S/N RYUPTC60TH8506031]

- Operating Weight Approx. 27,000 lbs.
- 145 HP Cummins Engine
- 20.5 R25L3 Radial Tires
- Ride Control
- 3rd Spool Valve
- 416 Quick Coupler
- 2.8 Cu. Yd. Bucket
- 2 Yr. / 2,000 Hr. Full Machine Warranty

Sourcewell Sale Price (FOB Brunswick, OH)..... \$165,626.00

EPG 4 Yr./4,000 Hr. Ext Warranty.....\$3,709.00

New 2024 Hitachi Model ZW180-6 Wheel Loader [ID#16314, S/N RYUPD860AH8406367]

- Operating Weight Approx. 33,000 Lbs.
- 173 HP Cummins Engine
- 20.5-25-12PR Tires
- Ride Control
- 3rd Spool Valve
- 416 Quick Coupler
- 3.4 Cu. Yd. Bucket
- 2 Yr. / 2,000 Hr. Full Machine Warranty

Sourcewell Sale Price (FOB Brunswick, OH).....\$189,437.00

EPG 4 Yr./4,000 Hr. Ext Warranty.....\$4,094.00

****Subject to availability. Sale Price does not include sales tax, if applicable****

****Quote Valid for 30 Days****

Thank you for considering RECO Equipment, Inc. If you have any questions, please do not hesitate to call.

Best Regards,

Rob Ruminski
Territory Sales Manager
330-351-6295

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 2-2024

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

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A NEW HITACHI LOADER FOR THE SERVICE DEPARTMENT FROM RECO EQUIPMENT, INC. IN AN AMOUNT NOT TO EXCEED \$189,437.00.

WHEREAS: The City of Brunswick is a member of the Sourcewell joint purchasing program as authorized by this Council and Ohio Revised Code Section 9.48; and

WHEREAS: The proposed purchase of a new Hitachi loader for the Service Department is through the Sourcewell joint purchasing program.

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

SECTION 1: That the City Manager is hereby authorized to purchase a new Hitachi Loader for the Service Department from RECO Equipment, Inc. through the Sourcewell joint purchasing program in an amount not to exceed \$189,437.00.

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 that immediate passage is necessary to allow for placement of the order and timely delivery. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 1/8/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Magovac

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 3-2024** - An emergency resolution authorizing the City Manager to purchase a new X-treme 16 cubic yard box and a new X-treme leaf vacuum with wireless remote for the Service Department from Best Equipment in an amount not to exceed \$105,402.42. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, Administration/Paul Magovac)

BACKGROUND: The City of Brunswick is a member of a buying consortium titled Sourcewell. This proposed purchase is under the Sourcewell pricing program. This leaf vacuum will replace a 19-year-old vacuum. \$120,000 was budgeted for this purchase in the approved 2024 Capital Budget.

PURPOSE AND EXPLANATION: The purpose of this purchase is to replace old obsolete equipment with "like" equipment in order to provide leaf removal services to the City of Brunswick.

IMPLEMENTATION SCHEDULE: Order as soon as possible with an expected delivery before this season pick up.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: \$105,402.42 963-0420-56252

RECOMMENDED ACTION:

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

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

**ADDITIONAL
INFORMATION:**

Due to the possibility of being locked out of the fabrication of this chassis in 2024 as we were in 2022 we are asking for one reading with emergency suspension of the rules. This equipment is for the health and safety of the citizens of Brunswick.



BEST EQUIPMENT

BRUNSWICK, OH

BRUNSWICK, OH

Sourcewell #

12/7/2024

Sourcewell Contract # 031121-ODB

SKU#

MSRP

LCB50010

X-TREME VAC BY ODB MODEL LCB50010

\$

10,662.35

SOURCEWELL DISCOUNT 4.5%

\$

(479.81)

72" high x 77" wide- total outside dimension of 81". Total length: 120"

Construction consists of 3/16"x1-1/2" angle frame fitted with 12 gauge steel panels

Top of box is fitted with expanded metal

Single rear door is hinged from the top with four cleave type hinges with 3/4" pins

Rear door is equipped with flexible rubber leaf box connector and tube support

Rear over-center latch mechanism secures the rear door

The rear door has a crossbar to keep it securely closed

Four lifting eyes are provided as well as a total of eight mounting loops

Interior of box is equipped with a rubber deflector

Delivered fully assembled and ready for operation

Equipment Total: \$

10,182.54

Freight: \$

-

Net Equipment Total : \$

10,182.54



BEST EQUIPMENT COMPANY

12620 York Delta,
North Royalton 44133

BRUNSWICK, OH

BRUNSWICK, OH

Sourcewell #

12/7/2024

Sourcewell Contract # 031121-ODB

SKU#		MSRP
LCT60019	X-TREME VAC BY ODB MODEL LCT600	\$ 55,902.43
	SOURCEWELL DISCOUNT 4.5%	\$ (2,515.61)
JD74P	John Deere Diesel, 74HP Final Tier 4	\$ 12,891.60
	Electronic engine controls with engine safety shutdown system	
	Boxed perforated radiator screen	
	44 gallon polyethylene fuel tank	
	13" clutch assembly with 2.25" dia PTO shaft & safety engagement	
	Suction impeller six 3/8" thick T-1 steel blades	
	Power band belt drive for suction impeller	
	Hydraulic hose boom powered by 12V electric/hydraulic pump	
	16" diameter x 120" rubber intake hose with steel nozzle	
	LED DOT lights and an oval LED amber flasher light at rear	
	16" diameter x 48" rubber exhaust hose	
	1/4" thick trailer deck with channel members on the ends	
	HD height adjustable pintle eye with three quick release pins	
	Parking jack with 5" swivel castor wheel	
	Electric brakes with break-away actuator	
14OPT	Engine remote oil drain	\$ 482.08
5OPT	3 Axis boom	\$ 17,657.16
1241XZ	Self-Cleaning radiator screen	\$ 3,118.89
SOR	Wireless bellypack and hydraulics	\$ 5,333.33
Equipment Total:		\$ 92,869.88
Local Dealer PDI, Local Delivery and Training:		\$ -
Freight:		\$ 2,350.00
Net Equipment Total For One (1) Unit :		\$ 95,219.88

**BEST EQUIPMENT**

CITY OF BRUNSWICK

BRUNSWICK, OH

Sourcewell #

12/7/2024

Sourcewell Contract # 031121-ODB

SKU#			MSRP
DCL800TM25	X-TREME VAC BY ODB MODEL DCL800TM25	\$	100,739.41
	SOURCEWELL DISCOUNT 4.5%	\$	(4,533.27)
JD74P	John Deere Diesel 74HP Final Tier 4	\$	12,891.60
	25 cubic yard		
	28" suction impeller with six 3/8" thick T-1 steel blades		
	4 groove power band belt driven		
	40 gallon polyethylene fuel tank		
	Electronic engine controls with safety shut downs		
	13" clutch assembly with 2.25" PTO shaft & safety engagement		
	Hydraulic hose boom powered by 12v electric/hydraulic pump		
	16x120" rubber suction hose w/steel nozzle. Straight intake ducting (Swivel intake is now an option!)		
	Gear driven Hydraulic pump powers 15.2 ton capacity hoist		
	Boxed perforated radiator screen		
	Underbody type hoist that dumps to 52 degrees and is power up/down		
	HD height adjustable pintle eye w/ 3 quick release pins		
	Manual parking jack with drop foot		
	LED type DOT lights		
	2 amber LED oval flashers		
	Electric brakes with break-away actuator		
	Combined Rating 24,000lbs: 800TM25 & 800TM30		
14OPT	Engine remote oil drain	\$	482.08
40PT	3 Axis (up/down, left/right, in/out) hose boom	\$	27,009.98
90PT	Hydraulic front parking jack in lieu of manual	\$	1,942.73
1241XZ	Self cleaning radiator screen	\$	3,118.89
753XZ	Wireless belly pack controls	\$	3,247.98
Equipment Total:		\$	144,899.40
Pre-Delivery Inspection & Training:		\$	-
Local Delivery:		\$	-
Freight:		\$	1,600.00
Total Price Offered To Sourcewell Member:		\$	146,499.40

Date: December 10, 2023

Quote prepared for: Paul Magovac

City of Brunswick (330) 350-2721
 4095 Center Road, Brunswick, OH 44212
 Email: pmagovac@brunswick.oh.us

Quote

Subject :

Terms: Due on Receipt

Qty	Description	Your Price (each)	Total
1	Titan Pro Plus Leaf Vacuum		
	Including All Standard Equipment and Options Below:		
	Heavy Duty Industrial Rubber Hose		
	Clean Out Door in Blower Housing		
	Without Operators Seat		
	Wireless Remote Control		
	Sourcewell Contract Price		\$ 105,188.00
1	TLC10 - 10'-0" Long Leaf Cap , 16 cubic yard Capacity		
	Including All Standard Equipment and Options Below:		
	Vacuum Nozzle Boot		
	Front Debris Deflector		
	Tarp and Tarp Rods		
	Chipper Door		
	Not Installed		
	Sourcewell Contract Price		\$ 13,769.00

Plus any applicable taxes

Delivery: To Be Determined

F.O.B. Brunswick , OH

If you wish to proceed- with the quote provided, please sign and return.

PO # _____ Date: _____ Authorized Signature: _____

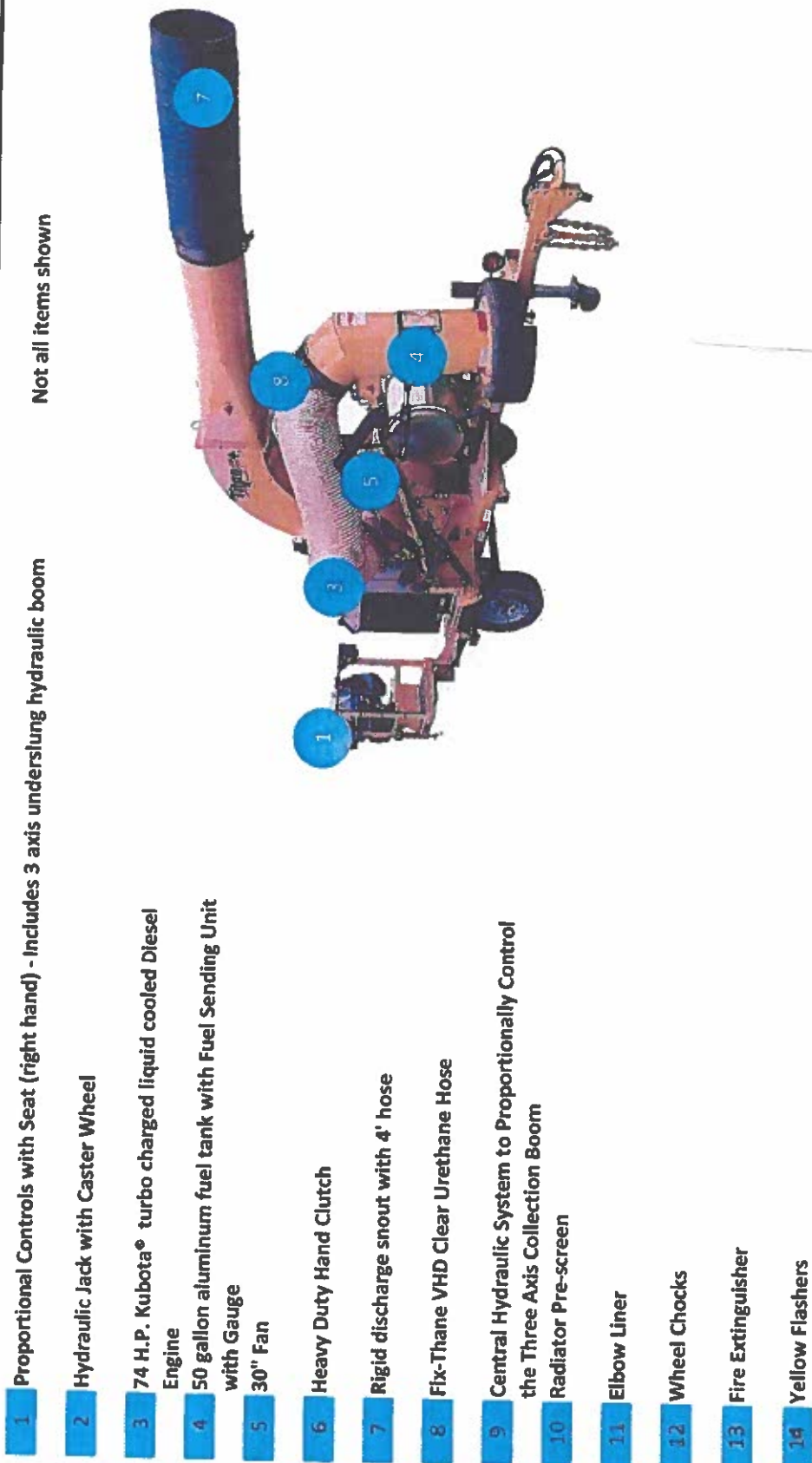
Thank You for considering Bell Equipment for your refuse and recycling equipment needs.

David Johnson Cell: (419) 971-6784

Quoted prices are based on current cost and therefore subject to change with written notice to account for pricing changes beyond sellers control.

T11000

TITAN LEAF PRO + STANDARD MODEL



LV-51000

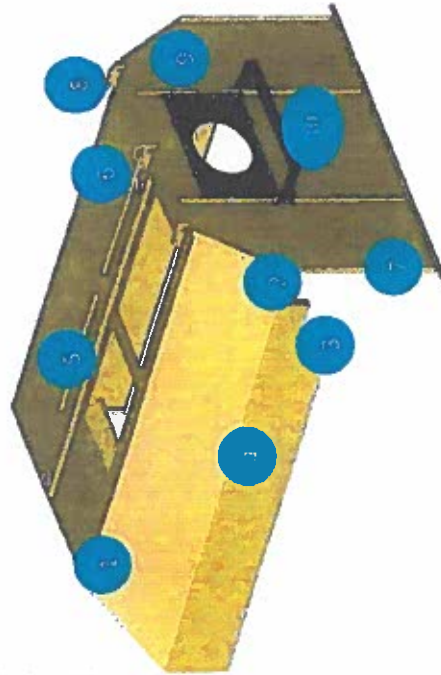
TITAN LEAF CAP

STANDARD FEATURES

- 1 Sloped sides and front provide styled look
- 2 Custom fit to your dump body - rubber flap supplied to help close the gap. (Note: air-tight seal not guaranteed)
- 3 Bolts in place using board pockets
- 4 10-Gauge sides, front and door
- 5 1/2" expanded metal vents
- 6 Top lifting eyes
- 7 Tubeframe around rear opening
- 8 Separate door lifting eye
- 9 Rubber nozzle seal
- 10 Nozzle support roller

BASE MODELS- TITAN LEAF BOX

MODEL	LENGTH	WIDTH	HEIGHT	CAPACITY
TLC 8	8'	90"	46"	13 yards
TLC 9	9'	90"	46"	14.5 yards
TLC 10	10'	90"	46"	16 yards
TLC 11	11'	90"	46"	17.5 yards
TLC 12	12'	90"	46"	19 yards
TLC 13	13'	90"	46"	20.5 yards
TLC 14	14'	90"	46"	22 yards
TLC8SS	8'	90"	46"	13 yards
TLC9SS	9'	90"	46"	14.5 yards
TLC10SS	10'	90"	46"	16 yards
TLC11SS	11'	90"	46"	17.5 yards
TLC12SS	12'	90"	46"	19 yards
TLC13SS	13'	90"	46"	20.5 yards
TLC14SS	14'	90"	46"	22 yards





Michigan
78 Northpointe Drive
Lake Orion, MI 48359
Phone: 248-370-0000
Fax: 248-370-0011

Ohio
1045 Taylor Rd.
Gahanna, OH 43230
Phone: 614-655-0022
Fax: 614-655-0022

MODEL: TITAN LEAF PRO PLUS - STANDARD EQUIPMENT BASE MODEL

- Electric Trailer Brakes with Break Away
- 7000 lb Single Axle and Running Gear
- DOT Compliant LED Lighting and Markings
- Telescoping Tongue with 7 Position Spanning 36"
- Adjustable Pintle Hitch Rated at Trailer Capacity
- Hydraulic Trailer Jack
- 74 HP Tier 1V Kubota Diesel Engine
- Magnetic Pre-Screens on Engine for Added Filtration
- 50 Gallon Aluminum Fuel Tank with Sight Gauge
- 30" Diameter Belt Driven Impeller with 6 Blades of AR400
- Blower Housing Liner
- Discharge Elbow Liner
- 5 Groove Belt and Sheave System for Optimum Performance
- 11-1/2" Clutch to Fit SAE #3 Engine Housing
- Rigid Discharge Tube with 4' HD Rubber Adaptor Hose
- Clear Urethane Collection Hose (.06 Wall)
- Proportionally Controller Three Axis Collection Boom
- Under Slung Collection Boom
- Operators Platform with Ride on Seat
- Engine Controls with E-Stops and Diagnostics
- Hall Effect Joystick (IP67 Rated)
- Spring Cushioned Operators Seat w/ Weight Adjustment and Seatbelt
- Fuel Sending Unit
- Wheel Chocks
- Yellow Flashers
- Fire Extinguisher

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 3-2024

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

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A NEW X-TREME 16 CUBIC YARD BOX AND A NEW X-TREME LEAF VACUUM WITH WIRELESS REMOTE FOR THE SERVICE DEPARTMENT FROM BEST EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$105,402.42.

WHEREAS: The City of Brunswick is a member of the Sourcewell joint purchasing program as authorized by this Council and Ohio Revised Code Section 9.48; and

WHEREAS: The proposed purchase of a new X-Treme 16 cubic yard box and a new X-Treme leaf vacuum with wireless remote for the Service Department is through the Sourcewell joint purchasing program.

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

SECTION 1: That the City Manager is hereby authorized to purchase a new X-Treme 16 cubic yard box and a new X-Treme leaf vacuum with wireless remote for the Service Department from Best Equipment through the Sourcewell joint purchasing program in an amount not to exceed \$105,402.42.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to allow for placement of the order and timely delivery. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 1/8/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Magovac

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 4-2024** - An emergency resolution authorizing the City Manager to purchase a new Ford F350 4WD pickup truck for the Service Department from Liberty Ford in an amount not to exceed \$50,925.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Magovac*)

BACKGROUND: The City of Brunswick belongs to the Sourcewell Procurement Program. The price for this truck under the Sourcewell Procurement Program is \$51,073.32. Liberty Ford, a Brunswick Company, will sell the City of Brunswick the same vehicle for \$50,925.00. This truck will replace a "like" truck that will be taken out of front-line service and a truck of similar type will be disposed of. This purchase was budgeted for in the approved 2024 Capital Budget.

PURPOSE AND EXPLANATION: The purpose of this purchase is to replace old obsolete equipment with "like" equipment in order to provide service to the City of Brunswick.

IMPLEMENTATION SCHEDULE: Order as soon as possible with an expected delivery sometime in 2024.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: \$50,925.00 953-0420-56252

RECOMMENDED ACTION:

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

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

**ADDITIONAL
INFORMATION:**

Due to the possibility of being locked out of the fabrication of this chassis in 2024 as we were in 2022 we are asking for one reading with emergency suspension of the rules. This equipment is for the health and safety of the citizens of Brunswick.



Date/Time: 12/5/2023 2:49:24 PM

Buyer: CITY OF BRUNSWICK
CITY OF BRUNSWICK
Home Phone: (330) 225-9144
Cell Phone: (330) 350-0731
Address: 4095 Center Rd
Brunswick, OH
442122944

Salesperson: Franklin Graley

2023 Ford Super Duty F-550 DRW XL ORDER F125

No Photo
Available

Odometer: 3
Color: Race Red

MSRP/Retail	\$53,050.00
Selling Price	\$50,640.00
Rebate	0.00
Total Savings + Rebate	\$2,410.00
Government Fee	\$35.00
Proc/Doc Fee	\$250.00
Accessories	0.00
Service Contract	0.00
Total Taxes	0.00
Trade Allowance	0.00
Trade Payoff	0.00
Cash Down	0.00
Amount Financed	\$50,925.00

With Approved Credit

APR is an estimate, subject to approved financing and is not guaranteed. Payments are an estimate and may vary among lending institutions. The final terms of your loan may differ depending on the actual terms of the financial institution's acceptance and are negotiable. Rebates subject to qualification as determined by Ford Motor Company. Tax rules may vary per State.

X _____
Customer Signature Date

X _____
Manager Signature Date



Preview Order F125 - F3B 4x4 Reg Cab SRW: Order Summary Time of Preview: 12/05/2023 13:17:17 Receipt: 12/5/2023

Dealership Name: Liberty Ford Brunswick

Sales Code : F44037

Dealer Rep.	Frank Graley	Type	Fleet	Vehicle Line	Superduty	Order Code	F125
Customer Name	BRUNSWICK	Priority Code	B1	Model Year	2024	Price Level	420

DESCRIPTION	MSRP	DESCRIPTION	MSRP
F350 4X4 STYLESIDE PICKUP/142	\$48815	11400# GVWR PACKAGE	\$0
142 INCH WHEELBASE	\$0	50 STATE EMISSIONS	\$0
TOTAL BASE VEHICLE	\$48815	120V/400W OUTLET	\$175
RACE RED	\$0	SNOW PLOW PREP PACKAGE	\$250
VINYL 40/20/40 SEATS	\$0	ROOF CLEARANCE LIGHTS	\$95
MEDIUM DARK SLATE	\$0	JACK	\$0
PREFERRED EQUIPMENT PKG.610A	\$0	WHEEL WELL LINERS FRONT & REAR	\$325
.XL TRIM	\$0	SPLASH GUARDS - FRONT	\$130
.AIR CONDITIONING -- CFC FREE	\$0	SPLASH GUARDS - REAR	\$0
.AM/FM STEREO MP3/CLK	\$0	UPFITTER SWITCHES	\$165
.STEEL ROAD WHEELS-18"	\$0	250 AMP ALTERNATOR	\$85
.6.8L DEVCT NA PFI V8 ENGINE	\$0	SPECIAL FLEET ACCOUNT CREDIT	\$0
10-SPEED AUTO TORQSHIFT-G	\$0	FUEL CHARGE	\$0
LT275/70R18E 8SW ALL TERRAIN	\$265	PRICED DORA	\$0
3.73 ELECTRONIC-LOCKING AXLE	\$430	ADVERTISING ASSESSMENT	\$0
JOB #2 ORDER	\$0	DESTINATION & DELIVERY	\$1995
PLATFORM RUNNING BOARDS	\$320		
			MSRP
TOTAL BASE AND OPTIONS			\$53050
DISCOUNTS			NA
TOTAL			\$53050

ORDERING FIN: QG825 END USER FIN: QG825

Customer Name:
Customer Address:

Customer Email:

Customer Phone:



National Auto Fleet Group

A Division of Chevrolet of Watsonville

490 Auto Center Drive, Watsonville, CA 95076

(855) 289-6572 • (831) 480-8497 Fax

Fleet@NationalAutoFleetGroup.com

12/5/2023

Quote ID: **36646**

Order Cut Off Date: **TBA**

Kevin Kosik
City of Brunswick
Service Dept

4095 Center Rd

Brunswick, Ohio, 44212

Dear Kevin Kosik,

National Auto Fleet Group is pleased to quote the following vehicle(s) for your consideration.

One (1) New/Unused (2024 Ford Super Duty F-350 SRW (F3B) XL 4WD Reg Cab 8' Box 142" WB,) and delivered to your specified location, each for

	One Unit (MSRP)	One Unit	Total % Savings	Total Savings
Contract Price	\$53,050.00	\$51,073.32	3.726 %	\$1,976.68
Tax (0.0000 %)		\$0.00		
Tire fee		\$0.00		
Total		\$51,073.32		

- per the attached specifications.

This vehicle(s) is available under the **Sourcewell Contract 091521-NAF** . Please reference this Contract number on all purchase orders to National Auto Fleet Group. Payment terms are Net 20 days after receipt of vehicle.

Thank you in advance for your consideration. Should you have any questions, please do not hesitate to call.

Sincerely,

Jesse Cooper
Account Manager
Email: Fleet@NationalAutoFleetGroup.com
Office: (855) 289-6572
Fax: (831) 480-8497

Vehicle Configuration Options

ENGINE

Code	Description
------	-------------

99A	Engine: 6.8L 2V DEVCT NA PFI V8 Gas, (STD)
-----	--

TRANSMISSION

Code	Description
------	-------------

44F	Transmission: TorqShift-G 10-Speed Automatic, (STD)
-----	---

WHEELS

Code	Description
------	-------------

64F	Wheels: 18" Argent Painted Steel, (STD)
-----	---

TIRES

Code	Description
------	-------------

TDX	Tires: LT275/70Rx18E BSW A/T (4), -inc: Spare may not be the same as road tire
-----	--

PRIMARY PAINT

Code	Description
------	-------------

PQ	Race Red
----	----------

SEAT TYPE

Code	Description
------	-------------

AS	Medium Dark Slate, HD Vinyl 40/20/40 Split Bench Seat, -inc: center armrest, cupholder, storage and driver's side manual lumbar
----	---

AXLE RATIO

Code	Description
------	-------------

X3E	Electronic-Locking w/3.73 Axle Ratio
-----	--------------------------------------

ADDITIONAL EQUIPMENT

Code	Description
67E	250 Amp Alternator (Gas)
—	GVWR: 11,400 lb Payload Package
473	Snow Plow Prep Package, -inc: computer selected springs for snowplow application, Note: restrictions apply; see supplemental reference or body builders layout book for details, May result in deterioration of ride quality when vehicle is not equipped w/snowplow, Dual battery (86M) recommended w/6.8L or 7.3L gasoline engines; see body builders layout book for details
61S	Front Splash Guards/Mud Flaps (Pre-Installed)
62S	Rear Splash Guards/Mud Flaps (Pre-Installed)
18B	Platform Running Boards
592	LED Roof Clearance Lights
61N	Front & Rear Wheel Well Liners (Pre-Installed)
66S	Upfitter Switches (6), -inc: Located in overhead console
43C	120V/400W Outlet, -inc: 1 in-dash mounted outlet and 1 outlet in the console
OPTION PACKAGE	
Code	Description
610A	Order Code 610A

2024 Fleet/Non-Retail Ford Super Duty F-350 SRW XL 4WD Reg Cab 8' Box 142" WB

WINDOW STICKER

2024 Ford Super Duty F-350 SRW XL 4WD Reg Cab 8' Box
142" WB

CODE	MODEL	MSRP
F3B	2024 Ford Super Duty F-350 SRW XL 4WD Reg Cab 8' Box 142" WB	\$48,815.00
OPTIONS		
99A	Engine: 6.8L 2V DEVCT NA PFI V8 Gas, (STD)	\$0.00
44F	Transmission: TorqShift-G 10-Speed Automatic, (STD)	\$0.00
64F	Wheels: 18" Argent Painted Steel, (STD)	\$0.00
TDX	Tires: LT275/70Rx18E BSW A/T (4), -inc: Spare may not be the same as road tire	\$265.00
PQ	Race Red	\$0.00
AS	Medium Dark Slate, HD Vinyl 40/20/40 Split Bench Seat, -inc: center armrest, cupholder, storage and driver's side manual lumbar	\$0.00
X3E	Electronic-Locking w/3.73 Axle Ratio	\$430.00
67E	250 Amp Alternator (Gas)	\$85.00
—	GVWR: 11,400 lb Payload Package	\$0.00
473	Snow Plow Prep Package, -inc: computer selected springs for snowplow application, Note: restrictions apply; see supplemental reference or body builders layout book for details, May result in deterioration of ride quality when vehicle is not equipped w/snowplow, Dual battery (86M) recommended w/6.8L or 7.3L gasoline engines; see body builders layout book for details	\$250.00
61S	Front Splash Guards/Mud Flaps (Pre-Installed)	\$130.00
62S	Rear Splash Guards/Mud Flaps (Pre-Installed)	\$0.00
18B	Platform Running Boards	\$320.00
592	LED Roof Clearance Lights	\$95.00
61N	Front & Rear Wheel Well Liners (Pre-Installed)	\$325.00
66S	Upfitter Switches (6), -inc: Located in overhead console	\$165.00
43C	120V/400W Outlet, -inc: 1 in-dash mounted outlet and 1outlet in the console	\$175.00

610A Order Code 610A

\$0.00

Please note selected options override standard equipment

SUBTOTAL **\$51,055.00**

Advert/ Adjustments \$0.00

Manufacturer Destination Charge \$1,995.00

TOTAL PRICE **\$53,050.00**

Est City: N/A MPG

Est Highway: N/A MPG

Est Highway Cruising Range: N/A mi

Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

Notes

1
CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 4-2024

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

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A NEW FORD F350 4WD PICKUP TRUCK FOR THE SERVICE DEPARTMENT FROM LIBERTY FORD IN AN AMOUNT NOT TO EXCEED \$50,925.00.

WHEREAS: The City of Brunswick is a member of the Sourcewell purchasing program as authorized by this Council and Ohio Revised Code Section 9.48;

WHEREAS: Ohio Revised Code Section 9.48(D) permits the City to purchase supplies or services from another party without competitive bidding and outside the purchasing programs authorized by Ohio Revised Code Section 9.48 if such supplies or services can be purchased under equivalent terms, conditions and specifications, but at a lower price than through such authorized purchasing programs; and

WHEREAS: The proposed purchase of a new Ford F350 4WD pickup truck from Liberty Ford in an amount not to exceed \$50,925.00, is upon equivalent terms, conditions and specifications and at a lower price than through purchasing programs authorized by Ohio Revised Code Section 9.48.

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

SECTION 1: That the City Manager is hereby authorized to purchase a new Ford F350 4WD pickup truck for the Service Department from Liberty Ford in an amount not to exceed \$50,925.00.

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 that immediate passage is necessary to allow for placement of the order and timely delivery. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 1/8/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Greg Glauner

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 5-2024** - An emergency resolution ratifying and approving the five (5) year agreement entered into with Stryker Sales Corp. for the provision of services to maintain emergency medical equipment utilized by the Division of Fire in an amount not to exceed \$105,513.75. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Greg Glauner*)

BACKGROUND: The Brunswick Division of Fire was in the final year of agreements with Stryker Sales Corp. for maintenance and service of LifePaks, Lifepak AEDs (at all City buildings), Power Cots, and Power Loads. Prior to expiration, Stryker Sales Corp. had offered the City of Brunswick a 25 percent discount with a new five-year term agreement, which would consolidate the current various maintenance and service agreements on the equipment in the squads, city buildings, etc. The agreement was entered into in January, 2023. In 2023, the Division of Fire paid Stryker Sales Corp. \$21,102.75, and the Division anticipates spending \$21,102.75 for these services in 2024, and continuing with the annual payment per the terms of the Agreement.

PURPOSE AND EXPLANATION: Per the Agreement, the City receives a 25 percent discount on maintenance and service over a five-year period. The 2023 expenditure was under the \$25,000 threshold; the anticipated 2024 expenditure would bring the total above that amount. Considering the terms of the Agreement, the total over the five-year period is expected to be \$105,513.75. By entering into the five-year Agreement, the City is entitled to the 25 percent annual discount during the Agreement period.

IMPLEMENTATION SCHEDULE: As soon as allowed by law.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Total of \$21,102.75/yr.

Breakdown of Account Numbers :

\$16,944.75 115-0510-54253 for Lifepak/Power Cots;

\$3,118.50 114-0520-54253 for Lifepak 1000;

\$693.00 131-0830-54253 for Lifepak 1000; and

\$346.50 001-0880-54253 for Lifepak 1000

City Council adopts budgets on an annual (calendar year) basis pursuant to State Law and City Charter. Future budgets and appropriations beyond 2024 have not yet been adopted and the ability to remit payment for items included in this contract will be based on sufficient appropriations contained in future Council adopted budgets. The 2024 budget has been adopted and the requested appropriations should be sufficient to pay the 2024 obligations of this contract.

**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?

To allow the Division of Fire to continue the maintenance and service of medical equipment for the year 2024 and thereafter throughout the term of the five-year agreement.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 5-2024

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

AN EMERGENCY RESOLUTION RATIFYING AND APPROVING THE FIVE (5) YEAR AGREEMENT ENTERED INTO WITH STRYKER SALES CORP. FOR THE PROVISION OF SERVICES TO MAINTAIN EMERGENCY MEDICAL EQUIPMENT UTILIZED BY THE DIVISION OF FIRE IN AN AMOUNT NOT TO EXCEED \$105,513.75.

WHEREAS: On or about January 23, 2023, the City entered into a five (5) year Agreement with Stryker Sales Corp. for the provision of services to maintain emergency medical equipment utilized by the Division of Fire in an amount not to exceed \$105,513.75, which was services are to provided to the City at a 25% discount thereby saving the City \$35,171.25 over the term thereof.

WHEREAS: Stryker Sales Corp.'s provision of services to maintain emergency medical equipment utilized by the Division of Fire are proprietary in nature.

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

SECTION 1: That the five (5) year Agreement entered into with Stryker Sales Corp. for the provision of services to maintain emergency medical equipment utilized by the Division of Fire in an amount not to exceed \$105,513.75 is hereby ratified and approved.

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 immediately ratify and approve the Agreement for the provision of services to maintain emergency medical equipment utilized by the Division of Fire. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 1/8/2024

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. 6-2024** - An emergency resolution selecting City of Medina Councilman Dennie R. Simpson to serve as a voting member on the Medina County 9-1-1 Program Review Committee. - **1st Reading** (Committee-of-the-Whole, *Administration/Carl DeForest*)

BACKGROUND: The City of Medina requires the City's confirmation of their recommendation to appoint Dennie Simpson to the Medina County 9-1-1 Program Review Committee.

PURPOSE AND EXPLANATION: A total of 5 resolutions from cities and villages is required to confirm the appointment.

Per Ohio Revised Code Section 128.06(A), the following are Members of the Medina County 911 Program Review Committee:

1. A Member of the Board of County Commissioners, or designee, who shall serve as Chairperson.
2. The Chief Executive Officer of the most populous municipal corporation in the County, Carl DeForest on behalf of the City of Brunswick.
3. A member of the Board of Township Trustees of the most populous Township in the County.
4. A member of a Board of Township Trustees in the County as selected by a majority of the Boards of Township Trustees in the County by Resolution.
5. A member of the legislative authority of a municipal corporation in the County selected by the majority of the legislative authorities of municipal corporations in the County by Resolution.

**** This is the provision upon which the City of Medina is recommending the appointment of Medina City Council Member Dennie Simpson.**

6. An elected official from within the Court appointed by the Board of County Commissioners.

IMPLEMENTATION

SCHEDULE: One reading, emergency with suspension of the rules.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

**RECOMMENDED
ACTION:**

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

If emergency or suspension of the rules, why the request?
The committee will have its first meeting in January and will need to have the committee already in place.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 6-2024

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION SELECTING CITY OF MEDINA
COUNCILMAN DENNIE R. SIMPSON TO SERVE AS A VOTING MEMBER
ON THE MEDINA COUNTY 9-1-1 PROGRAM REVIEW COMMITTEE.

WHEREAS: Ohio Revised Code Section 128.06(A) provides that every county in the State of Ohio shall maintain a 9-1-1 Program Review Committee;

WHEREAS: Ohio Revised Code Section 128.06(A)(5) provides that the 9-1-1 Program Review Committee shall consist of a member of the legislative authority of a municipal corporation in the county selected by the majority of the legislative authorities of municipal corporations in the county by duly adopted resolution; and

WHEREAS: Pursuant to Ohio Revised Code Section 128.06(A)(5), the City of Medina has recommended City of Medina Councilman Dennie R. Simpson to serve as a voting member on the Medina County 9-1-1 Program Review Committee.

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

SECTION 1: That pursuant to Ohio Revised Code Section 128.06(A)(5), this Council hereby selects City of Medina Councilman Dennie R. Simpson to serve as a voting member on the Medina County 9-1-1 Program Review Committee.

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 as the Medina County 9-1-1 Program Review Committee is scheduled to have its first meeting in January of 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

County Final Plan – Guidance/Recommendations



County 9-1-1 Coordinators,

Several have asked for input on how to complete your County final plan. The 9-1-1 Program Office has reviewed the Ohio Revised Code (ORC) and is providing general guidance on what should be included in your final plan. It is always recommended that you contact your local legal counsel for specific directions. We are also providing recommendations on additional information that can be included in your final plan, in addition to the required content.

Before you get started a couple of changes are important to note.

- Your final plan is due to the 9-1-1 Program Office on or before **April 3, 2024**, as per §128.08(B)(2).
- ORC §128.571 was repealed, therefore there is no longer a limitation on the number of PSAPs that can receive Government Assistance Funds (GAF). Therefore, if you had only one or two PSAPs receiving Wireless Government Assistance Funds (WGAF), you can now provide funding to others if you so choose. For any PSAP to receive funding, they will need to be working on transition to Next Generation 9-1-1. Once a PSAP receives GAF or NG9-1-1 funding they will have to meet the PSAP rules as defined in Chapter 5507 of the Ohio Administrative Code (OAC).
- All call routing in NG9-1-1 is based off GIS polygon layers and not your standard call routing. If you limit the call routing to a specific PSAP for wireless vs. wireline you would be reducing the capabilities of the NG9-1-1 system. It can be done if you still want that in your community, but we strongly advise against that.

Effective October 3, 2023, Ohio revised code §128.06 requires each County to have a 9-1-1 Program Review Committee. The committee's make-up is based on how your county operates. You have four (4) options to choose from: §128.06 (A), (B), (C)(1), or (C)(2).

- **§128.06 (A)**
 - Counties that have more than one Public Safety Answering Point (PSAP) unless you meet the requirements in (B).
 1. A member of the board of county commissioners, or a designee, who shall serve as chairperson of the committee;
 2. The chief executive officer of the most populous municipal corporation in the county;
 - a. When determining population under division (A)(2) of this section, population residing outside the county shall be excluded.
 3. A member of the board of township trustees of the most populous township in the county as selected by majority vote of the board of trustees;
 4. A member of a board of township trustees selected by the majority of boards of township trustees in the county pursuant to resolutions they adopt;
 5. A member of the legislative authority of a municipal corporation in the county selected by the majority of the legislative authorities of municipal corporations in the county pursuant to resolutions they adopt;
 6. An elected official from within the county appointed by the board of county commissioners.

- **§128.06 (B)**
 - Counties that have **fewer** than five (5) township, population **greater** than seven hundred and fifty thousand (750,000), which contain more than one PSAP, the 9-1-1 review committee shall consist of five members as follows:
 1. A member of the board of county commissioners, or a designee, who shall serve as chairperson of the committee;
 2. The chief executive officer of the most populous municipal corporation in the county. Population residing outside the county shall be excluded when making this determination.
 3. A member from one of the following, whichever is more populous
 - a. The chief executive officer of the second most populous municipal corporation in the county;
 - b. A member of the board of township trustees of the most populous township in the county as selected by majority vote of the board of trustees.
 4. The chief executive officer of a municipal corporation in the county selected by the majority of the legislative authorities of municipal corporations in the county pursuant to resolutions they adopt;
 5. A member of a board of township trustees selected by the majority of boards of township trustees in the county pursuant to resolutions they adopt.
- **§128.06 (C)(1)**
 - In counties that contain only one PSAP, the composition of the 9-1-1 review committee shall consist of three members as follows:
 - 1) If the PSAP is not operated by the board of county commissioners, the committee shall be composed of the following:
 - a) A member of the board of county commissioners, or the member's designee, who shall serve as chairperson of the committee;
 - b) One of the following:
 - i) If the PSAP is operated by a township, then a member of the board of township trustees;
 - ii) If the PSAP is operated by a municipal corporation, then the chief executive officer of the municipal corporation;
 - iii) If the PSAP is operated by a subdivision that is not a township or municipal corporation or is operated by a regional council of governments, then an elected official of that subdivision or regional council of governments.
 - c) A member who is an elected official of the most populous township or municipal corporation in the county that does not operate the PSAP. When determining population under this division, the population residing outside the county shall be excluded.



- **§128.06 (C)(2)**
 - In counties that contain only one PSAP, the composition of the 9-1-1 review committee shall consist of three members as follows:
 - 2) If the PSAP is operated by the board of county commissioners, then the board of county commissioners shall serve as the 9-1-1 program review committee.

Other areas of interest in ORC §128.06 that you will need to keep in mind as they have **annual requirements** are as follows:

- **§128.06 (D)**
 - Each committee shall maintain and amend a final plan for implementing and operating a countywide 9-1-1 system. Any amendment to the final plan shall require a two-thirds vote of the committee. Each committee shall convene at least once annually for the purposes of maintaining or amending a final plan described in this section.
- **§128.06 (E)**
 - Each committee shall, not later than the first day of March of each year, submit a report to the political subdivisions within the county and to the 9-1-1 program office detailing the sources and amounts of revenue expended to support and all costs incurred to operate the countywide 9-1-1 system and the PSAPS that are a part of that system for the previous calendar year. A county shall provide the county's committee with any clerical, legal, and other staff assistance necessary.
 - ❖ The 9-1-1 Program Office has created a new form to capture 128.06(E) information.
- Each final plan must contain the answers to the following eight subsections of ORC §128.07:
 - **§128.07 (A)**
 - (1) Which telephone companies serving customers in the county and, as authorized in division (A) of section [128.03](#) of the Revised Code, in an adjacent county will participate in the 9-1-1 system;
 - ❖ This could be AT&T, Frontier, CenturyLink, etc.
 - (2) The location and number of PSAPS; how the PSAPS will be connected to a county's preferred next generation 9-1-1 system; from what geographic territory each PSAP will receive 9-1-1 calls; whether enhanced 9-1-1 or next generation 9-1-1 service will be provided within such territory; what subdivisions will be served by the PSAP; and whether a PSAP will respond to calls by directly dispatching an emergency service provider, by relaying a message to the appropriate emergency service provider, or by transferring the call to the appropriate emergency service provider;
 - ❖ Name and address of each PSAP in your County
 - ❖ How each PSAP will connect to the County's preferred NG9-1-1 system
 - ❖ From what geographic territory each of the PSAPs will receive 9-1-1 calls (County/Township/City/Village/etc.)

- ❖ Within each territory listed whether Enhanced 9-1-1 or NG9-1-1 service be provided
 - ❖ What subdivisions will be served by each PSAP listed (County Sheriff/Law Enforcement Agency/Fire Department or District/EMS/etc.)
 - ❖ Identify if the listed PSAPs are going to respond to calls by directly dispatching, relaying a message, or transferring the call to an appropriate emergency service provider. (Some PSAPs may do all three, others may only relay or transfer)
- (3) How originating service providers must connect to the core 9-1-1 system identified by the final plan and what methods will be utilized by the originating service providers to provide 9-1-1 voice, text, other forms of messaging media, and caller location to the core 9-1-1 system;
- ❖ How the originating service providers are going to connect the 9-1-1 core system.
 - (i) Example: Send calls directly to the NG9-1-1 core via internet protocol
 - (ii) Example: Link the selective routers to NG9-1-1 core
- (4) That in instances where a public safety answering point, even if capable, does not directly dispatch all entities that provide the emergency services potentially needed for an incident, without significant delay, that request shall be transferred or the information electronically relayed to the entity that directly dispatches the potentially needed emergency services;
- ❖ If you are not directly dispatching a call for service, how will you notify the dispatching agency of the call for service? Will you be doing a data transfer, call relay, or transferring the caller?
- (5) Which subdivision or regional council of governments will establish, equip, furnish, operate, and maintain a particular PSAP;
- ❖ Based on your list of PSAPs under 128.07(A)(2) define how each PSAP will be established, equipped, furnished, operated, and maintained
- (6) A projection of the initial cost of establishing, equipping, and furnishing and of the annual cost of the first five years of operating and maintaining each PSAP;
- ❖ Most PSAPs in Ohio are already established, but still have ongoing costs. Provide the annual cost for each PSAP under 128.07(A)(2) and the most recent five-year cost to operate and maintain.
- (7) Whether the cost of establishing, equipping, furnishing, operating, or maintaining each PSAP should be funded through charges imposed under section [128.35](#) of the Revised Code or will be allocated among the subdivisions served by the PSAP and, if any such cost is to be allocated, the formula for so allocating it;
- ❖ Indicate whether you are funding the PSAP from charges on improved realty and/or if the costs are being allocated among the subdivisions served by the PSAP. If the costs are being allocated among subdivisions, also provide the formula.
- (8) How each emergency service provider will respond to a misdirected call or the provision of a caller location that is either misrepresentative of the actual location or does not meet requirements of the federal communications commission or other accepted national standards as they exist on the date of the call origination.
- ❖ Indicate how each PSAP will handle a misdirected call.

County Final Plan – Guidance/Recommendations



Above are the items required by the ORC. Once you have completed your final plan, you will need to distribute the information:

128.07(B)(1)(a): The 9-1-1 program review committee shall send a copy of the final plan to the following entities either by certified mail or, if the committee has record of an internet identifier of record associated with the board or legislative authority, by ordinary mail and by that internet identifier of record:

- The board of county commissioners of the county
- The legislative authority of each municipal corporation in the county
- The board of township trustees of each township in the county

***128.07(C)** As used in this section, "internet identifier of record" has the same meaning as in §9.312 ORC

128.07(B)(1)(b): The 9-1-1 program review committee shall also send a copy of the final plan to the additional following entities:

- The board of trustees, directors, or park commissioners of each subdivision that will be served by a PSAP under the plan.

128.07(B)(2): The 9-1-1 program review committee shall also file a copy of its final plan with the Ohio 9-1-1 Program Office not later than April 3, 2024. (6 months after the October 3, 2023, effective date).

128.07(B)(2): Any revisions or amendments made to the final plan (after the April 3, 2024, plan is filed) shall be filed with the Ohio 9-1-1 Program Office not later than ninety (90) days after adoption.

To create/approve the Final Plan due on April 3, 2024, to the Ohio 9-1-1 Program Office, you must follow the guidelines for local adoption of the plan found in ORC §128.08. Once you have your Final County 9-1-1 Plan filed, and you are only doing an addendum, you will follow the guidelines in ORC §128.12 for local adoption of the plan.

Within your County Plan you may want to also provide the following information:

1. Which PSAPs listed are supported by GAF funds (directly or indirectly)
2. Is the PSAP required to comply with Ohio Administrative Code Chapter 5507
3. If your center is required to provide EMD but it's being handled by another agency identify the agency and how this is being accomplished.
4. ORC §128.05 Identify your County Coordinator (Name, Title, Agency, and Contact Information)
5. ORC §128.25 Identify your County Point of Contact for 9-1-1 discrepancies, misroutes, and boundary disputes (Name, Title, Agency, and Contact Information)



Please submit your final plans by April 3, 2024, to the Ohio 9-1-1 Program Office, by either of the following:

Mail to: Ohio 9-1-1 Program Office, 4200 Surface Road, Columbus, Ohio 43228

or

Email to: Ohio9-1-1@das.Ohio.gov

****Please note, the Ohio 9-1-1 Program Office has developed a fill-in-the-blanks template for your Final Plans which you are welcome/encouraged to make use of for filing your initial April 3, 2024 Final Plan. You are not required to use this template, but it may help ensure you are capturing all of the necessary information that is required to be included in your Final Plans. Any questions should be directed to the Ohio Program Office at Ohio9-1-1@das.Ohio.gov or by calling the Program office at 614.728.2114.**

PROPOSED LEGISLATION



DATE: 1/8/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Carl DeForest

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 7-2024** - An ordinance establishing Codified Ordinance Chapter 868 of the City of Brunswick Codified Ordinances relative to the license of Tobacco Retail Establishments - **1st Reading** (To be brought from Committee-of-the-Whole, Administration/ Dennis Nevar)

BACKGROUND: This Council recognizes that young people are particularly susceptible to the addictive properties of tobacco and nicotine and that youth who begin using tobacco and nicotine products are more likely to become lifelong users, reversing previous progress in the reduction of the overall tobacco use rate. This Council has the authority to protect life, health, and safety by requiring tobacco and nicotine retailers in the City to obtain and maintain a tobacco retailer license as a condition for engaging in the business of selling tobacco products.

A tobacco retailer license is an evidence-based strategy to reduce initiation to nicotine and tobacco through improved compliance with minimum legal sales age and other important sales regulations. A tobacco retailer license is a regulatory tool that further enables the City to monitor nicotine and tobacco sales, fund compliance efforts, and create effective penalty and suspension structures for repeated violations. Tobacco retailer license laws in other communities have been effective in reducing the number of illegal nicotine and tobacco sales to underage purchasers.

PURPOSE AND EXPLANATION:

IMPLEMENTATION SCHEDULE: Three readings

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED

ACTION:

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

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

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 7-2024

BY: Committee-of-the-Whole

AN ORDINANCE ESTABLISHING CHAPTER 868 OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES RELATIVE TO THE LICENSE OF TOBACCO RETAIL ESTABLISHMENTS.

- WHEREAS: This Council recognizes the health risks associated with nicotine and tobacco use and addiction, especially for young people.
- WHEREAS: US Food and Drug Administration data indicates that one in five Ohio retailers illegally sell nicotine and tobacco products to underage buyers.
- WHEREAS: Tobacco retailers may choose to concentrate near schools and in low-income neighborhoods.
- WHEREAS: Tobacco use is the foremost preventable cause of premature death in the U.S., causing a half million deaths annually, and has been responsible for 20.8 million premature deaths in the U.S. since the first U.S. Surgeon General's report on smoking in 1964.
- WHEREAS: This Council recognizes that young people are particularly susceptible to the addictive properties of tobacco and nicotine, and that youth who begin using tobacco and nicotine products are more likely to become lifelong users, reversing previous progress in the reduction of the overall tobacco use rate.
- WHEREAS: This Council has the authority to protect life, health and safety by requiring tobacco and nicotine retailers in the City to obtain and maintain a tobacco retailer license as a condition for engaging in the business of selling tobacco products.
- WHEREAS: A tobacco retailer license is an evidence-based strategy to reduce initiation to nicotine and tobacco through improved compliance with minimum legal sales age and other important sales regulations.
- WHEREAS: A tobacco retailer license is a regulatory tool that further enables the City to monitor nicotine and tobacco sales, fund compliance efforts, and create effective penalty and suspension structures for repeated violations.
- WHEREAS: Tobacco retailer license laws in other communities have been effective in reducing the number of illegal nicotine and tobacco sales to underage purchasers.
- WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the Chapter 868 of the Codified Ordinances titled “Tobacco Retailer Licenses” is hereby established to read as follows:

“868.01 DEFINITIONS.

(A) Definitions. For the purposes of this Section, the following definitions shall apply:

- (1) “Applicant” means the applicant for a license under this Chapter, including any person or entity that holds an interest in the applicant.
- (2) “Compliance Check” means the system utilized by the Licensing Agent to investigate and ensure that those authorized to sell Tobacco Products are following and complying with the requirements of this Chapter. Compliance checks may be conducted by the Licensing Agent, the City of Brunswick and/or other units of government or designated agencies for educational, research and/or training purposes, of for investigating and enforcing federal, state and local laws pertaining to Tobacco Products.
- (3) “Distribute” means giving, providing, or delivering Tobacco Products.
- (4) “Educational Facility” means any public or private educational facility, including, without limitation, child-care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers.
- (5) “Electronic Smoking Device” means any device that may be used to deliver any aerosolized or vaporized nicotine or any other substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic Smoking Device includes any component, part, or accessory to such a device, whether or not sold separately, and also includes any substance intended to be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic Smoking Device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.
- (6) “Licensee” means the holder of a valid Tobacco Retailer License or Temporary Event License.
- (7) “Licensing Agent” means the City of Brunswick or its duly authorized designee.

- (8) “Person” means any natural person.
- (9) “Premises” means the location to which any License or Temporary Event License issued under this Chapter has been issued.
- (10) “Public Place” means any area in which the public is invited or permitted, including, without limitation, any public park or playground, but excluding any public right-of-way.
- (11) “Purchaser” means any person who obtains or attempts to obtain a Tobacco Product.
- (12) “Religious Institution” means a church, synagogue, temple or building which is used primarily for religious worship and related religious activities.
- (13) “Sale”, “Sell” or “Sold” means transferring, or offering or attempting to transfer, a Tobacco Product for money, trade, barter, exchange or other consideration.
- (14) “Temporary Event” means an event open to the public, whether on private or public property, that is temporary in nature.
- (15) “Temporary Event License” means a license issued by the Licensing Agent or its authorized designee for the sale of Tobacco Products at a Temporary Event.
- (16) “Tobacco” or “Tobacco Product(s)” means: (a) any product containing, made of, or derived from tobacco or containing any form of nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, dissolved, inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff or snus; (b) any Electronic Smoking Device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; (c) any component, part, or accessory of (a) or (b), whether or not any of these contain tobacco or nicotine, including, but not limited to, filters, rolling papers, blunt or hemp wraps, or pipes. Tobacco Product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.
- (17) “Tobacco Retailer” means any individual, firm, partnership, joint venture, association, joint stock company, corporation, unincorporated business entity, or any other group acting as a unit that owns a business where Tobacco Products are

available for sale, including the employees thereof. Tobacco Retailer, as used herein, includes any manufacturer, producer, distributor or wholesaler of Tobacco Products. Tobacco Retailer does not mean the employees or agents of an owner of a business where Tobacco Products are available to the general public.

(18) “Tobacco Retail Establishment” means any place of business where Tobacco Products are available for sale, whether or not the business is open to the general public, whether pursuant to a License or Temporary Event License issued pursuant to this Chapter.

(19) “Tobacco Retailer License” or “License” means a license issued by the Licensing Agent or its authorized designee for the sale of Tobacco Products pursuant to this Chapter.

868.02 LICENSE REQUIRED/APPLICATION.

(A) License Required. No Person, Tobacco Retailer or Tobacco Retail Establishment shall sell, offer to sell or distribute any Tobacco Product without first having obtained a License or Temporary Event License from the Licensing Agent.

(B) Application. An application for a License or Temporary Event License to sell or distribute Tobacco Products must be made on a form provided by the Licensing Agent. The application must contain the full legal and doing business as name of the Applicant, the location of the Premises or Temporary Event, the Applicant’s business address, phone number and email address, the name and social security number of each and every person(s) holding any interest in the Applicant (if the Applicant is not a natural Person), confirmation that the Applicant and all employees of the Applicant have completed the Instruction Program as required herein, and such additional information as may be required by the Licensing Agent. If the Licensing Agent determines that an application is incomplete, the application will be returned to the Applicant with notice of the deficiency and the requisite information necessary to make the application complete.

(C) Term. The term of any License issued pursuant to this Chapter is for a period of one (1) year commencing on the first day of September up to and including the last day of August. Any License issued after the first day of September will expire on the last day of August and remain subject to the full, non-prorated License fee regardless of the date of issuance. Any Temporary Event License issued pursuant to this Chapter shall be valid for no more than five (5) days during the calendar year in which it was issued.

(D) Violation; Suspension; Revocation. Any License or Temporary Event License issued under this Chapter may be suspended or revoked as follows:

- (1) Any Licensee that violates any provision of this Chapter, or any other federal, state or local law relative to the distribution or sale of Tobacco Products, shall be subject to the penalties prescribed in this Chapter and/or Codified Ordinance Section 636.19.
 - (2) A previous violation of any other federal, state or local law relating to the distribution or sale of Tobacco Products that occurred within the previous thirty-six (36) months shall be considered a prior violation when determining any penalty under this Chapter and/or Codified Ordinance Section 636.19.
- (E) Transfers. All Licenses or Temporary Event Licenses issued under this Chapter are valid only with respect to the Licensee and for the Premises or Temporary Event location for which same was issued. The transfer of any License or Temporary Event License to any other Person, Tobacco Retailer, Tobacco Retail Establishment and/or other Premises (or other Temporary Event location) is prohibited with the exception that the change in ownership of a Licensee shall not be deemed to constitute a transfer of a License or Temporary Event License.
- (F) Display. All Licenses or Temporary Event Licenses must be posted and displayed at all times in plain view of the general public of the Tobacco Retail Establishment or at the Temporary Event location. Failure to properly display any License or Temporary Event License issued pursuant to this Chapter is a violation hereof.
- (G) Renewals. The renewal of a License issued pursuant to this Chapter shall be subject to the same application process as provided hereinabove. The request for renewal must be made at least thirty (30) days prior to the expiration of the current License. The issuance of a License pursuant to this Chapter is a privilege and does not entitle the Licensee to the automatic renewal thereof. The failure to timely renew and/or the denial of the renewal of a License previously issued pursuant to this Chapter shall result in the revocation thereof. Temporary Event Licenses shall not be subject to renewal.
- (H) Instructional Program. As a condition of the issuance of a License or Temporary Event License pursuant to this Chapter, the Licensee shall complete and ensure that all employees complete an annual training program pre-approved by the Licensing Agent related to the legal requirements for the distribution or sale of Tobacco Products. Documentation evidencing compliance with this requirement is a condition precedent to the issuance of any Temporary Event License, License or renewal thereof.

868.03 DENIAL OF LICENSE/TEMPORARY EVENT LICENSE.

- (A) The Licensing Agent shall deny an application for a Temporary Event License, License, or renewal thereof, in the following circumstances:

- (1) The Applicant is under the age of 21.
 - (2) The Applicant has been convicted of any violation of a federal, state or local law relating to the distribution or sale of Tobacco Products within the previous five (5) years.
 - (3) The Applicant has had a License or Temporary Event License issued under this Chapter revoked within the previous two (2) years.
 - (4) The Applicant fails to provide the information required on the application or provides false, incomplete or misleading information.
 - (5) The Applicant is prohibited by federal, state or local law from distributing or selling Tobacco Products.
 - (6) The Applicant is delinquent on the payment of any fee, tax or penalty imposed by this Chapter or any other provision of the Codified Ordinances.
 - (7) The maximum number of available Licenses under this Chapter have been issued.
 - (8) The Premises is not in compliance with the proximity requirements contained in this Chapter.
 - (9) The Applicant has been found to have been distributing or selling Tobacco Products without a License or Temporary Event License issued pursuant to this Chapter on two (2) occasions within any twelve (12) month period.
- (B) In the event a License or Temporary Event License is mistakenly issued or renewed, the Licensing Agent may revoke same upon the discovery that the Applicant was ineligible under this Chapter. In such event, the Licensing Agent will provide the Licensee with notice of revocation along with information as to Licensee's rights of appeal consistent with this Chapter.
- (C) If a License or Temporary Event License is suspended or revoked pursuant to this Chapter, the License fee is deemed forfeited and non-refundable.

868.04 LICENSE/TEMPORARY EVENT LICENSE FEE; FINES.

- (A) No License or Temporary Event License shall be issued under this Chapter until the appropriate, non-refundable License/Temporary Event License fee is paid in full.
- (B) The fee for a License (or renewal thereof) under this Chapter shall be a minimum of \$600.00 payable to the Licensing Agent. The Licensing Agent shall have the

authority to adjust the License fee as deemed necessary, but in no event shall the License fee be less than \$600.00. The fee for a Temporary Event License under this Chapter shall be a minimum of \$150.00 payable to the Licensing Agent. The Licensing Agent shall have the authority to adjust the Temporary Event License fee as deemed necessary, but in no event shall the Temporary Event License fee be less than \$150.00.

- (C) License/Temporary Event License fees and fines collected pursuant to this Chapter shall be for the benefit of and payable to the Licensing Agent and shall be used to fund tobacco retail licensure compliance and enforcement measures, including, but not limited to, issuing Licenses/Temporary Event Licenses, administering the licensing program, tobacco retailer education, tobacco retailer inspection and compliance checks, documentation of violations and appellate proceedings. Funds may also be designated for other tobacco control, prevention and education programs as determined by the Licensing Agent.

868.05 NUMBER OF LICENSES.

- (A) The total number of Licenses issued within the City shall be limited to one (1) License for each seven hundred fifty (750) residents of the City, as established by the most recent Federal Decennial Census. Notwithstanding the foregoing:
- (1) Any Person or Tobacco Retailer lawfully engaged in the operation of a Tobacco Retail Establishment that is in full compliance with all applicable law as of the effective date of this Chapter shall be entitled to a License subject to full satisfaction of the requirements of this Chapter; and
 - (2) City Council shall have the authority, as part of a duly approved Development Agreement as otherwise required by the Codified Ordinances, to authorize the Licensing Agent to issue additional Licenses, subject to full satisfaction of the requirements of this Chapter, to any Applicant that proposes the construction of a new, single-tenant commercial/retail structure.
- (B) The Licensing Agent shall maintain a list of all applications for Licenses which, if issued, would exceed the maximum number of licenses permitted pursuant to this Chapter. In the event of revocation and/or non-renewal of a License, the Licensing Agent may proceed with the processing of applications on file in the order in which they were received.
- (C) There are no maximum number of Temporary Event Licenses that may be issued by the Licensing Agent pursuant to this Chapter.

868.06 PROXIMITY REQUIREMENTS.

- (A) No License/Temporary Event License shall be granted under this Chapter to an Applicant that is located (or Temporary Event that is located) within 1,000 feet of any existing Licensee, as measured from the nearest property lines of each respective property. This restriction does not apply to any Applicant that holds a state tax license to sell Tobacco Products at the same Premises for at least one (1) year prior to the effective date of this Chapter.
- (B) No License/Temporary Event License shall be granted under this Chapter to an Applicant that is located (or Temporary Event that is located) within 3,500 feet of any Educational Facility, Religious Institution or Public Place, as measured from the nearest property lines of each respective property. This restriction does not apply to any Applicant that holds a state tax license to sell Tobacco Products at the same Premises for at least one (1) year prior to the effective date of this Chapter.

868.07 COMPLIANCE WITH CODIFIED ORDINANCE SECTION 636.19.

- (A) All Licensees shall comply with the requirements of Codified Ordinance Section 636.19, which is incorporated herein by reference, as same may be amended from time to time.

868.08 COMPLIANCE CHECKS AND INSPECTIONS.

- (A) The Tobacco Retail Establishment for which any License/Temporary Event License is issued pursuant to this Chapter shall be open to inspection by the Licensing Agent during regular business hours. The Tobacco Retail Establishment shall be subject to not less than two (2) unannounced compliance checks per License year (or during any Temporary Event) which may include, without limitation, checks to verify that the Tobacco Retail Establishment:
- (1) Maintains and properly displays the License/Temporary Event License to distribute or sell Tobacco Products; and
 - (2) Does not permit sale to persons under the age of 21.
- (B) Unannounced follow-up compliance checks of all non-compliant Tobacco Retail Establishments shall be conducted by the Licensing Agent within three (3) months of any violation of this Chapter.
- (C) The results of all compliance checks shall be published annually and made available to the public by the Licensing Agent.

868.09PENALTY.

Notwithstanding any other penalty that may be imposed by applicable federal, state or local law, including, without limitation, those penalties prescribed by Codified Ordinance Section 636.19, any Person, Tobacco Retailer or Tobacco Retail Establishment that violates any provision of this Chapter or any provision of Codified Ordinance Section 636.19 shall be subject to the following penalties:

- (A) For a first violation, a fine of \$500.00.
- (B) For second violation within a thirty-six (36) month period, a fine of \$1,000.00 and a License/Temporary Event License suspension of thirty (30) days.
- (C) For a third violation within a thirty-six (36) month period, a fine of \$1,500.00 and License/Temporary Event License suspension of sixty (60) days.
- (D) For a fourth violation within a thirty-six (36) month period, a fine of \$2,000.00 and License/Temporary Event License revocation.

Any Person, Tobacco Retailer or Tobacco Retail Establishment found to be selling Tobacco Products without the License/Temporary Event License required under this Chapter shall be subject to the following penalties:

- (A) For a first violation, a fine of \$1,000.00.
- (B) For a second violation and each subsequent violation within a thirty-six (36) month period, a fine of \$2,000.00 per occurrence and ineligibility for a License/Temporary Event License for a period of three (3) years.

Additionally, in the event that the Licensing Agent determines that it is probable that any Person, Tobacco Retailer or Tobacco Retail Establishment has violated any provision of Codified Ordinance Section 636.19, the Licensing Agent will report same to the Division of Police for review of possible charges thereunder.

868.10 SEVERABILITY.

The provisions of this Chapter are severable, and if any provision, clause, sentence or paragraph of this Chapter or the application thereof to any person or circumstances are held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such a ruling shall not affect the other parts of this Section that can be given effect.

868.11 NOTICES; APPEALS.

In the event that a violation is issued or a License/Temporary Event License is denied, suspended or revoked pursuant to this Chapter, the Licensing Agent shall inform the Applicant and/or Licensee in writing to be sent by certified mail, return receipt requested, to the address of the Applicant/Licensee as contained in the application. Such notice shall provide that the Applicant and/or Licensee shall have a right to appeal any such decision directly to the Licensing Agent, which appeal shall be in writing, contain all operative facts in support of such appeal and be filed with the Licensing Agent within thirty (30) days of the date of the notice. The determination of the Licensing Agent shall be considered a final order.”

SECTION 2: The provisions of this Ordinance shall be effective and enforceable as of September 1, 2024.

SECTION 3: That this Ordinance 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