

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda

MAY 20, 2024

6:45 PM

**or Immediately Following
Safety & Environment Committee**

1. Discussion Items
2. Motion Items
 - (a) Motion to Excuse Councilman Hanek for Just Cause
3. Review Legislation
 - (a) **ORD. NO. 55-2024** - An emergency ordinance approving the plan of operation and governance for the NOPEC Natural Gas Aggregation Program for the purpose of jointly establishing and implementing a gas aggregation program as a NOPEC member. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)
 - (b) **ORD. NO. 56-2024** - An emergency ordinance authorizing the City Manager to take all actions necessary to establish an Opt-In Natural Gas Aggregation Program pursuant to Ohio Revised Code Section 4929.27(A)(1), jointly through NOPEC as a NOPEC member. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)
 - (c) **ORD. NO. 57-2024** - An emergency ordinance to approve the editing and inclusion of certain ordinances as components of the Codified Ordinances; to provide for the adoption of new legislation in the updated revised Codified Ordinances; and to repeal ordinances in conflict therewith. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Laura Timura*)
4. General Discussion
5. Executive Session
 - (a) Motion to go into Executive Session to discuss the subject of pending or imminent court action.
6. Adjournment

PROPOSED LEGISLATION



DATE: 5/20/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 55-2024** - An emergency ordinance approving the plan of operation and governance for the NOPEC Natural Gas Aggregation Program for the purpose of jointly establishing and implementing a gas aggregation program as a NOPEC member. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)

BACKGROUND: This Council previously enacted legislation authorizing the City to establish an "opt-out" natural gas aggregation program pursuant to Ohio Revised Code Section 4929.26 (the "Opt-Out Gas Aggregation Program") for the eligible residents, businesses and other gas consumers located in the City, and for such purpose, to act jointly with any other municipal corporation, city, county or other political subdivision of the State of Ohio, as permitted by law.

PURPOSE AND EXPLANATION: Council has enacted legislation establishing an "opt-in" natural gas aggregation program pursuant to Ohio Revised Code Section 4929.27(A)(1) (the "Opt-In Natural Gas Aggregation Program") for eligible residents, businesses and other consumers located within the City and to conduct the Opt-In Natural Gas Aggregation Program jointly through NOPEC as a NOPEC member.

IMPLEMENTATION SCHEDULE: Immediately on May 20, 2024.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	Yes
Two Readings	No
Three Readings	No

Emergency	Yes
Suspension of Rules	Yes

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

That this Ordinance is 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 maximize the potential benefits of gas deregulation through the NOPEC Natural Gas Aggregation Program.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 55-2024

BY: Committee-of-the-Whole

AN EMERGENCY ORDINANCE APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE NOPEC NATURAL GAS AGGREGATION PROGRAM FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING A GAS AGGREGATION PROGRAM AS A NOPEC MEMBER.

- WHEREAS: This Council previously enacted legislation authorizing the City to establish an “opt-out” natural gas aggregation program pursuant to Ohio Revised Code Section 4929.26 (the “Opt-Out Gas Aggregation Program”) for the eligible residents, businesses and other gas consumers located in the City, and for such purpose, to act jointly with any other municipal corporation, city, county or other political subdivision of the State of Ohio, as permitted by law.
- WHEREAS: This Council previously enacted legislation authorizing the City to join the Northeast Ohio Public Energy Council (“NOPEC”) and to execute a Natural Gas Program Agreement so that the City would be able to act jointly with other member political subdivisions and thereby maximize the potential benefits of gas deregulation through group purchasing efforts.
- WHEREAS: This Council has enacted establishing an “opt-in” natural gas aggregation program pursuant to Ohio Revised Code Section 4929.27(A)(1) (the “Opt-In Natural Gas Aggregation Program”) for the eligible residents, businesses and other consumers located within the City and to conduct the Opt-In Natural Gas Aggregation Program jointly through NOPEC as a NOPEC member.
- WHEREAS: Pursuant to Ohio Revised Code Section 4929.27(B), two (2) public hearings have been held on the Plan of Operation and Governance for the NOPEC Opt-Out and Opt-In Natural Gas Aggregation Program (collectively, the “NOPEC Natural Gas Aggregation Program”).
- WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:
- SECTION 1: That this Council finds and determines that it is in the best interests of the City, including the gas consumers located within the City, to adopt the Plan of Operation and Governance of the NOPEC Natural Gas Aggregation Program, for the purpose of establishing and implementing the NOPEC Natural Gas Aggregation Program in the City.
- SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to maximize the potential benefits of gas deregulation through the NOOPEC Natural Gas Aggregation Program. 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, CMC

PROPOSED LEGISLATION



DATE: 5/20/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 56-2024** - An emergency ordinance authorizing the City Manager to take all actions necessary to establish an Opt-In Natural Gas Aggregation Program pursuant to Ohio Revised Code Section 4929.27(A)(1), jointly through NOPEC as a NOPEC member. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)

BACKGROUND: The City of Brunswick has previously established an "opt-out" natural gas aggregation program pursuant to Ohio Revised Code Section 4929.26 for its residents, businesses and other consumers located in the City, jointly through NOPEC as a NOPEC Member.

PURPOSE AND EXPLANATION: To expand the natural gas supply options available to residents, businesses and other consumers within the City, the City wishes to establish an "opt-in" natural gas aggregation program pursuant to Ohio Revised Code Section 4929.27(A)(1) (the "Opt-In Natural Gas Aggregation Program") for its residents, businesses and other consumers located within the City and, for such purpose, to act jointly with any other city, village, township, municipal corporation, county or other political subdivision of the State of Ohio, as permitted by law.

IMPLEMENTATION SCHEDULE: Immediately on May 20, 2024

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	Yes
Two Readings	No
Three Readings	No
Emergency	Yes

Suspension of Rules

Yes

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

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to allow the City to take all necessary actions to establish the Opt-In Natural Gas Aggregation Program in the City.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 56-2024

BY: Committee-of-the-Whole

AN EMERGENCY ORDINANCE AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO ESTABLISH AN OPT-IN NATURAL GAS AGGREGATION PROGRAM PURSUANT TO OHIO REVISED CODE SECTION 4929.27(A)(1), JOINTLY THROUGH NOPEC AS A NOPEC MEMBER.

WHEREAS: The City of Brunswick has previously established an “opt-out” natural gas aggregation program pursuant to Ohio Revised Code Section 4929.26 for its residents, businesses and other consumers located in the City, jointly through NOPEC as a NOPEC Member.

WHEREAS: To expand the natural gas supply options available to residents, businesses and other consumers within the City, the City wishes to establish an “opt-in” natural gas aggregation program pursuant to Ohio Revised Code Section 4929.27(A)(1) (the “Opt-In Natural Gas Aggregation Program”) for its residents, businesses and other consumers located within the City and, for such purpose, to act jointly with any other city, village, township, municipal corporation, county or other political subdivision of the State of Ohio, as permitted by law.

WHEREAS: The City wishes to conduct the Opt-In Natural Gas Aggregation Program, jointly through NOPEC as a NOPEC Member.

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

SECTION 1: That pursuant to the authority contained in Ohio Revised Code Section 4929.27(A)(1), the City Manager, with the approval of the Law Director, is hereby authorized and directed to take all necessary actions to establish the Opt-In Natural Gas Aggregation Program in the City, jointly through NOPEC as a NOPEC Member.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to allow to City to take all necessary actions to establish the Opt-In Natural Gas Aggregation Program in the City. 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, CMC

PROPOSED LEGISLATION



DATE: 5/20/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Nicholas Hanek

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 57-2024** - An emergency ordinance to approve the editing and inclusion of certain ordinances as components of the Codified Ordinances; to provide for the adoption of new legislation in the updated revised Codified Ordinances; and to repeal ordinances in conflict therewith. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Laura Timura*)

BACKGROUND: Various ordinances of a general and permanent nature that have been enacted by Council since the date of the last updating and revision of the Codified Ordinances need to be included in the Codified Ordinances of the City. The Walter H. Drane Co. has completed its updating and revision of the Codified Ordinances of the City.

PURPOSE AND EXPLANATION: To approve the editing and inclusion of ordinances as components of the Codified Ordinances.

IMPLEMENTATION SCHEDULE: Immediately.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: As of May 13, 2024, \$8,135.00 remained on the American Legal Publishing Corporation P.O. #2024-58350A for services related to keeping the Codifieds up to date. This P.O. is encumbered to account #001-0100-54279 and the original amount of the purchase order was \$8,600.

RECOMMENDED ACTION:

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

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

That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare and for the additional reason that it is immediately necessary to have an up-to-date codification of the laws of the City, pursuant to Section 3.18b. of the City Charter, that is in conformity with State Law, where such conformity is required by Article XVIII, Section 3, of the Ohio Constitution, with which to administer the affairs of the City and to preserve law and order of the City. Therefore, this Ordinance and the April 2024 Replacement Pages for the Codified Ordinances, hereby approved, adopted and enacted, shall be in full force and effect from and after its passage by the required number of votes, as set forth in Section 3.16 of the City Charter.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 57-2024

BY: Committee-of-the-Whole

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

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

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

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

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

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

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

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

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

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

SECTION 4: That a copy of this ordinance shall be posted in the five public places set forth in Section 222.01 of the Codified Ordinances, together with notice as to where copies of the April 2024 Replacement Pages for the Codified Ordinances of the City, hereby approved, adopted and enacted, may be viewed and inspected by the public. A copy shall also be furnished to City Officers, Medina County Law Library and the Brunswick Public Library.

SECTION 5: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare and for the additional reason that it is immediately necessary to have an up-to-date codification of the laws of the City, pursuant to Section 3.18b. of the City Charter, that is in conformity with State Law, where such conformity is required by Article XVIII, Section 3, of the Ohio Constitution, with which to administer the affairs of the City and to preserve law and order of the City. Therefore, this Ordinance and the April 2024 Replacement Pages for the Codified Ordinances, hereby approved, adopted and enacted, shall be in full force and effect from and after its passage by the required number of votes, as set forth in Section 3.16 of the City Charter.

PASSED: 1st Reading _____

RULES SUSPENDED: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura, CMC

EXHIBIT "A"

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
45-2023	9-25-23	1292.01 to 1292.09
64-2023	9-11-23	446.01 to 446.03, 446.99
66-2023	9-11-23	454.04
67-2023	9-11-23	612.01(v), 612.09 (g), 612.10(a)
88-2023	10-9-23	August 2023 Replacement Pages
11-2024	4-8-24	Pt. 12 Appendix C
12-2024	4-8-24	Pt. 12 Appendix C
13-2024	4-8-24	1256.04(m)
14-2024	4-8-24	Pt. 12 Appendix C
17-2024	4-8-24	1242.02(32.1) (84.1)
18-2024	4-8-24	1274.17
19-2024	4-8-24	1242.02(94)
20-2024	3-11-24	636.19

EXHIBIT “B”

Traffic Code

402.35	School Bus. (Amended)
404.991	Committing an Offense While Distracted Penalty. (Amended)
432.38	Stopping for School Bus; Discharging Children. (Amended)
432.48	Restrictions on the Operation of School Buses. (Added)
434.03	Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
438.16	Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)
438.26	Child Restraint System Usage. (Amended)
438.32	Lights and Sign on Transportation for Preschool Children. (Added)
452.04	Parking Near Curb; Handicapped Locations on Public and Private Lots and Garages. (Amended)

General Offenses Code

606.01	General Provisions and Penalty Definitions. (Amended)
612.07	Open Container Prohibited. (Amended)
618.31	Rights of Blind, Deaf or Hearing Impaired, or Mobility Impaired Person, or Trainer with Assistance Dog. (Added)
624.01	Drug Abuse Control Definitions. (Amended)
624.16	Adult Use Cannabis Control; Limitations on Conduct by Individuals. (Added)
636.02	Assault. (Amended)
636.13	Misuse of 9-1-1 System. (Amended)
648.08	Inducing Panic. (Amended)
648.13	Impeding Public Passage of an Emergency Service Responder. (Added)
666.08	Procuring; Engagement in Sexual Activity for Hire. (Amended)
672.13	Possessing Replica Firearm in School. (Amended)