

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda

JANUARY 8, 2018

6:30 PM or immediately following Parks, Recreation & Community Committee

1. Discussion Items
 - (a) Discussion and Motion to appoint Vice Mayor of Council
 - (b) New Vice Mayor to choose a Vice Mayor Pro Tem
 - (c) Discussion on Seat Assignments
 - (d) Review of Council Rules 2016-2017 for any changes
 - (e) Discussion on Committee assignments
2. Motion Items
 - (a) Motion authorizing the City Manager to advertise for bids for the sweeping of city streets for a 3 year period with two(2) one(1) year options.
 - (b) Motion authorizing the City Manager to advertise for "Requests for Proposals"(RFP) for the installation and ongoing support for an Automated Vehicle Location software package on Service vehicles.
 - (c) Motion to appoint Clerk of Council Fijabi Julien-Gallam as City Council's Designee to attend public records training as required by Section 149.43 and 109.43 of the Ohio Revised Code.
3. Review Legislation
 - (a) **ORD. NO. 5-18** - An emergency ordinance providing for submission to the electors of the City of Brunswick, Ohio, at the May 8, 2018 Primary Election, the proposed amendment to Charter Section 3.08 - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)
4. General Discussion
5. Executive Session

- (a) Motion to go into an executive session to discuss imminent litigation, as well as the employment or compensation of a public employee.

6. Adjournment

RULES OF COUNCIL

CITY COUNCIL BRUNSWICK, OHIO

2016 - 2017

Adopted on: Feb. 8, 2016

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RULES OF COUNCIL
Governing the Council of the City of Brunswick

These Rules of Council (“Rules”) are established pursuant to Section **3.13(e) Rules and Journal**, of the Charter of the City of Brunswick, Ohio (the “Charter”).

I. COUNCIL MEETINGS

A. Regular Council Meetings. (Charter Section 3.13(a))

1. Scheduling: Except as otherwise provided by law, Council shall meet at 7:30 p.m. on the second (2nd) and fourth (4th) Mondays of each month, except in instances when such regularly scheduled meeting day falls upon a holiday.

2. Recesses: Council may recess the week of Christmas and may reschedule the meeting if needed, and may recess during the month of August pursuant to Section 3.13(d) of the Charter.

3. Cancellation: The Mayor or the Vice-Mayor/President may cancel regular or special Council meetings due to adverse conditions but only with the concurrence of the Safety Director, and/or the Service Director, and/or the City Manager, and three or more contacted Council Members. An attempt will be made to contact all Council Members.

4. Location: All meetings shall be held in the Council Chambers in the Municipal Complex, unless otherwise ordered by Council.

B. Special Council Meetings. (Charter Section 3.13(b))

1. Authority to Call: Special Meetings may be called by the Mayor, the Vice-Mayor/President of Council, or by three (3) or more members of Council.

2. Notice: At least twenty-four (24) hours notice, in writing, shall be given of each Special Meeting, which shall be served personally upon each member of Council or left at his/her usual place of residence; provided, however, that no such notice need be served on any Council person present at a meeting of Council at which the Mayor, the Vice Mayor/President, or three (3) or more members of Council, may give oral notice of the time and purpose of such Special Meeting.

3. Content of Notice: Such notice shall state the subject or subjects to be considered at the meeting and no other subject(s) shall be considered.

4. Waiver of Notice: The attendance at any Special Meeting of Council by any Council member shall be considered a waiver of notice by that Council member, and at least if two-thirds (i.e., 5 or more) of the members elected to Council are present, the meeting may proceed as a duly called Special Meeting even if the required notice has not been given to any of those members in attendance.

C. **Public Meetings and Executive Sessions.** (Charter Section 3.13(c))

1. Public Meetings: Subject to the provisions herein for Executive Sessions, all meetings of Council, whether Regular or Special, shall be open to the public.

2. Executive Sessions: The Council may adjourn from any Regular or Special Meeting for the purpose of discussing, in a closed or Executive Session limited to its own membership and any persons authorized by law and designated by Council to be in attendance, any matter set forth under Section 121.22 (F) and (G) of the Ohio Revised Code known as the "Sunshine Law," including without limitation the following subjects:

- a. Personnel matters;
- b. Purchase or sale of property;
- c. Matters of pending or imminent litigation;
- d. Negotiations or bargaining sessions with public employees concerning compensation; or
- e. Any reason authorized for Executive Sessions by law as the same exists now or in the future.

3. Minutes of Executive Sessions: The minutes of any closed or executive session need only refer to the general matter of discussion in the session but final action thereon shall not be taken by Council until the matter is placed on the regular Council agenda.

4. Confidentiality of Executive Sessions: Council Members shall each regard all information disclosed or discussed at or during any Executive Session to be absolutely privileged and confidential. It shall be the personal duty of each Council Member to refrain from disclosing directly or indirectly to any third parties ("Third Parties") any and all information disclosed or discussed at or during any Executive Session.

a. "Third Parties": For purposes of this Rule, "Third Parties" does not include the following:

- (i) The City Manager or his Executive Assistant;

- (ii) The Law Director or his Executive Assistant;
- (iii) Any participant invited to such Executive Session;
- (iv) Other members of Council or the Clerk of Council; or
- (v) The Mayor

b. Specific information disclosed or discussed at or during any Executive Session may be disclosed by any Council Members(s) only under one or more of the following circumstances:

- (i) When such disclosure is expressly authorized by a vote at a public meeting by a majority of the members of Council, but only to the extent so authorized;
- (ii) When such disclosure is expressly requested to be made by the City Manager at any public meeting of Council, at which four (4) Council Members are present, but only to the extent of such request;
- (iii) When such disclosure is otherwise required by law; and
- (iv) After such information has become part of the public record.

c. Improper Disclosures: When in the determination of any four (4) Council Members one or more other Council Members are reasonably suspected to have violated this Rule, the Remaining Members of Council (i.e., the “Remaining Members,” meaning all Council Members excluding the Member(s) believed to have violated this Rule), shall appoint one of the Remaining Members to preside over an investigation into such charges, to be conducted in accordance with the procedure set forth in Section 3.11 of the Charter of the City of Brunswick. The Member(s) charged with violating this Rule shall be afforded reasonable notice and an opportunity to be heard on the charges, and are entitled to be represented by legal counsel. If a Majority of the Remaining Members subsequently determine that the Member(s) charged with violating this Rule has/have in fact violated this Rule, the Remaining Members shall have full power to determine such penalty for the violation(s) as a majority of them deem fit, including without limitation no penalty whatsoever and imposing a forfeiture of that Member(s)’ seat on Council.

d. These provisions are in addition to and cumulative of all other statutes, rules, ordinances and regulations pertaining to Council Member’s obligations respecting Executive Sessions, including without limitation the Ohio Public Meetings laws under Rev. C. § 121.22.

(Section 2.5 adopted 11-15-04)

D. General Procedures for Council Meetings.

Except to the extent modified elsewhere in these provisions, the following procedural rules shall govern Council Meetings.

1. Quorum: A majority of the members of Council, (four (4) members), shall constitute a quorum to do business, but a lesser number may receive committee reports, hear petitions and adjourn from time to time.

2. Presiding Officers: The Vice-Mayor/President shall preside at all Regular and Special meetings of Council at which the Mayor is not present. In the absence of the Vice-Mayor/President, the Vice Mayor Pro Tempore shall preside in his/her stead. In the event of the absence of the Vice Mayor/President and the Vice Mayor Pro Tempore, members of Council shall elect a member to serve as the Presiding Officer of the meeting with all powers of the office and with the right to vote.

a. Preservation Of Order: It is the duty of the presiding officer to maintain order and decorum, prevent personalities or impugning of members' motives, confine members in debate to the question under discussion, confine the public to the question under consideration, and to decide all points of order, all of which shall be subject to a direct appeal to the Council. .

b. Ejection from Meeting: Without limiting the grounds for ejection, disorderly conduct, abusive language or profanity by anyone may be deemed by the Presiding Officer to be grounds for his/her ejection from any Council Meeting by persons designated for that purpose. Appeals may be made directly to Council from any order of the Presiding Officer to eject any person(s) from a Council Meeting.

3. Order Of Business: The order of business of Council shall be as follows:

- a. Prayer and Pledge of Allegiance;
- b. Roll Call of Members;
- c. The presentation of selected correspondence, reading and action;
- d. The action on Minutes;
- e. The Mayor's Report;
- f. The Clerk of Council's Report
- g. The reports of Council Committees;

commissions;

h. The submitted reports of other committees, boards and

i. The presentation by the general public of petitions, grievances and problems concerning only legislative matters;

j. Reading of legislation and action on legislation;

k. The City Manager's report;

l. The reports of Administrative Officials;

m. Open Forum;

n. Unfinished Business;

o New Business; and

p. Adjournment.

4. Agenda: The Clerk of Council shall put into the possession of the Mayor and each member of Council, not less than seventy-two (72) hours in advance of any Regular Meeting, written copies of the agenda for that meeting, as well as reports and ordinances/resolutions included in said agenda. Any addition thereafter to such materials, intended for consideration at the meeting, shall be accepted only with the approval of three-fourths of the members of Council present.

5. Preparation and Review of Minutes: The Clerk of Council shall prepare written copies of the minutes of the last previous Regular and/or Special and/or Committee-of-the-Whole Meeting of Council and distribute them to Council for its review not less than seventy-two (72) hours prior to the next Regular Meeting.

6. Roll Call of Council: Every member shall be in his/her seat at the time of roll call, otherwise, he/she shall not be recorded as present except upon special order of Council.

a. Excusing Council Members From Meetings: In order to be excused from any Council Meeting, the Council Member must contact the Council Clerk in advance of the meeting and provide a reason to be excused. The Council Clerk shall type this excuse and provide it to all Council Members in advance of the meeting that is to be missed. If the Council Clerk is unavailable, the member seeking excuse shall contact the Vice Mayor/President or Vice Mayor Pro Tem. Council shall thereafter decide by motion whether to excuse such member from the meeting.

7. Duty To Vote: Every member present shall vote aye, nay, abstain,

or pass on all questions upon the call of the ayes and nays, unless excused by the Presiding Officer. No Council person shall be permitted to change his/her vote as recorded after the roll call has been verified and the result declared by the Clerk of Council.

8. Right Of Floor: When any member is about to address the Council, he/she should respectfully address himself/herself to the Presiding Officer, and when recognized by such Officer, confine himself/herself to the question under debate, avoid personalities and refrain from impugning the motives of any other member's argument or vote. When two (2) or more members ask recognition at the same time, the Presiding Officer shall name the member who is first to speak and the exercise of such discretion by the Presiding Officer shall not be subject to appeal. The Presiding Officer shall in all cases give priority in recognizing members (1) to members who have not yet spoken on an issue over members who have; and, otherwise (2) to members first seeking recognition to speak.

9. Time Limitations On Speaking:

a. No member of Council, or of the audience, shall be allowed to speak for more than five (5) minutes at any one time.

b. No member of Council shall speak more than once on the same motion until every other Council member desiring to speak on that motion shall have had an opportunity to do so.

c. Neither the City Manager, nor any Director or City employee, when requested for an opinion, shall speak longer than five (5) minutes upon the same motion, ordinance or question.

d. No member of the audience shall speak more than once on the same matter under discussion, nor shall one audience member's relinquishment of time to another member of the audience be permitted.

e. All time limitations imposed by this Rule may be expanded or reduced during any Council Meeting, for purposes of that meeting only, upon the assent of five (5) members of the Council.

10. Members Called To Order: If any member in speaking, or otherwise, transgresses these Council Rules, the Presiding Officer shall call the offending member to order. The member so called to order shall immediately take his/her seat unless permitted by the Presiding Officer to explain. Any member may, by raising the point of order, call the attention of the Presiding Officer to such transgression. The point of order shall be decided by the Presiding Officer without debate.

11. Right Of Appeal From Presiding Officer's Decisions: Any member of Council or of the audience may appeal to the Council from a ruling of the Presiding Officer.

The member or person(s) making the appeal may briefly state the reason for such appeal, and the Presiding Officer may briefly explain his/her ruling, but there shall be no debate on the appeal and no other member or person(s) shall participate in the discussion. The Presiding Officer shall then put the question, "Shall the decision of the Chair be sustained?" If the majority of the Council members present vote aye, the ruling of the Chair is sustained; otherwise, it is overruled.

12. Personal Privilege: Any Council member may rise and assert a matter of personal privilege, to explain a matter personal to himself/herself, and on stating that it is such a matter, he/she shall be recognized by the Presiding Officer, but shall not discuss a question or issue in such explanation until recognized by the Presiding Officer. Such explanation shall not consume more than five (5) minutes of time unless extended by consent of a majority of the members of Council present, excluding the member raising the point of personal privilege. Matters of personal privilege shall yield only to a motion to recess or adjourn.

13. Petitions From The Public: All persons desiring to present grievances, problems or petitions to Council may do so in the form of a letter addressed to the Clerk of Council in advance of Regular Meetings or may register his/her name, address and the subject matter on forms provided for that purpose at any Council meeting, to enable the Presiding Officer to allocate time for such presentation. The Presiding Officer, subject to disapproval by a majority of Council members present, may limit the number of speakers to be heard and/or the total length of time to be allocated for discussion by all persons interested in being heard on any single problem or subject.

14. Seating at Council Meetings: Seat assignments for all Council meetings shall be established at the first Council meeting after a councilmanic election. Unless he/she elects otherwise, the Vice Mayor/President shall sit next to the Clerk of Council at all Council meetings. Subject to the Vice Mayor/President's seat selection, seating preferences for all remaining Council members will be determined by them, with the most senior member(s) selecting first, the second most senior member(s) selecting second, and so forth. All unresolved disputes regarding seat assignments shall be resolved by the Vice Mayor/President.

II. **FILLING OF COUNCIL VACANCIES** (Charter Section 3.06)

A. Notice of Vacancy: As soon thereafter as a vacancy in Council occurs pursuant to Section 3.06 of the Charter, the Clerk of Council shall cause to be published a notice of vacancy with a stated application receipt deadline, in the next edition of the Brunswick Sun Times, the Post and in the Medina County Gazette. Notice shall also be broadcast on local access cable television.

B. Scheduling of Interviews: At the next Regular Meeting of Council following the occurrence of a vacancy, a Special Council Meeting shall be immediately scheduled to conduct interviews of all individuals who submit a timely application, with written notice of the Special Meeting to be mailed via Regular First Class U.S. mail to each applicant.

C. Conduct of Interviews: Interviews shall be limited to fifteen (15) minutes

unless a majority of Council deems a different limitation necessary or advisable. Council may adjourn to Executive Session to conduct all interviews and discussions.

D. Voting: All voting shall occur in a public session.

III. CLERK OF COUNCIL (Charter Section 3.08)

A. **Selection of Clerk and Council Employees:** Council shall choose a Clerk and other officers and employees, including without limitation any Assistant Clerk(s), as it may deem necessary and fix their compensation.

B. **Responsibilities of the Clerk and Council Employees:** Without limiting the scope and nature of such duties, the Clerk's duties shall include the following:

1. keeping the record of the Council and its committees, and a proper file of all papers and documents which are part of the transactions and meetings of the Council, and of its committees, and all orders of Council and its committees;
2. complying with the duties of the Clerk specifically set forth in the Rules of Council, the Charter, and those otherwise required by law;
3. filing and indexing all ordinances and resolutions of Council;
4. keeping a record of roll calls in regard to all Council legislation and committee activity and making sure that Council's public records are available to the public during regular business hours at City Hall;
5. preparing Council's and Council Committees' Agendas, Addenda and Public Hearing notices, records, and other papers;
6. preparing legislation packets for distribution to Council members no later than 72 hours in advance of regular Council Meetings and before the Committee-of-the-Whole Meeting on the third Monday of each month;
7. performing tasks for other City Departments, but only with the prior approval of the majority of Council;
8. preparing Council's Committee Assignment Sheet, as well as assisting in the planning and preparation for Council and Council committee meetings;
9. responding to requests of Council committee chairpersons regarding the gathering of information for committee assignments;
10. responding to requests of Council members regarding pending legislation;
11. responding to miscellaneous requests by members of Council for

information concerning matters not related to pending legislation but relating to Council business; and

12. performing such other responsibilities relating to Council or Council Committee business as Council deems appropriate or necessary.

Any Assistant Clerk(s) employed by Council shall share responsibility for the foregoing duties and shall be under the immediate direction and supervision of the Clerk, and ultimate direction and supervision of Council.

C. **Temporary Substitute Clerk:** In the absence of the Clerk of Council, he or she, with the approval of the majority of Council, will designate his or her own substitute for any Council meeting(s). If the Clerk of Council is unable to designate a substitute, the majority of Council will select a temporary replacement for him or her.

D. **Notice of Council Resignations/Removals:** The Clerk of Council shall advise all members of Council, in writing, of the following, and shall place in each Council member's City Hall mail box, within one business day of receipt, a copy of the following:

1. Any resignation or removal of a Council member, or of a Board or Commission member whose appointment is approved by Council; and

2. Any and all correspondence or documents directed expressly to Council.

E. **Supervision:** The Vice Mayor/President shall be principally responsible for the immediate supervision of the Clerk of Council, but the full Council, or its designees, shall be ultimately responsible for supervising the Clerk of Council.

IV. COUNCIL COMMITTEES

A. **Committee of the Whole.**

1. **Scheduling:** Regular Committee-of-the-Whole Meetings shall occur every **second (2nd)** and fourth (4th) Monday of each month, prior to the regular Council meeting, unless canceled or rescheduled. Special Committee-of-the-Whole meetings may be held on the call of the Vice-Mayor/President of Council, or of three or more members of Council. At least twenty-four (24) hours notice in writing of such special Committee-of-the-Whole meeting shall be given, served personally on each member of Council, or left at his/her usual place of residence. Such notice shall state the subject(s) to be considered at the meeting and no other subjects shall be considered, except for general discussion. The Clerk of Council shall notify the press of special Committee-of-the-Whole meetings. The attendance at any special Committee-of-the-Whole meeting shall be considered a waiver of notice, and if five (5) of the members elected to Council are present, the meeting may proceed as a duly called special Committee-of-

the-Whole meeting provided that all absent members were given proper notice thereof.

2. Agenda: The Vice Mayor/President shall be responsible for assembling the agenda for Committee-of-the-Whole meetings, but all Council members may suggest items for inclusion thereon. The agenda shall be prepared at least seventy-two (72) hours in advance of the meeting and promptly distributed to Council members, listing the items for consideration including support documentation.

3. Presiding Officer: The Vice-Mayor/President shall be the Presiding Officer of the Committee-of-the-Whole. At the organizational meeting of Council, referenced in Section 3.10 of the Charter, the Vice-Mayor/President shall designate a member of Council as Vice Mayor Pro Tempore, to act in his/her absence.

4. Quorum: A majority of the members of Council, (four (4) members), shall constitute a quorum for purposes of Committee-of-the-Whole meetings.

5. Approval of Unbid Expenditures: The Committee-of-the-Whole may, upon the assent of a majority of the members present at a duly noticed Committee-of-the-Whole meeting, approve any non-emergency City expenditures not in excess of that amount authorized to be spent by the limitations of general State Law, except as may otherwise be provided by the Charter or ordinance of Council, which are exempt from the bidding requirements under Charter Section 7.09(b)(2). Such expenditures may be presented for this consideration by the City Administration to Council at such Committee-of-the-Whole meetings in a summary format deemed acceptable by Council.

B. Standing Committees

1. Standing Committees: The Vice-Mayor/President shall appoint the following standing committees after the organizational meeting, and no later than the second Regular Meeting following the commencement of terms after a Councilmanic election:

- a. Finance Committee;
- b. Safety and Environment Committee;
- c. Services, Utilities, Technology and Cable;
- d. Planning and Zoning Committee;
- e. Building and Building Code Committee;
- f. Economic Development;
- g. Parks, Recreation and Historical Committee;

2. Committee Assignment Sheet: Each Committee shall establish a

Committee Assignment Sheet so as to allow the public to track the various items assigned to the committees.

3. Committee Composition: Standing committees shall be composed of three (3) members of Council and the Vice-Mayor/President, **if necessary to establish a quorum**. The members and the Chairperson of each committee shall be appointed as soon as convenient after election and the organization of Council, but not later than the second Regular Meeting following a councilmanic election. Standing committee vacancies arising from the death or resignation of a member or the Chairperson shall be filled by the newly appointed Council person.

4. Committee Quorum: Two (2) members shall constitute a quorum for the transaction of committee business.

5. Committee Meetings: Each committee shall hold its regular meetings at the time and place fixed in the schedule as prepared by the Chairperson of the Committee, with the consent of the Committee Members. Such schedule shall be posted upon the bulletin board in the Council Room by the Clerk of Council.

a. Notice of Meeting Changes: The Clerk will insure that twenty-four (24) hours notice be given to each Committee Member, and the news media, of any changes in time or place of committee meetings.

b. Agenda: The Chairperson of each Committee shall be responsible for creating and monitoring the agenda for the Committee's activities and the Clerk shall prepare that Committee Agenda twenty-four (24) hours ahead of a scheduled meeting for posting and notification to Council Members.

c. Public Meetings: All committee meetings shall be open and a record of the attendance of members of the committee and the action taken shall be kept in a record provided for that purpose.

d. Member Absences: Absence of a committee member from three (3) consecutive meetings, unless authorized by the committee's Chairperson, may, with or without the recommendation of such committee, cause the removal of such member from such committee by the Vice-Mayor/President.

e. Procedural Rules: Unless specifically addressed in this Article, or except in case of obvious inconsistency or inapplicability, committee hearings or meetings shall be governed by the rules applicable to Council proceedings, which include formalizing of votes and minutes taken.

f. Electronic Participation in Committee Meetings.

1. Council members may participate by electronic media, including without limitation via telephone, Skype, or other similar electronic medium, in any meeting of a standing committee of which they are a member.

2. They shall give the Chairman of the committee advance notice, oral or written, of their intention to do so.

3. They shall be solely responsible for securing functional equipment to facilitate their electronic participation.

4. They may participate in all committee discussions during such meeting but they shall not be counted towards any quorum required to do business.

5. They shall not vote on any matter coming before the committee.

6. The minutes shall record them as absent, excused or otherwise as the committee members personally attending so decide, and shall document both the fact that and the medium by which they participated electronically in the meeting.

6. Assignment of Legislation to Committees: Legislation to be introduced to Council will first be placed in the proper committee by the Vice-Mayor/President. A Council person or the Mayor may introduce legislation at a Regular or Special Meeting of Council, to thereafter be placed in the proper committee by the Vice-Mayor/President. All members of Council will receive notice of proposed legislation from the Clerk of Council.

7. Committee Action: No ordinance, resolution, petition or other matter referred to a committee for action shall be approved or disapproved and reported out until it shall have first been considered at a committee meeting called as provided for herein:

a. Committee Voting: The question of the committee's recommendation for approval (or for approval as amended by the committee) of legislation on its agenda, shall be put to vote by the committee Chairperson upon motion of any member, which shall not require a second. If a majority of the members of the committee vote affirmatively, such legislation shall be reported forthwith to Council as recommended for passage, but if a majority of the members of the committee vote negatively on such question, such legislation shall be reported forthwith to Council as an adverse recommendation of such legislation.

b. Committee Reports and Minutes: The vote on all matters before a committee shall be recorded in the minutes of the committee meetings. When a majority of the committee has reported, either recommending or not recommending the passage, adoption or approval of the legislation under consideration, the minority may present a minority report. All such reports shall be in writing and signed by the minority.

C. **Special Committees and Civilian Members.**

1. Special Committees: Council may, from time to time, appoint such other and special committees and/or subcommittees as it deems necessary to properly execute its responsibilities. Such special committees and/or subcommittees shall in all cases have at least one Council member assigned to them as its chair, and shall to the furthest extent practicable

remain subject to all of the rules governing Standing Committees. Such special committees may be terminated, with or without notice, upon a majority vote of Council at any Committee-of-the-Whole meeting.

2. Civilian Advisory Membership: Civilian advisory members may at any time be appointed to and removed from any Standing or Special Council Committee, by such Committee, with the approval of a majority vote of Council at the Committee-of-the-Whole meeting either prior to or following such appointment.

V. MOTIONS

A. Precedence of Motions: When any question of a proposition is before Council or a committee, or is under debate, no motions shall be received except the following, which several motions shall have precedence in the following order:

1. To adjourn to a time certain;
2. To adjourn sine die;
3. For the previous question;
4. To postpone to a date certain;
5. To commit;
6. To amend; or
7. To postpone indefinitely.

B. Withdrawal of Motions: Any motion may be withdrawn by the maker before it has been amended or voted upon. After a vote is taken, any action thereby approved may be reconsidered, at any time thereafter, following assent by a majority of the Council members to a motion to reconsider such action. A motion to reconsider may be made only by a member who voted with the majority on the action to be reconsidered, and must be approved by the same voting margin that was required for adoption of the original action to be reconsidered.

C. Limitations on Debate: The motion to adjourn and the motion for previous questions shall be put to a vote without debate; the motion to fix the hour of adjournment shall be debatable only as to the time of such adjournment and all other motions shall be debatable.

D. Limitations on Motions to Adjourn: A motion to adjourn is not in order when:

1. it is made without intervening business or discussion;
2. it is made as an interruption of a member while speaking;

3. the previous question has been ordered (i.e., a question has been moved and seconded and thereafter Council passes a motion by a member to close debate and for an immediate vote on the question so moved and seconded, a motion referred to as one calling for a vote on the “previous question”);

4. or while a vote is being taken.

E. **Motions to Amend Ordinances/Resolutions:** It shall be in order to amend an ordinance or resolution at any time when not in the hands of a committee. A majority vote of all the members elected to Council (i.e., four (4) members) shall be necessary for the adoption of an amendment to any legislation pending before Council.

1. **Exceptions:** No ordinance or resolution may be amended to change its time and adopting clause or to change its character to or from emergency legislation.

2. **Amendments as to Form Only:** Amendments as to the form and not the substance of an ordinance or resolution, including motions made on the question of whether an amendment is to the substance or to the form of such legislation, may be passed by a majority of a quorum present at any duly noticed Council Meeting..

VI. **CONFIRMATION OF APPOINTMENTS TO BOARDS AND COMMISSIONS** (Charter Section 6.01(b))

A. **Timing of Submission of Nominees to Council:** To facilitate Council’s consideration, all proposed board or commission appointments by the Mayor under Charter Section 6.01(b) shall be submitted to Council sufficiently in advance so as to permit Council’s review of same during at least one regularly scheduled Committee of the Whole meeting occurring before the date of the regularly scheduled Council meeting at which Council’s confirmation of such appointment is sought.

B. **Disclosure of All Applicant Materials:** In making such submissions, the Mayor shall provide to Council copies of all applications and materials received from all prospective candidates seeking appointment to a Board or Commission, along with the name of the Mayor’s proposed appointee, for Council’s consideration for confirmation pursuant to Article VI of the Charter.

C. **Nominee Interviews:** Requests by Council to interview nominees shall be made, if at all, to the Clerk of Council by the close of business on the Thursday before the regularly scheduled Council meeting at which confirmation of the nominee is sought, else Council shall be deemed to have declined such interview. If Council elects to interview a nominee, the question of that nominee’s confirmation shall thereafter be placed on the agenda of the next regularly scheduled Council meeting following the interview.

D. **Administration of Oaths:** Unless otherwise stipulated by a majority of Council, or unless it to be administered other than at a Council meeting, the oath of office

shall be administered to any person whose appointment to a City board or commission is confirmed by Council no sooner than the first regularly scheduled Council meeting following the Council meeting at which the vote confirming such appointment is made.

E. **All Appointments and Re-Appointments:** The procedures under this section governing confirmation of appointments to Board and Commissions shall apply to all appointments and to all re-appointments of members to those Boards and Commissions.

VII. EXPENSE REIMBURSEMENT POLICIES

A. **Out-Of-State Conferences, Meetings, Expense Reimbursement:** Any Council Member desiring to attend any out-of-state conference or meeting, that will incur an expense by the City, shall, at least thirty (30) days prior to such conference or meeting, so inform the remainder of Council of such conference or meeting and his or her intent to attend. Such Council Member shall within that same time period also verify with the Finance Committee that the appropriate funds are available. Emergency exceptions can be considered by Council.

B. **"City Business" Defined:** For purposes of this Article VII, "City Business" is defined herein as training, education, conference, or seminar associated with organizations respecting which the City Council, and/or any members thereof, and/or the Mayor are members, including without limitation: Ohio Municipal League (OML), National League of Cities (NCL), Brunswick Area Chamber of Commerce.

C. **Reimbursable Expenses:** Reimbursable City Business expenses that apply to City Council members and the Mayor include the following:

1. Memberships to organizations that apply to the office held, including but not limited to, with approval of City Manager:

- a. Ohio Municipal League (OML);
- b. National League of Cities (NLC);
- c. Greater Cleveland Suburban Council;
- d. Brunswick Area Chamber of Commerce;
- e. Northeast Ohio Area Coordinating Agency (NOACA);
- f. Greater Akron Area Chamber of Commerce formerly Akron Regional Development Board; and
- g. Medina County Economic Development Corporation.

2. Events associated with the memberships such as:

- a. seminars;
- b. conferences;
- c. training;
- d. informational meetings excluding fund raisers; and
- e. breakfast, lunch and/or dinner meetings.

3. Travel Outside of Brunswick: City Council members and the Mayor will be reimbursed for allowable expenses incurred while traveling outside of the city on official City Business. Expenses are not allowable and will not be reimbursed unless travel was both authorized by the City Manager, and the City Council was notified in writing of it, at least 30 days prior to the event, or at the latest, immediately following first notice of the event. The City Council member or Mayor must submit appropriate receipts to document all claimed expenses. Under no circumstances will overnight travel and all related expenses be reimbursed without the advance written approval of City Council prior to the expenses being incurred.

4. Specific Expense Items:

a. Commercial air flights : Reimbursement is available for air flight expenses only when the cost of the flight is less than the cost of automobile mileage or where travel time is of significance.

b. Bus, limousine, or taxi: Employees are to use the most economical means available when traveling on City business.

c. Automobile: shall be reimbursed at the rate set by ordinance for travel. Such payment is considered to be the total reimbursement for all vehicle-related expenses (e.g., gas, oil, depreciation, etc.). Mileage reimbursement is payable to only one of two or more City Council member and/or Mayor traveling on the same trip, in the same vehicle. Rental of a vehicle is not reimbursable, unless car rental while out of town is less costly than other transportation. Reimbursement is subject to approval of City Manager prior to rental and/or for payment or reimbursement.

d. Registration fees: Registration fees will, whenever possible, be paid in advance by the City upon presentation of an invoice, notice or registration form.

e. Meals: If meal expenses are included in registration fees, duplicate meals are not reimbursable. Reasonable expenses incurred for meals while on official City business are reimbursable. Receipts for meals must list what was ordered and the total bill. Credit card receipt with signature only is not acceptable.

f. Lodging: City Council member and/or Mayor will be reimbursed for reasonable and necessary lodging expenses at the least expensive room rate.

g. Phone Calls: Phone calls necessary for official City business are reimbursable.

h. Parking and Tolls: Expenses for parking, highway, bridge and tunnel tolls are reimbursable. Parking expenses including parking outside the City providing the employee is on official City business.

5. Not Reimbursable: The following items are not subject to reimbursement:

- a. Fundraising events or dinners;
- b. Alcoholic beverages;
- c. Entertainment;
- d. Laundry and dry cleaning;
- e. Room Service charges;
- f. Expenses of spouse traveling with employee; and

g. Any allowable expense where no receipt is provided as documentation by the City Council member and/or the Mayor.

6. Expense Reports: Expense reports shall be submitted to the City Manager by the City Council member(s) and/or the Mayor for approval after the event, detailing all pre-approved costs and expenses with receipts attached.

7. Other Reimbursable Expenses: Reimbursable expenses or items provided to City Council member and/or the Mayor, which will be discontinued or returned when no longer holding office, may include but are not limited to:

- a. Beeper;
- b. Shredder;
- c. Fax Machine/Printer;
- d. Computer; and
- e. All keys, fobs, and/or other security access devices.

VIII. MISCELLANEOUS

A. Amendments To Rules Of Council: The foregoing rules may be amended or

new rules adopted by a vote of majority of the members elected to Council, in the manner provided by law, and, unless stated otherwise herein, may be temporarily suspended for no longer than one (1) meeting by the vote of five (5) members of Council.

B. **Robert's Rules Of Order:** In the absence of a controlling provision within the Charter or these Council Rules, the most current version of Robert's Rules of Order shall control.

C. **Gift Expenditures for Council Members** : No expenditure shall be made from Council funds for any gifts for any Council Member, or any other person, unless approved in advance by the assent of four (4) or more Council Members. All proposals for the purchase of such a gift shall be presented first to the Vice Mayor/President for review and presentation thereafter to the Committee of the Whole for consideration.

2016/17 COUNCIL DIRECTORY

MAYOR

Ron Falconi 1568 Augusta 330-220-8686

CITY MANAGER/SAFETY DIRECTOR

Carl DeForest 330-558-6826

COUNCIL COMMITTEE:

Finance Committee 2nd Thursday at 6:30 P.M.

Patricia Hanek (Chair) 2026 Coventry Dr. 330-225-0608

Alex Johnson

Joe Salzgeber

Safety & Environment Committee 1st Monday at 6:30 P.M. at Rec Center

Nick Hanek (Chair) 3734 Edgebrooke Drive #312 330-558-1743 or 330-204-4103

Anthony Capretta

Alex Johnson

Services, Utilities, Technology & Cable Committee 2nd Thursday at 6:00 P.M.

Joe Salzgeber (Chair) 611 Cattail Circle 330-220-7390

Nick Hanek

Brian Ousley

Planning & Zoning Committee 3rd Thursday at 6:00 P.M.

Brian Ousley (Chair) 3185 Laurel Road 330-273-3164

Nick Hanek

Patricia Hanek

Building & Building Code Committee 2nd Monday at 6:00 P.M.

Anthony Capretta (Chair) 4188 Dennis Lane 216-355-6408

Mike Abella Jr.

Brian Ousley

Economic Development Committee 3rd Tuesday at 6:30 P.M.

Alex Johnson 3502 Sandalwood Dr. 440-724-5116

Patricia Hanek

Mike Abella Jr.

Parks, Recreation & Community Committee 1st Monday at 7:00 PM at Rec Center

Mike Abella Jr. (Chair) 3269 Burnham Dr. 330-460-6209

Anthony Capretta

Joe Salzgeber

Committee-of-the-Whole 2nd & 4th Monday

Patricia Hanek, Vice Mayor/President

All Council Members

Service Director Paul Barnett 330-558-6804

Director of Law Kenneth Fisher 330-558-6885

Finance Director Todd Fischer 330-558-6810

Parks & Rec Director John Piepsny 330-273-8000

CBO Cliff Calaway 330-558-6830

City Engineer Matt Jones 330-558-6880

Chief of Police Brian Ohlin 330-225-9111

Fire Chief James Baird 330-273-8046

Community & Economic Dev. Dir. Grant Aungst 330-558-6875

Clerk of Council Fijabi Julien-Gallam 330-558-6845

Administrative Services Manager Julie Murawski 330-558-6860

Information Technology Administrator Robert Marok 330-558-6890

Clerk of Courts Teresa Beno 330-558-6870

Info & Public Comm. Manager Jeff Neidert 330-220-1726

(Rev. 11/27/17)

THE CITY OF BRUNSWICK
PROPOSED MOTION



DATE: 01/08/2018

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Barnett

COPY: Mayor Ron Falconi

MOTION: Motion authorizing the City Manager to advertise for bids for the sweeping of city streets for a 3 year period with two(2) one(1) year options.

BACKGROUND: Historically a contractor has provided 2 rounds of street sweeping annually for the entire city.

PURPOSE AND EXPLANATION: This motion will allow for the advertising and bidding of the street sweeping program for the City. The bid will be for 3 years with two (2), one (1) year options.

IMPLEMENTATION SCHEDULE: The advertising, bid and award needs to occur as soon as possible for the contract to be in place for a spring sweeping in 2018.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: \$56,000 annually for 3 years for a total cost of \$168,000 with two option years. The cost will be split 50/50 between funds 117 and 224. \$56,000 annually for 3 years for a total cost of \$168,000. Split 50/50 between 117-0420-54262 and 224-0420-54262. 2018 budget has been adopted and approved by Council and is in place. 2019 and 2020 is subject to sufficient Council adopted appropriations and a certified purchase order pursuant to ORC Section 5705.41.

RECOMMENDED ACTION: Passage of a motion which authorizes the City Manager to advertise and accept bids for sweeping of the city streets.

ADDITIONAL INFORMATION:

THE CITY OF BRUNSWICK
PROPOSED MOTION



DATE: 01/08/2018

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Barnett

COPY: Mayor Ron Falconi

MOTION: Motion authorizing the City Manager to advertise for "Requests for Proposals"(RFP) for the installation and ongoing support for an Automated Vehicle Location software package on Service vehicles.

BACKGROUND: This proposed system will track and record the locations and times of city snow and ice trucks, dump trucks and pickup trucks. This system provides an accountability for the services offered and provides proof of where and what we are doing. This allows management and staff to remotely see where our trucks are and for snow and ice will show if we are plowing or spreading salt and what speed we are traveling while the service is being provided.

PURPOSE AND EXPLANATION: This motion will allow for the advertising and collection of RFP's for the installation of hardware, software and provide ongoing support for an Automated Vehicle Location software package to be used on Service Vehicles.

IMPLEMENTATION SCHEDULE: Installation on vehicles is anticipated mid-summer 2018 prior to leaf collection in fall of 2018.

FINANCIAL INFORMATION: Automated Vehicle Location Software - - Street Repair & Maintenance Fund #117 and capital subfund (#953) - 953-0420-54262 - \$43,000 estimated first year. Estimated annual cost for additional years is \$3,500 per year. - 43000

FINANCIAL SUMMARY: \$43,000 estimated first year. Estimated annual cost for additional years is \$3,500 per year. Annual equipment service costs would be charged to 117-0420-54263 subject to sufficient Council appropriations and certified purchase orders pursuant to ORC Section 5705.41.

RECOMMENDED ACTION: Passage of a motion which authorizes the City Manager to advertise and accept proposals for installation and ongoing support for an Automate Vehicle Location software package.

ADDITIONAL INFORMATION:

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 01/08/2018

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 5-18** - An emergency ordinance providing for submission to the electors of the City of Brunswick, Ohio, at the May 8, 2018 Primary Election, the proposed amendment to Charter Section 3.08 - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: City Council may, upon the affirmative vote of five members, submit to the electors any proposed amendment to the Charter. The proposed amendment to Charter Section 3.08 and submitting same to the electors at the May 8, 2018 Primary Election, which must be adopted and certified to the Medina County Board of Elections no later than 4:00 p.m. on February 7, 2018.

PURPOSE AND EXPLANATION: To submit a Charter Amendment to Section 3.08 on the ballot at the Primary Election on May 8, 2018.

IMPLEMENTATION SCHEDULE: Two Readings and adopt as an emergency with suspension of rules.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

If emergency or suspension of the rules, why the request?
Accordingly, it is the recommendation of the Law Department to adopt as an emergency measure

upon two (2) separate readings to occur on January 8, 2018 and January 22, 2018.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN EMERGENCY ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS OF THE CITY OF BRUNSWICK, OHIO, AT THE MAY 8, 2018 PRIMARY ELECTION, THE PROPOSED AMENDMENT TO CHARTER SECTION 3.08.

WHEREAS: Pursuant to City of Brunswick Charter Section 11.05, City Council may, upon the affirmative vote of five (5) Members, submit to the electors any proposed amendment to the Charter; and

WHEREAS: The proposed amendment to Charter Section 3.08 must be certified to the Medina County Board of Elections no later than 4:00 p.m. on February 7, 2018 for placement on the May 8, 2018 Primary Election Ballot.

WHEREAS: Pursuant to Section 6.07(b) of the Charter, this Council is required to submit the Proposed Charter Amendment to the electors of the City of Brunswick at the next general election.

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

SECTION 1: Pursuant to Charter Section 11.05, the proposed amendment to Charter Section 3.08, as detailed on the Proposed Charter Amendment attached hereto as Exhibit "A", shall be submitted to a vote of the qualified electors of the City at the Primary Election to be held on May 8, 2018 at the regular places of voting in the City in the form provided in the Ballot Question attached hereto as Exhibit "B".

SECTION 2: That the Clerk of Council is hereby directed to publish the full text of the proposed amendments to the Charter, as set forth in the attached Proposed Charter Amendment, once a week for not less than two (2) consecutive weeks in a newspaper of general circulation in the City, with the first publication being at least fifteen (15) days prior to the election hereinbefore provided, in accordance with Article XVIII, Section 9 of the Ohio Constitution and Ohio Revised Code Section 731.211.

SECTION 3: That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, welfare and safety and for the additional reason that this Ordinance must be enacted to ensure certification to the Medina County Board of Elections no later than 4:00 p.m. on February 7, 2018 for placement on the May 8, 2018 Primary Election Ballot. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam

**EXHIBIT “A”
CITY OF BRUNSWICK**

PROPOSED CHARTER AMENDMENT

1) 3.08 CLERK OF COUNCIL

The Council shall appoint an elector of the City State of Ohio who shall have the title of Clerk of Council and shall serve at the pleasure of Council. The Clerk of Council shall give notice of Council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned to him/her by this Charter or by the Council.

EXHIBIT “B”

CITY OF BRUNSWICK BALLOT QUESTION

1. Shall the Amendment to Section 3.08 of the Charter, as proposed by City Council, requiring that the appointed Clerk of Council be an elector of the State of Ohio, be Adopted?

EXHIBIT “A”

CITY OF BRUNSWICK

PROPOSED CHARTER AMENDMENT

1) 3.08 CLERK OF COUNCIL

The Council shall appoint an elector of the City State of Ohio who shall have the title of Clerk of Council and shall serve at the pleasure of Council. The Clerk of Council shall give notice of Council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned to him/her by this Charter or by the Council.

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1. Shall the Amendment to Section 3.08 of the Charter, as proposed by City Council, requiring that the appointed Clerk of Council be an elector of the State of Ohio, be Adopted?

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 5-18

BY: Committee-of-the-Whole

AN EMERGENCY ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS OF THE CITY OF BRUNSWICK, OHIO, AT THE MAY 8, 2018 PRIMARY ELECTION, THE PROPOSED AMENDMENT TO CHARTER SECTION 3.08.

WHEREAS: Pursuant to City of Brunswick Charter Section 11.05, City Council may, upon the affirmative vote of five (5) Members, submit to the electors any proposed amendment to the Charter; and

WHEREAS: The proposed amendment to Charter Section 3.08 must be certified to the Medina County Board of Elections no later than 4:00 p.m. on February 7, 2018 for placement on the May 8, 2018 Primary Election Ballot.

WHEREAS: Pursuant to Section 6.07(b) of the Charter, this Council is required to submit the Proposed Charter Amendment to the electors of the City of Brunswick at the next general election.

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

SECTION 1: Pursuant to Charter Section 11.05, the proposed amendment to Charter Section 3.08, as detailed on the Proposed Charter Amendment attached hereto as Exhibit "A", shall be submitted to a vote of the qualified electors of the City at the Primary Election to be held on May 8, 2018 at the regular places of voting in the City in the form provided in the Ballot Question attached hereto as Exhibit "B".

SECTION 2: That the Clerk of Council is hereby directed to publish the full text of the proposed amendments to the Charter, as set forth in the attached Proposed Charter Amendment, once a week for not less than two (2) consecutive weeks in a newspaper of general circulation in the City, with the first publication being at least fifteen (15) days prior to the election hereinbefore provided, in accordance with Article XVIII, Section 9 of the Ohio Constitution and Ohio Revised Code Section 731.211.

SECTION 3: That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, welfare and safety and for the additional reason that this Ordinance must be enacted to ensure certification to the Medina County Board of Elections no later than 4:00 p.m. on February 7, 2018 for placement on the May 8, 2018 Primary Election Ballot. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam

**EXHIBIT “A”
CITY OF BRUNSWICK**

PROPOSED CHARTER AMENDMENT

1) 3.08 CLERK OF COUNCIL

The Council shall appoint an elector of the ~~City~~State of Ohio who shall have the title of Clerk of Council and shall serve at the pleasure of Council. The Clerk of Council shall give notice of Council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned to him/her by this Charter or by the Council.

EXHIBIT "B"

CITY OF BRUNSWICK BALLOT QUESTION

1. Shall the Amendment to Section 3.08 of the Charter, as proposed by City Council, requiring that the appointed Clerk of Council be an elector of the State of Ohio, be Adopted?