# BRUNSWICK CITY
# COMMITTEE-OF-THE-WHOLE

## Agenda
**JUNE 13, 2016**
**6:30 PM**

1. Discussion Items

   (a) Discussion of the Renaming of Gary Ditch

   (b) Safety Levy Discussion

2. Motion Items

3. Review Legislation

   (a) **Res. No. #38-16** - An emergency resolution declaring the necessity of an election on the question of approving the passage of an ordinance to amend sections 880.005, 880.01 and 880.04 of the codified ordinances of the city of brunswick, ohio, in order to provide for a temporary sixty-five one-hundredths percent (0.65%) municipal income tax increase for the period through december 31, 2022 to provide funds for the purpose of maintaining staffing levels for the safety forces of the city of brunswick. (Committee-of-the-Whole, K*en Fisher*)

   (b) **ORD. NO. #39-16** - An ordinance amending sections 880.005, 880.01 and 880.04 of the codified ordinances of the city of brunswick, ohio, in order to provide for a temporary sixty-five one-hundredths percent (0.65%) municipal income tax increase for the period through december 31, 2022 to provide funds for the purpose of maintaining staffing levels for the safety forces of the city of brunswick. (Committee-of-the-Whole, *Ken Fisher*)

   (c) **RES. NO. 36-16 -** An emergency resolution accepting the petition for annexation of 1.4562 acres of land known as being part of Brunswick Hills Township to the City of Brunswick, Medina County, Ohio - **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 for the purpose to discuss the sale/purchase of property as well as the appointment, employment, dismissal, discipline, demotion or compensation of a public employee.

6. Adjournment

**THE CITY OF BRUNSWICK**

# PROPOSED LEGISLATION

**DATE:** 06/13/2016

**TO:** Vice Mayor Patricia Hanek and Members of City Council

**FROM:** Anthony J. Bales, City Manager
Ken Fisher, Director

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **Res. No. #38-16** - An emergency resolution declaring the necessity of an election on the question of approving the passage of an ordinance to amend sections 880.005, 880.01 and 880.04 of the codified ordinances of the city of brunswick, ohio, in order to provide for a temporary sixty-five one-hundredths percent (0.65%) municipal income tax increase for the period through december 31, 2022 to provide funds for the purpose of maintaining staffing levels for the safety forces of the city of brunswick. (Committee-of-the-Whole, K*en Fisher*)

**BACKGROUND:** On January 26, 2009, Ordinance No. 4-09 was adopted, upon recommendation of the Mayor's Ad Hoc Finance Committee, increasing the municipal income tax by 0.5% from 1.35% to 1.85% for a period of four (4) years commencing January 1, 2010, for the purpose of maintaining staffing levels for the Safety Forces of the City and submitting such municipal income tax increase question to the electors of the City at the May 5, 2009 Primary Election. The electors approved the 0.5% municipal income tax increase for the purpose of maintaining staffing levels for the Safety Forces of the City at the May 5, 2009 Primary Election.

The electors approved a continuation of the 0.5% municipal income tax increase for the purpose of maintaining staffing levels for the Safety Forces of the City at the November 6, 2012 General Election through December 31, 2017.

**PURPOSE AND EXPLANATION:** Based on discussions by the Council Finance Committee, Council Safety & Environment Committee, Council Committee-of-the-Whole and input from the Citizen's Financial Audit Review & Advisory Committee, Council has determined that it is necessary to increase the municipal income tax by sixty-five one-hundredths percent (0.65%) for the purpose of maintaining staffing levels for the Safety Forces of the City for five (5) years commencing January 1, 2018 through December 31, 2022.

**IMPLEMENTATION SCHEDULE:** If the levy is approved by the electors at the November 8, 2016 General Election, the companion Ordinance No. 39-16 would require final consideration and approval of Council in order to amend the appropriate sections of the Codified Ordinances of the City of Brunswick, Ohio, in order to implement the approved levy and provide the funds necessary for the purpose of maintaining staffing levels for the safety forces of the City. Ordinance No. 39-16 will be introduced and provided two readings prior to the election so that it can considered implemented in a timely fashion if the levy is approved.

**FINANCIAL INFORMATION:**

**FINANCIAL SUMMARY:**

**RECOMMENDED ACTION:**

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

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

Staff recommends approval of this Resolution as an emergency measure following three readings as it is 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 timely submit same to the Medina County Board of Elections for inclusion on the November 8, 2016 General Election ballot.

**ADDITIONAL INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 38-16

BY:

**AN EMERGENCY RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTIONS 880.005, 880.01 AND 880.04 OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK, OHIO, IN ORDER TO PROVIDE FOR A TEMPORARY SIXTY-FIVE ONE-HUNDREDTHS PERCENT (0.65%) MUNICIPAL INCOME TAX INCREASE FOR THE PERIOD THROUGH DECEMBER 31, 2022 TO PROVIDE FUNDS FOR THE PURPOSE OF MAINTAINING STAFFING LEVELS FOR THE SAFETY FORCES OF THE CITY OF BRUNSWICK.**

WHEREAS: On January 26, 2009, Ordinance No. 4-09 was adopted, upon recommendation of the Mayor's Ad Hoc Finance Committee, increasing the municipal income tax by 0.5% from 1.35% to 1.85% for a period of four (4) years commencing January 1, 2010, for the purpose of maintaining staffing levels for the Safety Forces of the City and submitting such municipal income tax increase question to the electors of the City at the May 5, 2009 Primary Election; and

WHEREAS: The electors approved the 0.5% municipal income tax increase for the purpose of maintaining staffing levels for the Safety Forces of the City at the May 5, 2009 Primary Election;

WHEREAS: The electors approved a continuation of the 0.5% municipal income tax increase for the purpose of maintaining staffing levels for the Safety Forces of the City at the November 6, 2012 General Election through December 31, 2017; and

WHEREAS: It is necessary to increase the municipal income tax by sixty-five one-hundredths percent (0.65%) for the purpose of maintaining staffing levels for the Safety Forces of the City for five (5) years commencing January 1, 2018 through December 31, 2022.

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

SECTION 1. This Council hereby authorizes and directs the submission to the electors of the City of Brunswick, Ohio, at an election to be held at the usual places of voting in the City on Tuesday, November 8, 2016, between the hours of 6:30 a.m. and 7:30 p.m. of that day, of the question of approving the passage of an Ordinance to amend Sections 880.005, 880.01 and 880.04 of the Codified Ordinances of the City of Brunswick, Ohio, in order to provide for a temporary sixty-five one-hundredths percent (0.65%) municipal income tax increase through December 31, 2022, to provide funds for the purpose of maintaining staffing levels for the Safety Forces of the City, which Ordinance is set forth in full in Section 2 hereof.

SECTION 2. The proposed Ordinance to be submitted to the electors of the City for their approval hereunder shall be as follows:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 39-16

BY:

**AN ORDINANCE AMENDING SECTIONS 880.005, 880.01 AND 880.04 OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK, OHIO, IN ORDER TO PROVIDE FOR A TEMPORARY SIXTY-FIVE ONE-HUNDREDTHS PERCENT (0.65%) MUNICIPAL INCOME TAX INCREASE FOR THE PERIOD THROUGH DECEMBER 31, 2022 TO PROVIDE FUNDS FOR THE PURPOSE OF MAINTAINING STAFFING LEVELS FOR THE SAFETY FORCES OF THE CITY OF BRUNSWICK.**

WHEREAS: On January 26, 2009, Ordinance No. 4-09 was adopted, upon recommendation of the Mayor's Ad Hoc Finance Committee, increasing the municipal income tax by 0.5% from 1.35% to 1.85% for a period of four (4) years commencing January 1, 2010, for the purpose of maintaining staffing levels for the Safety Forces of the City and submitting such municipal income tax increase question to the electors of the City at the May 5, 2009 Primary Election; and

WHEREAS: The electors approved the 0.5% municipal income tax increase for the purpose of maintaining staffing levels for the Safety Forces of the City at the May 5, 2009 Primary Election;

WHEREAS: The electors approved a continuation of the 0.5% municipal income tax increase for the purpose of maintaining staffing levels for the Safety Forces of the City at the November 6, 2012 General Election through December 31, 2017; and

WHEREAS: It is necessary to increase the municipal income tax by sixty-five one-hundredths percent (0.65%) for the purpose of maintaining staffing levels for the Safety Forces of the City for five (5) years commencing January 1, 2018 through December 31, 2022.

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

SECTION 1. Section 880.005 of the Codified Ordinances of the City of Brunswick, Ohio is hereby amended to read as follows:

"880.005 PURPOSES

(a) To provide funds for the purposes of general municipal operations, maintenance, acquisition of new equipment, extension and enlargement of municipal services and facilities and capital improvements of the City, there is hereby levied a tax on municipal taxable income at a rate of one percent (1.00%).

(b) To provide funds for the purpose of operating and expanding the Safety Forces of the City, there is hereby levied an additional tax effective January 1, 1996 on municipal taxable income at a rate of thirty-five one-hundredths percent (0.35%).

(c) During the period from January 1, 2018 through December 31, 2022, to provide funds for the purpose of maintaining staffing levels for the Safety Forces of the City, there is also hereby levied a tax on municipal taxable income at a rate of sixty-five one-hundredths percent (0.65%).

(d) Those taxes shall be imposed for the foregoing purposes, levied on an annual basis on the income of every person residing in or earning or receiving income in the City of Brunswick and measured by the person's municipal taxable income.

(e) The taxes levied under this Chapter 880 shall be levied in accordance with the provisions and limitations set forth in Chapter 718 of the Ohio Revised Code to the fullest extent required for the City to continue to levy those taxes. The required provisions and limitations of Chapter 718 of the Ohio Revised Code are hereby incorporated into this Chapter 880, and those required provisions or limitations of Chapter 718 of the Ohio Revised Code shall control to the extent there is a conflict between a provision or limitation of this Chapter 880 and an express provision or limitation of Chapter 718 of the Ohio Revised Code."

SECTION 2. Section 880.01 of the Codified Ordinances of the City of Brunswick, Ohio is hereby amended to read as follows:

"880.01 ALLOCATION OF REVENUES

The funds collected under the provisions of this Chapter 880 shall be credited to the General Fund and applied for the following purposes and in the following order:

(a) Administration. Such part thereof as shall be necessary to defray all costs of collecting all income taxes levied and the cost of administering and enforcing the provisions of this Chapter shall be appropriated by Council for that purpose.

(b) Allocation of Thirty-Five One-Hundredths Percent (0.35%) Tax Increase. The funds resulting from the additional 0.35% income tax rate, as provided in Ordinance No. 89-95, passed by City Council on July 24, 1995, and approved by the electors of the City at an election on November 7, 1995, shall be allocated and transferred to the Police Fund and/or the Fire Fund and appropriated for the purpose of operating and expanding the Safety Forces of the City.

(c) Allocation of Sixty-Five One-Hundredths Percent (0.65%) Tax Increase. During the period from January 1, 2018 through December 31, 2022, the funds resulting from the additional 0.65% income tax rate, as provided in Ordinance No. 39-16 and approved by the electors of the City at an election on November 8, 2016, and passed thereafter by the City Council, shall be allocated and transferred to the Police Fund and/or the Fire Fund and appropriated for the purpose of maintaining staffing levels for the Safety Forces of the City.

(d) The funds resulting from the 1.00% income tax rate, as described in Section 880.005, shall be available for appropriation and allocation, as deemed necessary by the

Council of the City of Brunswick, for the following purposes: general municipal operations, maintenance, acquisition of new equipment, extension and enlargement of Municipal services and facilities and capital improvements of the City.

(e) The Council shall, from time to time, pass Ordinances providing for the allocations required and permitted in this Section, which shall be on file with the Clerk of Council."

SECTION 3. Section 880.04 of the Codified Ordinances of the City of Brunswick is hereby amended to read as follows:

"880.04 IMPOSITION OF TAX.

Consistent with the provisions of Section 880.005 and subject to the provisions of Section 880.15, there shall be imposed upon the municipal taxable income of all residents, nonresidents, and taxpayers that are not individuals an annual income tax as follows: (1) for the period commencing January 1, 2018 and ending December 31, 2022, an annual tax for the purposes specified in Section 880.005 at the rate of 2.0% per year; and (2) thereafter, unless a separate Ordinance providing for a different rate or rates is approved by the voters of the City and this Council or otherwise passed in accordance with law, an annual tax for the purposes specified in the first two paragraphs of Section 880.005 at the rate of 1.35% per year. The City income tax imposed by this Section does not apply to the income of any individual who is under the age of eighteen. The determination of whether an individual is a resident or a nonresident shall be made in accordance with Section 718.012 of the Ohio Revised Code. To the extent the municipal taxable income of a nonresident or a taxpayer that is not an individual is comprised of net profits, such municipal taxable income shall be apportioned or sitused to the City in accordance with Section 718.02 of the Ohio Revised Code. For any taxable year beginning on or after January 1, 2016, a taxpayer that is a member of an affiliated group of corporations may elect, in accordance with Ohio Revised Code Section 718.06, to file with the City a consolidated municipal income tax return and determine its City income tax in accordance with such filing. For purposes of determining municipal taxable income for any taxable year beginning on or after January 1, 2016, an individual shall be exempt from City income tax to the extent such individual satisfies each of the following: (1) is a dependent for federal income tax purposes of a resident; (2) is enrolled at a post-secondary institution of higher learning located outside the City and lives outside the City while enrolled at such an institution; and (3) earns or receives qualifying wages while living outside the City from an employer not located in the City. Any such individual that satisfies the requirements of the immediately preceding sentence is, however, subject to the annual City income tax return filing requirements set forth in Section 880.06."

SECTION 4. Effective January 1, 2018, Sections 880.005, 880.01 and 880.04 of the Codified Ordinances of the City of Brunswick, Ohio, as they have heretofore existed, are hereby repealed. Provided, however, that no provision of this Ordinance, including the repeal of Sections 880.005, 880.01 and 880.04 of the Codified Ordinances of the City of Brunswick, Ohio, as they have heretofore existed, shall in any way affect any rights or obligations of the City, any taxpayer, or any other person, official or entity, with respect to the one and eighty-five one-hundredths percent municipal income tax assessed by Chapter 880 of the Codified Ordinances of the City of Brunswick, Ohio, as it has heretofore existed and shall remain in effect until January 1, 2018.

SECTION 5. The Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and all deliberations of this Council and of any of its committees that resulted in such formal action were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. 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
Barbara J. Ortiz"

SECTION 3. It is the desire of this Council that the ballot language presented to the electors of the City of Brunswick shall be in substantially the following form:

A majority affirmative vote is necessary for passage.

Shall the Ordinance (Ordinance No. 39-16) providing for the increase of the municipal income tax by sixty-five one-hundredths percent (0.65%) for the purpose of maintaining staffing levels for the Safety Forces of the City for five (5) years commencing January 1, 2018 through December 31, 2022, be passed?

| | | | |
|---|---|---|---|
| : | : | FOR THE INCOME TAX | : |
| : | : | AGAINST THE INCOME TAX | : |

SECTION 4. The Clerk of Council be and is hereby directed to file a certified copy of this Resolution with the Board of Elections no later than August 10, 2016.

SECTION 5. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken, and all deliberations of this Council and of any of its committees that resulted in such formal actions were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. 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 timely submit same to the Medina County Board of Elections for inclusion on the November 8, 2016 General Election ballot. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

---

PASSED: 1st Reading ________________

2nd Reading ________________

3rd Reading ________________

ADOPTED: ___________________ AYES ______ NAYS ______

ATTEST: ____________________
Clerk of Council
Barbara J. Ortiz

# THE CITY OF BRUNSWICK

# PROPOSED LEGISLATION

**DATE:** 06/13/2016

**TO:** Vice Mayor Patricia Hanek and Members of City Council

**FROM:** Anthony J. Bales, City Manager
Ken Fisher, Director

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **ORD. NO. #39-16** - An ordinance amending sections 880.005, 880.01 and 880.04 of the codified ordinances of the city of brunswick, ohio, in order to provide for a temporary sixty-five one-hundredths percent (0.65%) municipal income tax increase for the period through december 31, 2022 to provide funds for the purpose of maintaining staffing levels for the safety forces of the city of brunswick. (Committee-of-the-Whole, *Ken Fisher*)

**BACKGROUND:** On January 26, 2009, Ordinance No. 4-09 was adopted, upon recommendation of the Mayor's Ad Hoc Finance Committee, increasing the municipal income tax by 0.5% from 1.35% to 1.85% for a period of four (4) years commencing January 1, 2010, for the purpose of maintaining staffing levels for the Safety Forces of the City and submitting such municipal income tax increase question to the electors of the City at the May 5, 2009 Primary Election. The electors approved the 0.5% municipal income tax increase for the purpose of maintaining staffing levels for the Safety Forces of the City at the May 5, 2009 Primary Election.

The electors approved a continuation of the 0.5% municipal income tax increase for the purpose of maintaining staffing levels for the Safety Forces of the City at the November 6, 2012 General Election through December 31, 2017.

**PURPOSE AND EXPLANATION:** Based on discussions by the Council Finance Committee, Council Safety & Environment Committee, Council Committee-of-the-Whole and input from the Citizen's Financial Audit Review & Advisory Committee, Council has determined that it is necessary to increase the municipal income tax by sixty-five one-hundredths percent (0.65%) for the purpose of maintaining staffing levels for the Safety Forces of the City for five (5) years commencing January 1, 2018 through December 31, 2022.

If the levy is approved by the electors at the November 8, 2016 General Election, this companion Ordinance would require final consideration and approval of Council following the November 8, 2016 General Election in order to amend the appropriate sections of the Codified Ordinances of the City of Brunswick, Ohio, in order to implement the approved levy and provide the funds necessary for the purpose of maintaining staffing levels for the safety forces of the City.

**IMPLEMENTATION SCHEDULE:** This companion Ordinance will be introduced and provided two readings prior to the November 8, 2016 General Election so that it can considered and implemented in a timely fashion following the election if the levy is approved.

**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?

Staff recommends approval if the proposed levy is approved by the electors at the November 8, 2016 General Election.

**ADDITIONAL INFORMATION:** Third reading and consideration of this Ordinance cannot occur until after the November 8, 2016 General Election and only then if the electors approve the proposed levy.

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 39-16

BY:

**AN ORDINANCE AMENDING SECTIONS 880.005, 880.01 AND 880.04 OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK, OHIO, IN ORDER TO PROVIDE FOR A TEMPORARY SIXTY-FIVE ONE-HUNDREDTHS PERCENT (0.65%) MUNICIPAL INCOME TAX INCREASE FOR THE PERIOD THROUGH DECEMBER 31, 2022 TO PROVIDE FUNDS FOR THE PURPOSE OF MAINTAINING STAFFING LEVELS FOR THE SAFETY FORCES OF THE CITY OF BRUNSWICK.**

WHEREAS: On January 26, 2009, Ordinance No. 4-09 was adopted, upon recommendation of the Mayor's Ad Hoc Finance Committee, increasing the municipal income tax by 0.5% from 1.35% to 1.85% for a period of four (4) years commencing January 1, 2010, for the purpose of maintaining staffing levels for the Safety Forces of the City and submitting such municipal income tax increase question to the electors of the City at the May 5, 2009 Primary Election; and

WHEREAS: The electors approved the 0.5% municipal income tax increase for the purpose of maintaining staffing levels for the Safety Forces of the City at the May 5, 2009 Primary Election;

WHEREAS: The electors approved a continuation of the 0.5% municipal income tax increase for the purpose of maintaining staffing levels for the Safety Forces of the City at the November 6, 2012 General Election through December 31, 2017; and

WHEREAS: It is necessary to increase the municipal income tax by sixty-five one-hundredths percent (0.65%) for the purpose of maintaining staffing levels for the Safety Forces of the City for five (5) years commencing January 1, 2018 through December 31, 2022.

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

SECTION 1. Section 880.005 of the Codified Ordinances of the City of Brunswick, Ohio is hereby amended to read as follows:

"880.005 PURPOSES

(a) To provide funds for the purposes of general municipal operations, maintenance, acquisition of new equipment, extension and enlargement of municipal services and facilities and capital improvements of the City, there is hereby levied a tax on municipal taxable income at a rate of one percent (1.00%).

(b) To provide funds for the purpose of operating and expanding the Safety Forces of the City, there is hereby levied an additional tax effective January 1, 1996 on municipal taxable income at a rate of thirty-five one-hundredths percent (0.35%).

(c) During the period from January 1, 2018 through December 31, 2022, to provide funds for the purpose of maintaining staffing levels for the Safety Forces of the City, there is also hereby levied a tax on municipal taxable income at a rate of sixty-five one-hundredths percent (0.65%).

(d) Those taxes shall be imposed for the foregoing purposes, levied on an annual basis on the income of every person residing in or earning or receiving income in the City of Brunswick and measured by the person's municipal taxable income.

(e) The taxes levied under this Chapter 880 shall be levied in accordance with the provisions and limitations set forth in Chapter 718 of the Ohio Revised Code to the fullest extent required for the City to continue to levy those taxes. The required provisions and limitations of Chapter 718 of the Ohio Revised Code are hereby incorporated into this Chapter 880, and those required provisions or limitations of Chapter 718 of the Ohio Revised Code shall control to the extent there is a conflict between a provision or limitation of this Chapter 880 and an express provision or limitation of Chapter 718 of the Ohio Revised Code."

SECTION 2. Section 880.01 of the Codified Ordinances of the City of Brunswick, Ohio is hereby amended to read as follows:

"880.01 ALLOCATION OF REVENUES

The funds collected under the provisions of this Chapter 880 shall be credited to the General Fund and applied for the following purposes and in the following order:

(a) Administration. Such part thereof as shall be necessary to defray all costs of collecting all income taxes levied and the cost of administering and enforcing the provisions of this Chapter shall be appropriated by Council for that purpose.

(b) Allocation of Thirty-Five One-Hundredths Percent (0.35%) Tax Increase. The funds resulting from the additional 0.35% income tax rate, as provided in Ordinance No. 89-95, passed by City Council on July 24, 1995, and approved by the electors of the City at an election on November 7, 1995, shall be allocated and transferred to the Police Fund and/or the Fire Fund and appropriated for the purpose of operating and expanding the Safety Forces of the City.

(c) Allocation of Sixty-Five One-Hundredths Percent (0.65%) Tax Increase. During the period from January 1, 2018 through December 31, 2022, the funds resulting from the additional 0.65% income tax rate, as provided in Ordinance No. 39-16 and approved by the electors of the City at an election on November 8, 2016, and passed thereafter by the City Council, shall be allocated and transferred to the Police Fund and/or the Fire Fund and appropriated for the purpose of maintaining staffing levels for the Safety Forces of the City.

(d) The funds resulting from the 1.00% income tax rate, as described in Section 880.005, shall be available for appropriation and allocation, as deemed necessary by the Council of the City of Brunswick, for the following purposes: general municipal operations, maintenance, acquisition of new equipment, extension and enlargement of Municipal services and facilities and capital improvements of the City.

(e) The Council shall, from time to time, pass Ordinances providing for the allocations required and permitted in this Section, which shall be on file with the Clerk of Council."

SECTION 3. Section 880.04 of the Codified Ordinances of the City of Brunswick is hereby amended to read as follows:

"880.04 IMPOSITION OF TAX.

Consistent with the provisions of Section 880.005 and subject to the provisions of Section 880.15, there shall be imposed upon the municipal taxable income of all residents, nonresidents, and taxpayers that are not individuals an annual income tax as follows: (1) for the period commencing January 1, 2018 and ending December 31, 2022, an annual tax for the purposes specified in Section 880.005 at the rate of 2.0% per year; and (2) thereafter, unless a separate Ordinance providing for a different rate or rates is approved by the voters of the City and this Council or otherwise passed in accordance with law, an annual tax for the purposes specified in the first two paragraphs of Section 880.005 at the rate of 1.35% per year. The City income tax imposed by this Section does not apply to the income of any individual who is under the age of eighteen. The determination of whether an individual is a resident or a nonresident shall be made in accordance with Section 718.012 of the Ohio Revised Code. To the extent the municipal taxable income of a nonresident or a taxpayer that is not an individual is comprised of net profits, such municipal taxable income shall be apportioned or sitused to the City in accordance with Section 718.02 of the Ohio Revised Code. For any taxable year beginning on or after January 1, 2016, a taxpayer that is a member of an affiliated group of corporations may elect, in accordance with Ohio Revised Code Section 718.06, to file with the City a consolidated municipal income tax return and determine its City income tax in accordance with such filing. For purposes of determining municipal taxable income for any taxable year beginning on or after January 1, 2016, an individual shall be exempt from City income tax to the extent such individual satisfies each of the following: (1) is a dependent for federal income tax purposes of a resident; (2) is enrolled at a post-secondary institution of higher learning located outside the City and lives outside the City while enrolled at such an institution; and (3) earns or receives qualifying wages while living outside the City from an employer not located in the City. Any such individual that satisfies the requirements of the immediately preceding sentence is, however, subject to the annual City income tax return filing requirements set forth in Section 880.06."

SECTION 4. Effective January 1, 2018, Sections 880.005, 880.01 and 880.04 of the Codified Ordinances of the City of Brunswick, Ohio, as they have heretofore existed, are hereby repealed. Provided, however, that no provision of this Ordinance, including the repeal of Sections 880.005, 880.01 and 880.04 of the Codified Ordinances of the City of Brunswick, Ohio, as they have heretofore existed, shall in any way affect any rights or obligations of the City, any taxpayer, or any other person, official or entity, with respect to the one and eighty-five one-hundredths percent municipal income tax assessed by Chapter 880 of the Codified Ordinances of the City of Brunswick, Ohio, as it has heretofore existed and shall remain in effect until January 1, 2018.

SECTION 5. The Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and all deliberations of this Council and of any of its committees that resulted in such formal action were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. 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
Barbara J. Ortiz

THE CITY OF BRUNSWICK

# PROPOSED LEGISLATION

**DATE:** 06/13/2016

**TO:** Vice Mayor Patricia Hanek and Members of City Council

**FROM:** Anthony J. Bales, City Manager

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **RES. NO. 36-16 -** An emergency resolution accepting the petition for annexation of 1.4562 acres of land known as being part of Brunswick Hills Township to the City of Brunswick, Medina County, Ohio - **1st Reading** (To be brought from Committee-of-the-Whole,*Administration/Ken Fisher*)

**BACKGROUND:** This legislation to accept 1.4562 acres of land from Brunswick Hills Township into the City of Brunswick. It is located at 445 N. Carpenter Road, the Katie Gilder property. This has been approved by the Medina County Commissioners for annexation.

**PURPOSE AND EXPLANATION:**

**IMPLEMENTATION SCHEDULE:**

**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?
Recommendation to adopt as an emergency with suspension of the rules so that it will be effective immediately. The resident has been waiting to receive City water.

**ADDITIONAL INFORMATION:**

**REGULAR MEETING – TUESDAY, DECEMBER 22, 2015**

The Board of County Commissioners of Medina County, Ohio met in regular session on this date with the following members present:

Adam Friedrick    Patricia G. Geissman    Timothy C. Smith

Mrs. Geissman offered the following resolution and moved the adoption of same, which was duly seconded by Mr. Smith.

**RESOLUTION NO. 15-1058**

**APPROVING THE PETITION FOR ANNEXATION OF 1.4562 ACRES OF LAND KNOWN AS BEING PART OF BRUNSWICK HILLS TOWNSHIP TO THE CITY OF BRUNSWICK, MEDINA COUNTY, OHIO**

WHEREAS, a petition for annexation of 1.4562 acres of land known as being part of Brunswick Hills Township to the City of Brunswick, Medina County, Ohio was filed with the Clerk of the Board of Medina County Commissioners on October 5, 2015, in accordance with Ohio Revised Code Section 709.02, and

WHEREAS, the day and hour and has come for the rendering of a decision by the Board of County Commissioners on said petition for annexation, and

WHEREAS, the State of Ohio has provided landowners a number of legal methods for annexations of property to municipal corporations to occur that balance the desires, needs and benefits of the petitioners, municipality and townships, and

WHEREAS, proper procedures were followed and notices given, and a public hearing commended on December 15, 2015, in accordance with Section 709.032 of the Ohio Revised Code, and

WHEREAS, the Board of County Commissioners now finds that based on the preponderance of the substantial, reliable, and probative evidence on the entire record that said petition meets the following requirements and conditions:

1. The petition meets all of the requirements set forth in, and was filed in the manner provided in Section 709.02 of the Ohio Revised Code:

    a. the territory proposed to be annexed is contiguous to the City of Brunswick;
    b. the petition was signed by a majority of the authorized owners of real estate within the territory to be annexed;
    c. each petition's signature includes the date it was obtained and no signature was obtained more than 180 days before the date of filing;
    d. the petition contains an accurate legal description of the perimeter and an accurate map/plat of the territory to be annexed;
    e. the petition states the person who would act as agent for the petitioner; and
    f. the agent filed with the petition a list of all tract, lots or parcels within and adjacent to the territory to be annexed, including names, addresses of owners, and permanent parcel numbers.

2. The petition meets the following requirements set forth in Section 709.03 of the Ohio Revised Code:

    a. The Clerk of the Board of County Commissioners notified the agent of the date, time, and place of the hearing;
    b. the agent provided proof the required notices to: (1) the clerk of the municipality; (2) the clerk of the township involved; and (3) the clerk of the board of commissioners;
    c. the agent provided the required notices to: (1) all property owners within the territory proposed for annexation, and (2) adjacent property owners;
    d. the agent has provided proof of the required notice published in a newspaper of general circulation;
    e. the legislative authority of the municipality has adopted a statement by ordinance/resolution relative to services the municipality will provide with an approximate date by which it will provide said services upon annexation; and

## AMENDED PETITION FOR REGULAR ANNEXATION ON APPLICATION OF OWNERS

**TO:** Board of County Commissioners of Medina County, Ohio
144 North Broadway
Medina, Ohio 44256



I, the undersigned, being the sole owner of real estate in the territory hereinafter described, hereby petition for the regular annexation of the territory set forth in Exhibit "A" to the City of Brunswick, Medina County, Ohio, said property being owned by the undersigned in Brunswick Hills Township:

I. Katie A. Gilder, 445 N. Carpenter Road, Brunswick, Ohio 44212 - Owner of parcel identified as PPN 001-02B-07-021.

The above-described territory is adjacent to and contiguous with the said City of Brunswick.

Petitioners have attached and made a part of this petition, an accurate map showing the boundaries of the territory sought to be annexed, marked "Map of Territory to be Annexed to the City of Brunswick."

There is one (1) owner of the real estate in the above-described territory which is sought to be annexed to the City of Brunswick as set forth below herein.

Attached hereto as Exhibit "B" is the list of the owner, mailing addresses and Permanent Parcel Numbers of all parcels adjacent to the territory being annexed in these within proceedings.

Further attached hereto as Exhibit "C" is an 8.5 x 11 copy of the subject mylar.

David S. Riehl, Attorney at Law, 3695 Center Road, Brunswick, Ohio 44212 is hereby appointed agent for the undersigned petitioner pursuant to separate document.

OWNER:

Katie A Gilder by David S Riehl

KATIE A. GILDER

DATE 10/21/15

ATTORNEY AND AGENT:

DAVID S. RIEHL
Attorney at Law

DATE 10/21/15

MAP OF TERRITORY TO BE ANNEXED TO THE CITY OF BRUNSWICK

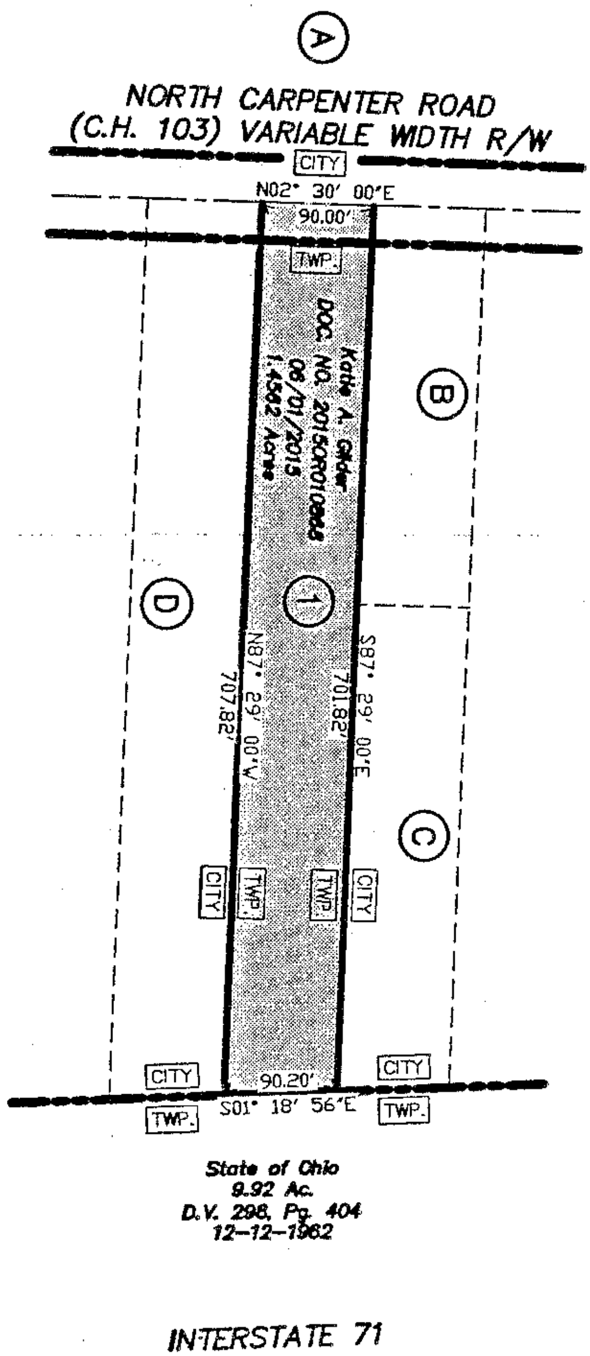


**EXHIBIT A**

445 North Carpenter Road

Brunswick, OH 44212

Situated in the Township of Brunswick Hills, County of Medina and State of Ohio and known as being part of original Brunswick Township Lot No. 23, Tract 2, being more fully described as follows:

Commencing at Monument found at the Southwest corner of Original Brunswick Township Lot No. 23, also being the centerline intersection of T.H. 42, Grafton Road, and T.H. 103, Carpenter Road;

thence North 02 degrees 30'00" East 942.08 feet along said Carpenter Road Centerline to a point therein and being the principal place of beginning of the parcel described herein;

thence continuing along said Carpenter Road centerline North 02 degrees 30"00" East 90.00 feet to a point therein;

thence South 87 degrees 29'00" East, 701.82 feet to an iron pin found in the West right-of-way of Interstate 71 while passing through an iron pin set 30.00 feet from Carpenter Road centerline;

thence South 01 degrees 18'56" East 90.20 feet along said Interstate right-of-way to an iron pin set therein;

thence North 87 degrees 29'00" West 707.82 feet to the principal place of beginning and passing through an iron pin set 30.00 feet therefrom and containing therein 1.4562 acres of land as surveyed in July 1985 by Charles A. Rolling registered surveyor No. 5569, be the same more or less.

Permanent Parcel Number: 001-02B-07-021

**EXHIBIT B**

**ANNEXATION OF 445 N. CARPENTER ROAD**

**BRUNSWICK HILLS TOWNSHIP**

**LIST OF OWNERS, MAILING ADDRESSES AND**

**PERMANENT PARCEL NUMBERS OF**

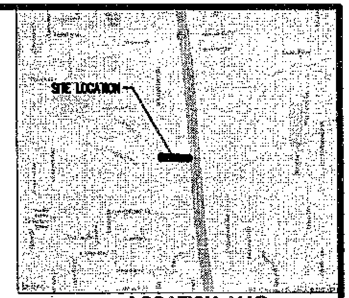
**ALL PARCELS ADJACENT TO TERRITORY BEING ANNEXED**

1. Concord Meadows & Greenbelt Association, Inc., P.O. Box 185, Brunswick, Ohio 44212, Permanent Parcel No. 003-18B-15-051;
2. Jay Kurowski, 431 N. Carpenter Road, Brunswick, Ohio 44212, Permanent Parcel No. 003-18B-15-098;
3. Jay Kurowski, 431 N. Carpenter Road, Brunswick, Ohio 44212, Permanent Parcel No. 003-18B-15-099;
4. James D. and Christine A. Tharp, 453 N. Carpenter Road, Brunswick, Ohio 44212, Permanent Parcel No. 003-18B-15-148.

# REGULAR ANNEXATION OF 1.4562 ACRES

## INTO THE CITY OF BRUNSWICK FROM BRUNSWICK HILLS TOWNSHIP

SITUATED IN THE TOWNSHIP OF BRUNSWICK HILLS, COUNTY OF MEDINA AND STATE OF OHIO, ALSO KNOWN AS PART OF ORIGINAL BRUNSWICK TOWNSHIP LOT No. 23, TRACT No. 2.




LOCATION MAP

ADJACENT PROPERTIES

| | OWNER'S NAME | TRANSFER DATE | INSTRUMENT NO. | PARCEL NO. | PROPERTY ADDRESS | TAX MAILING ADDRESS |
|---|---|---|---|---|---|---|
| A | Concord Meadows & Greenbelt Association, Inc. | 01/04/1991 | OR Vol. 591, Page 31 | 003-18B-15-051 | Pembrook Cove, Brunswick, Ohio, 44212 | P.O. Box 185, Brunswick, Ohio, 44212 |
| B | Jay Kurowski | 12/10/2013 | Doc. No. 2013OR032535 | 003-18B-15-098 | N. Carpenter Road, Brunswick, Ohio, 44212 | 431 N. Carpenter Road, Brunswick, Ohio, 44212 |
| C | Jay Kurowski | 12/10/2013 | Doc. No. 2013OR032535 | 003-18B-15-099 | N. Carpenter Road, Brunswick, Ohio, 44212 | 431 N. Carpenter Road, Brunswick, Ohio, 44212 |
| D | James D. & Christine A. Tharp | 02/28/1992 | OR Vol. 675, Page 516 | 003-18B-15-146 | 453 N. Carpenter Road, Brunswick, Ohio, 44212 | 453 N. Carpenter Road, Brunswick, Ohio, 44212 |

ANNEXED PROPERTY

| # | OWNER'S NAME | TRANSFER DATE | INSTRUMENT NO. | OLD PARCEL NUMBER | NEW PARCEL NUMBER | OLD PROPERTY ADDRESS | NEW PROPERTY ADDRESS | AREA | TAX MAILING ADDRESS |
|---|---|---|---|---|---|---|---|---|---|
| 1 | Katie A. Gilder | 06/01/2015 | Doc. No. 2015OR010668 | 001-02B-07-021 | | 445 Carpenter Road, Brunswick, Ohio, 44212 | 445 Carpenter Road, Brunswick, Ohio, 44212 | 1.4562 Ac. | 445 Carpenter Road, Brunswick, Ohio, 44212 |

SEPTEMBER 2015

ROLLING & HOCEVAR, INC.
A Geo Innovation Group Affiliate


CIVIL ENGINEERING & SURVEYING
257 SOUTH COURT STREET
SUITE 6
MEDINA, OHIO 44256
PHONE: (330)723-1828
FAX: (330)723-6637
PROJECT No. 31,628

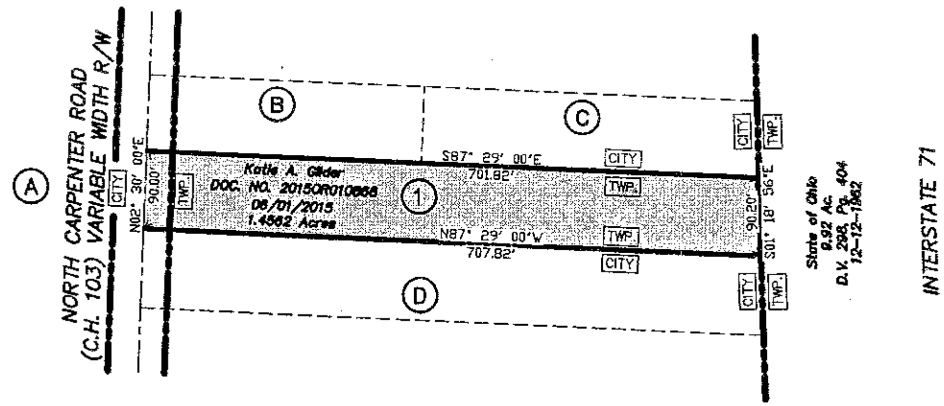

DWG. FILE: 31628_Annexation.dwg

North

AREA TO BE ANNEXED

0 100 200
SCALE: 1" = 100'

REFERENCES:
MEDINA COUNTY TAX MAPS SURVEY BOOKS
21/140A
MEDINA COUNTY RECORDER'S RECORDS
Plat Vol. 24, Page 10, Plat Vol. 24, Page 140




## CERTIFICATION:

I HEREBY CERTIFY THIS DRAWING TO HAVE BEEN CREATED BASED ON INFORMATION OF RECORD MADE BY ME AND/OR UNDER MY DIRECT SUPERVISION AND TO BE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

ANDREW G. PLANET, REG. SURVEYOR NO. S-7802

DATE

## ACCEPTANCE:

I THE UNDERSIGNED OWNER OR DULY APPOINTED REPRESENTATIVE THEREOF OF THE LANDS EMBRACED WITHIN THIS PLAT, HEREBY ACKNOWLEDGE THIS PLAT TO BE MY FREE ACT AND DEED. I CERTIFY THAT THERE ARE NO DELINQUENT TAXES OR ASSESSMENTS AGAINST THESE LANDS.

KATIE A. GILDER

STATE OF OHIO }
MEDINA COUNTY } SS

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED ______________ WHO ACKNOWLEDGE THAT SHE DID SIGN THE FOREGOING INSTRUMENT AND THAT THE SAME IS HIS FREE ACT AND DEED. IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY MY HAND AND AFFIXED MY OFFICIAL SEAL AT __________, ______ THIS ___ DAY OF __________, 2015.

NOTARY PUBLIC

EXHIBIT " C "

## ACCEPTANCE:

ACCEPTED BY THE CITY OF BRUNSWICK BY CITY COUNCIL RESOLUTION / ORDINANCE NO. ________ AT A REGULAR MEETING OF SAME HELD ON THIS THIS ______ DAY OF ____________, 20___ BY CLERK OF COUNCIL.

CLERK OF COUNCIL

## APPROVALS:

APPROVED BY THE MEDINA COUNTY BOARD OF COMMISSIONERS ON THIS THIS ______ DAY OF __________, 20____ BY:

MEDINA COUNTY COMMISSIONER – PRESIDENT

MEDINA COUNTY COMMISSIONER

MEDINA COUNTY COMMISSIONER

APPROVED FOR TRANSFER ____ DAY OF __________, 20___

TAX MAP DRAFTSMAN

RECEIVED FOR TRANSFER ____ DAY OF __________, 20___

COUNTY AUDITOR

RECEIVED AND RECORDED ____ DAY OF __________, 20___ AT ______ A.M./P.M. IN PLAT DOCUMENT No. __________

FEE $ __________

MEDINA COUNTY RECORDER

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 36-16

BY:

AN EMERGENCY RESOLUTION ACCEPTING THE PETITION FOR ANNEXATION OF 1.4562 ACRES OF LAND KNOWN AS BEING PART OF BRUNSWICK HILLS TOWNSHIP TO THE CITY OF BRUNSWICK, MEDINA COUNTY, OHIO.

WHEREAS: The Medina County Commissioners, on December 22, 2015, by Resolution No. 15-1058 attached hereto as Exhibit "A", approved the Petition for Regular Annexation on Application of Owner of 1.4562 acres of land known as being part of Brunswick Hills Township to the City of Brunswick, Medina County, Ohio;

WHEREAS: Pursuant to Ohio Revised Code Section 709.04, the legislative authority of the City of Brunswick must accept or reject the petition for annexation at the next regular session after the expiration of sixty (60) days of the date of filing the certified transcript of all orders of the board of county commissioners, the petition, map and all other papers on file relating to the annexation proceedings with the clerk of the municipal corporation, which occurred on April 6, 2016; and

WHEREAS: The Clerk of the municipal corporation is required to lay the transcript and the accompanying map or plat and petition before the legislative authority.

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

SECTION 1: That the Petition for Regular Annexation on Application of Owner of 1.4562 acres of land known as being part of Brunswick Hills Township is hereby accepted.

SECTION 2: That the Clerk is hereby authorized and ordered to make three (3) copies containing the petition, the map or plat accompanying the petition, a transcript of the proceedings of the board of county commissioners, and all resolutions and ordinances in relation to the annexation, with a certificate to each copy that it is correct. Each certificate shall be signed by the Clerk in her official capacity and shall be authenticated by the seal of the municipal corporation, if applicable.

SECTION 3: That the Clerk is hereby authorized and ordered to forthwith deliver one such copy of this Resolution to the Medina County Auditor, one such copy to the Medina County Recorder, and one such copy to the Ohio Secretary of State.

SECTION 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety and for the additional reason to comply with the time requirements of Ohio Revised Code Section 709.04. 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
Barbara J. Ortiz