



BRUNSWICK CITY COUNCIL AGENDA

Brian Ousley At-Large	Nicholas Hanek Ward 2	Patricia Hanek At-Large	Kenneth Fisher Law Director	Carl S. DeForest City Manager	Ron Falconi Mayor	Fijabi Julien-Gallam Council Clerk	Michael Abella Jr. Ward 1	Joseph Salzgeber Ward 3	Joseph Delsanter At-Large	Anthony Capretta Ward 4
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Administration Representatives

JULY 9, 2018

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of regular Council Meeting Minutes dated June 25, 2018.
 - (a) Regular Council Meeting Minutes dated June 25, 2018
5. Mayor's Report:
 - (a) Mayor's Court Financial Report for the month ending June 2018 will be posted on the website and added to the minutes for the record;
 - (b) Recognition of Officer Stefan Karthan upon his retirement from the Division of Police;
 - (c) Recognition of BHS Boys Rugby Team - Won their 3rd State Championship
 - (d) Mayor's Update
6. Clerk of Council's Report
7. Council Committee Reports:

Economic Development.....	Mr. Hanek
Services, Utilities, Technology & Cable.....	Mr. Salzgeber
(40) Services Committee Meeting Minutes dated June 25, 2018	
Finance Committee.....	Mrs. Hanek
Safety & Environment.....	Mr. Ousley
Planning & Zoning Committee.....	Mr. Delsanter
Parks, Recreation & Community Committee.....	Mr. Abella Jr.
(41) Parks Committee Meeting Minutes dated June 25, 2018	
Building & Building Code Committee.....	Mr. Capretta

8. Other Boards and Commissions
9. Petitions from the Public on Legislation
10. Reading of Legislation and Action on Legislation:
 - a. 3rd Reading(s)

ORD. NO. 41-18 - An ordinance establishing the pay range for the position of part-time Manager of Administrative Services in the Division of Administrative Services - **3rd Reading** (Committee-of-the-Whole, *Administration/Carl DeForest*)

RES. NO. 43-18 - A resolution authorizing the City Manager to enter into a grant agreement with Firststar Precision Corporation - **3rd Reading** (Economic Development Committee, *Administration/Grant Aungst*)

- b. 2nd Reading(s)

RES. NO. 45-18 - An emergency resolution authorizing the City Manager to enter into a Memorandum of Understanding and related easement documents with the Brunswick City School District - **2nd Reading** (Committee-of-the-whole, *Administration/Ken Fisher*)

ORD. NO. 46-18 - An emergency ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for multi-family dwelling units in all zoning districts and the issuance of such approvals - **2nd Reading** (Committee-of-the-Whole, *Administration/Ken Fisher*)

RES. NO. 48-18 - An emergency resolution authorizing the City Manager to enter into an addendum to the retainer agreement with Keith D. Weiner & Associates Co, LPA. for the collection of past due delinquent accounts. - **2nd Reading** (Finance Committee, *Administration/Todd Fischer*)

RES. NO. 50-18 - A resolution authorizing the city manager to enter into an agreement with blue oceans satellite systems inc. in an initial amount not to exceed \$47,761.50 with annual options subject to additional council approval for service department automated vehicle location software and declaring an emergency - **2nd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

ORD. NO. 51-18 - An ordinance establishing the position of part-time Hydrant Painter in the Division of Fire - **2nd Reading** (Safety & Environment Committee, *Administration/Jim Baird*)

ORD. NO. 52-18 - An ordinance establishing the pay range for the position of part-time Hydrant Painter in the Division of Fire - **2nd Reading** (Safety & Environment Committee, *Administration/Jim Baird*)

c. 1st Reading(s)

11. City Manager's Report
12. Administrative Departments
13. Open Forum
14. Unfinished Business
15. New Business
16. Adjournment

CITY OF BRUNSWICK, OHIO

MINUTES OF COUNCIL

MONDAY, JUNE 25, 2018

Prayer and Pledge of Allegiance: The regular meeting of Brunswick City Council was called to order by Mayor Ron Falconi at 7:30 p.m. at the Municipal Complex.

Roll Call of Council Members present: Anthony Capretta, Brian Ousley, Joseph Delsanter, Joseph Salzgeber, Michael Abella Jr., Nicholas Hanek, and Patricia Hanek.

Others Present: Mayor Ron Falconi, Council Clerk Fijabi Julien-Gallam, City Manager Carl S. DeForest and Law Director Ken Fisher.

Correspondence: There was none.

Approval of regular Council Meeting Minutes dated June 11, 2018:

Michael Abella Jr. moved to approve the regular Council Meeting Minutes dates June 11, 2018 as written, seconded by Patricia Hanek. Roll Call - Ayes - 7, Anthony Capretta, Brian Ousley, Joseph Delsanter, Joseph Salzgeber, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

Mayor's Report:

Recognition of Officer Lynda Reeves upon her retirement from the Division of Police:

Mayor Ron Falconi presented a proclamation to Lynda Reeves for her years of service with the City of Brunswick. Lynda Reeves expressed her loyalty and dedication to the City of Brunswick.

Recognition of Jeff Neidert upon his retirement from the Brunswick Area Television:

Mayor Ron Falconi presented a proclamation to Jeff Neidert for his years with the City of Brunswick. Mr. Neidert expressed that his 32 years working for the City of Brunswick has been an amazing learning experience. Mr. Neidert encouraged everyone to keep supporting the community.

Recognition of Brunswick Middle Schools Girls Rugby Team - Girls State Championship:

Mayor Ron Falconi presented a proclamation to the Brunswick Rookie Girls Rugby Team. He presented certificates to all 20 girls on the team and the two coaches. Coach Chris Altman and Drew Annach expressed their love for the sport.

Clerk of Council's Report:

The Clerk of Council announced that City Hall is closed on Independence Day, July 4, 2018.

Council Committee Reports:

Economic Development.....Mr.Hanek:

Nicholas Hanek moved to approve the formal report dated June 11, 2018 as written, seconded by Patricia Hanek. Roll Call - Ayes - 7, Anthony Capretta, Brian Ousley, Joseph Delsanter, Joseph Salzgeber, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

Services, Utilities, Technology & Cable.....Mr. Salzgeber:

Joseph Salzgeber moved to approve the formal report dated June 11, 2018 as written, seconded by Anthony Capretta. Roll Call - Ayes - 7, Anthony Capretta, Brian Ousley, Joseph Delsanter, Joseph Salzgeber, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

Finance Committee.....Mrs.Hanek:

Mrs. Hanek had no formal reports this evening.

Safety & Environment.....Mr.Ousley:

Brian Ousley moved to approve the formal report dated June 11, 2018 as written, seconded by Joseph Salzgeber. Roll Call - Ayes - 7, Anthony Capretta, Brian Ousley, Joseph Delsanter, Joseph Salzgeber, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

Planning & Zoning Committee.....Mr.Delsanter:

Mr. Delsanter had no formal reports this evening.

Parks, Recreation & Community Committee.....Mr. Abella Jr.:

Mr. Abella Jr. had no formal reports this evening.

Building & Building Code Committee.....Mr. Capretta:

Anthony Capretta moved to approve the formal report dated June 11, 2018 as written, seconded by Joseph Delsanter. Roll Call - Ayes - 7, Anthony Capretta, Brian Ousley, Joseph Delsanter, Joseph Salzgeber, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

Other Boards and Commissions:

Michael Abella Jr. moved to Postpone the Committee of the Whole Goal Setting Meeting Minutes dated April 17, 2018 Indefinitely and approve the Committee of the Whole meeting minutes dated June 11, 2018 as written, seconded by Patricia Hanek. Roll Call - Ayes - 7, Anthony Capretta, Brian Ousley, Joseph Delsanter, Joseph Salzgeber, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

Petitions from the Public on Legislation: There was none.

Reading of Legislation and Action on Legislation:

3rd Reading(s)

RES. NO. 37-18 - An emergency resolution authorizing the City Manager to enter into an agreement with Air Force One for the replacement of the Brunswick Community Recreation & Fitness Center HVAC unit in an amount not to exceed \$116,911.00 - **3rd Reading** (Parks, Recreation & Community Committee, *Administration/John Piepsny*):

Michael Abella Jr. moved to adopt, seconded by Patricia Hanek. Roll Call - Ayes - 7, Anthony Capretta, Brian Ousley, Joseph Delsanter, Joseph Salzgeber, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

Mr. Piepsny remarked that this legislation would allow the City Manager to replace the 26-year-old HVAC unit at the Recreation and Fitness Center.

2nd Reading(s)

ORD. NO. 41-18 - An ordinance establishing the pay range for the position of part-time Manager of Administrative Services in the Division of Administrative Services - **2nd Reading** (Committee-of-the-Whole, *Administration/Carl DeForest*) :

ORD. NO. 41-18 - Michael Abella Jr. moved this ordinance to third reading.

RES. NO. 43-18 - A resolution authorizing the City Manager to enter into a grant agreement with Firststar Precision Corporation - **2nd Reading** (Economic Development Committee, *Administration/Grant Aungst*):

RES. NO. 43-18 - Nicholas Hanek moved this resolution to third reading.

1st Reading(s)

RES. NO. 45-18 - An emergency resolution authorizing the City Manager to enter into a Memorandum of Understanding and related easement documents with the Brunswick City School District - **1st Reading** (To be brought from Committee-of-the-whole, *Administration/Ken Fisher*):

RES. NO. 45-18 - Michael Abella Jr. moved this resolution to second reading.

ORD. NO. 46-18 - An emergency ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for multi-family dwelling units in all zoning districts and the issuance of such approvals - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*):

ORD. NO. 46-18 - Michael Abella Jr. moved this ordinance to second reading.

RES. NO. 47-18 - An emergency resolution amending Resolution NO. 39-18 by increasing the city's local cost share for the North Carpenter road project to an amount not to exceed \$3,256,830.51 - **1st**

Reading (To be brought from Committee-of-the-whole, *Administration/Matt Jones*):

Michael Abella Jr. moved to suspend the rules, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Anthony Capretta, Brian Ousley, Joseph Delsanter, Joseph Salzgeber, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

Mr. Jones explained that this legislation is to amend Resolution NO. 39-18. It's to increase the council's appropriation for the local share of the North Carpenter Road Project from \$3,256,827.09 to \$3,256,830.51. The increase is \$3.42 to cover the Ohio Department of Transportation (ODOT) invoice.

Michael Abella Jr. moved to adopt, seconded by Joseph Salzgeber. Roll Call - Ayes - 7, Anthony Capretta, Brian Ousley, Joseph Delsanter, Joseph Salzgeber, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

RES. NO. 48-18 - An emergency resolution authorizing the City Manager to enter into an addendum to the retainer agreement with Keith D. Weiner & Associates Co, LPA. for the collection of past due delinquent accounts. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*):

RES. NO. 48-18 - Patricia Hanek moved this resolution to second reading.

RES. NO. 49-18 - An emergency resolution authorizing the City Manager to enter into an agreement with Set in Stone Contracting, LLC for the 2018 Catch Basin Repair Program in an amount not to exceed \$94,740.00 - **1st Reading** (To be brought from Services, Utilities, Technology & cable Committee, *Administration/Matt Jones*):

Joseph Salzgeber moved to suspend the rules, seconded by Anthony Capretta. Roll Call - Ayes - 7, Anthony Capretta, Brian Ousley, Joseph Delsanter, Joseph Salzgeber, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

Mr. Jones remarked that this legislation is to award a contract for the city's annual Catch Basin Repair Program (54 locations). The lowest and best bidder was Set in Stone Contracting. This project is under the Storm Water Utility funds.

Joseph Salzgeber moved to adopt, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Anthony Capretta, Brian Ousley, Joseph Delsanter, Joseph Salzgeber, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

RES. NO. 50-18 - A resolution authorizing the City Manager to enter into an agreement with Blue Oceans Satellite Systems Inc., in an initial amount not to exceed \$47,761.50 with annual options subject to additional council approval for service department automated vehicle location software and declaring an emergency - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*):

RES. NO. 50-18 - Joseph Salzgeber moved this resolution to second reading.

ORD. NO. 51-18 - An ordinance establishing the position of part-time Hydrant Painter in the Division of Fire - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Jim Baird*):

ORD. NO. 51-18 - Brian Ousley moved this legislation to second reading.

ORD. NO. 52-18 - An ordinance establishing the pay range for the position of part-time Hydrant Painter in the Division of Fire - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Jim Baird*):

ORD. NO. 52-18 - Brian Ousley moved this legislation to second reading.

City Manager's Report:

City Manager Carl DeForest

- Recognized two retirees, Jeff Neidert and Lynda Reeves, for their dedicated services to the community.
- Reminded everyone that Relay for Life is Saturday, June 30, 2018, from 3:00 p.m. to 9:00 p.m. at the Brunswick High School. He encouraged everyone to stop by the high school to participate in the Relay for Life.
- Remarked that Brunswick City Hall and the Recreation & Fitness Center is closed July 4, 2018, because of Independence Day. He reminded everyone that the trash collection for the week of 4th of July is delayed by one day.
- Encouraged everyone to partake in the Farmers Market at the Historical Society on Laurel Road. The Farmer's Market starts at 11:00 a.m. and ends at 2:00 pm every Sunday until October.

Administrative Departments:

Finance Director Todd Fischer

- Remarked that he is updating the city's Investment Policy, and anticipating to be done with the policy in September.
- Reminded everyone that Relay for Life is Saturday, June 30, 2018, from 3:00 p.m. to 9:00 p.m. at the Brunswick High School.

Brunswick Area Television Manager Jeff Neidert

- Announced that the council approved the replacement of the playback system at the last meeting. He remarked that the playback system is expected to be installed in mid-July. He explained if channels are down during the installation, they will inform the community.
- Recognized the community volunteers that do programs regularly with the Brunswick Area Television (BAT). He explained that BAT helped individuals in producing TV shows. He expressed that public access would not exist without those volunteers.

- Announced that the Access Specialist Tom Keppler is his replacement. He expressed that Mr. Keppler will do a great job for the city.
- Acknowledged Ben Staunton and Ted Hruschak for their years of service with Brunswick Area Television. He wished the entire staff of the city a great success and good luck in the future as they continue the mission of the City of Brunswick.

City's Engineer Matt Jones

- Noted that the 2018 Concrete Repair Program has begun and all Wards should be completed in July.
- Noted that the Asphalt Road Program is scheduled to begin on July 2, 2018, and it should take about 60 days. The road work will primarily be on Pinewood Drive, Charles Drive, and Ridgeview Drive.
- Mentioned that the Laurel Road project runs from Pearl Road to Brintnall Drive, is expected to start in July and it will take approximately 90 days to complete.
- Added that the OPWC street reconstruction project is expected to start in late August on Beverly Hills Drive and Magnolia Drive, from Pearl Road to Judita Drive.
- Remarked that on Junior Pkwy, from Briarleigh Drive to Bettie Ln, there will be some drainage work in that area.
- Extended his congratulation to Lynda Reeves and Jeff Neidert for their retirement.

Recreation Director John Piepsny

- Reiterated that the Brunswick Historical Society Farmers Market is on Sundays from 11:00 AM to 2:00 PM. He noted that the farmers market is holding their 2nd annual ice cream social from 12:00 PM to 2:00 PM on July 1, 2018. The inaugural Children's Character Costume Parade is at 12:00 PM on July 1, 2018.
- Added that the Recreation & Fitness Center is closed July 4, 2018.
- Announced that the city's fireworks are Saturday, June 30, 2018, at 10:00 PM.

Open Forum: There was none.

Unfinished Business:

Consideration of a new liquor permit from Ritos Inc. DBA Ritos Bakery & Deli, 1930 Pearl RD., the first floor and Basement only., Brunswick, OH 44212:

The Council and the city's administration had no objections.

Councilmen Delsanter remarked that he watched and listened to people express the great work that people like retiree Lynda Reeves has done. He expressed his appreciation for the work ethic Lynda Reeves, and Jeff Neidert have done over the years with the city. He remarked that he admires the people that can weather the storm of politicians and function in a positive way. He noted that Mr. Neidert is an example for many people. He congratulated Mr. Neidert on his retirement. Mr. Delsanter

expressed his appreciation for the Brunswick Girls Rookie Rugby team representing the city. The sport demands sportsmanship.

Councilmen Ousley noted that Ordinance 46-18 was moved to second reading this evening; however, in Committee of the Whole Council moved legislation to be adopted with the suspension of the rules. Law Director Fisher announced that the existed Moratorium is still in place, so is additional time for a second or third reading.

New Business:

Consideration of a new liquor permit from Venthly T Tran DBA Glamour Nails at 3811 Center Road., Brunswick, OH, 44212:

The Council and the city's administration had no objections.

Consideration of a new liquor permit from Lambert United Enterprises LLC at 3305 Center Road., Brunswick, OH 44212:

The Council and the city's administration had no objections

Adjournment:

Michael Abella Jr. moved to adjourn, seconded by Joseph Salzgeber. Roll Call - Ayes - 7, Anthony Capretta, Brian Ousley, Joseph Delsanter, Joseph Salzgeber, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

There being no further business, the meeting adjourned at 8:05 p.m.

Respectfully submitted,

Fijabi Julien-Gallam, CMC

Clerk of Council

Mayor Ron Falconi

Adopted

July 2, 2018

TO: CITY COUNCIL
FROM: CLERK OF COURTS
RE: MONTHLY REPORT TO COUNCIL PER O.R.C.
FOR THE MONTH OF JUNE 2018

WAIVERS/COURT/BONDS

DEPOSITS (June) 41,397.88

DEBITS (June) (41,252.88)

Checks to be written in June:

Treasurer State of Ohio	\$ 6,104.00
City of Medina MIATF	\$ 50.00
City of Medina IDATF	\$ 153.00
City of Brunswick Finance Dept/Police Fund *	\$33,735.88
Misc Checks (bond refunds & transfers/restitution)	<u>\$ 1,210.00</u>
TOTAL for the month	\$41,252.88

*Check includes amounts to: Court Computer Fund and Education & Enforcement Fund

Service Charges/Fees for prior month	\$280.12
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MAYOR RONALD FALCONI



TERESA BENO, CLERK OF COURTS

SERVICES, UTILITIES, TECHNOLOGY & CABLE COMMITTEE

June 25, 2018

IN ATTENDANCE: Chairman Joseph Salzgeber, Committee Member Nicholas Hanek, Committee Member Anthony Capretta, Michael Abella Jr., Patricia Hanek, Joseph Delsanter, Brian Ousley, City Manager Carl DeForest, Parks & Recreation Director John Piepsny, Law Director Kenneth Fisher, Finance Director Todd Fischer, Chief Jim Baird, Administrative Services Julie Murawski, Community & Economic Development Director Grant Aungst, Service Director Paul Barnett, Engineer Matt Jones, Council Clerk Fijabi Julien-Gallam, News Media.

The meeting convened at: 6:35 p.m.

REVIEW LEGISLATION:

RES. NO. 49-18 – An emergency resolution authorizing the City Manager to enter into an agreement with Set in Stone Contracting, LLC for the 2018 Catch Basin Repair Program in an amount not to exceed \$94,740.00

Mr. Jones advised Set in Stone was the low bidder; they are the same company that did the catch basin repair program the last two years.

The project consists of 54 catch basins throughout the City.

Mr. Hanek moved this resolution to tonight's Council Agenda of June 25, 2018 as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

RES. NO. 50-18 – A resolution authorizing the City Manager to enter into an agreement with Blue Oceans Satellite Systems Inc., in an initial amount not to exceed \$47,761.50 with annual options subject to additional Council approval for Service Department automated vehicle location software and declaring an emergency

Mr. Barnett explained this resolution is for the automatic vehicle location system; two bids were received, the lowest and best bid meeting the specifications was from Blue Oceans Satellite Systems.

Mr. Barnett advised this system will track the locations and services provided by the service trucks, it will allow for the management and tracking of rock salt. The system will tell what each truck puts out on a storm by storm basis. Additionally, he noted the tracking will also be used for the street sweeper to identify what locations were swept and what needs swept.

Mr. Ousley asked if there was additional cost other than then the \$47,761.60, to put the system on the trucks.

In response Mr. Barnett noted the \$47,761.60 is to put the equipment on the trucks and also for the first year of service. Each year after the charge is \$7,500.00 for the cellular phone service, and maintaining the data base, and software.

Mr. Barnett noted the City of Akron has used this type of system for a number of years.

Mr. Capretta moved this resolution to tonight's Council Agenda of June 25, 2018 as an emergency for three readings. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Salzgeber asked if there was an update on the county trash facility.

It was the understanding of Mr. Barnett that the county was still in negotiations.

Mr. Barnett brought up a chronic sink hole at the intersection of SR 303 and W. 130th Street, the City has filled it four times, the county has also been responsive and performed dye tests and could not find the problem, the City is going to do a hydro excavation and backfill.

Additionally, the service department has been using the duro-patcher there has been some complaints about stone on the curbed streets, and those streets will be swept.

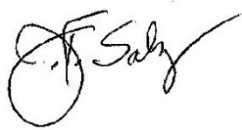
Mr. Delsanter mentioned the duro patch repair on Skyview Drive, he noted the job was complete and he has not had any complaints about it.

Mr. Capretta mentioned a sink hole he was made aware of he will get the address to Mr. Barnett.

ADJOURNMENT:

Being no further business, Mr. Capretta moved to adjourn at 6:45 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Salzgeber", with a stylized flourish at the end.

Joseph Salzgeber
Chairman

PARKS, RECREATION & COMMUNITY COMMITTEE

June 25, 2018

IN ATTENDANCE: Chairman Michael Abella Jr., Committee Member Patricia Hanek, Committee Member Anthony Capretta, Joseph Delsanter, Joseph Salzgeber, Nicholas Hanek, Brian Ousley, City Manager Carl DeForest, Parks & Recreation Director John Piepsny, Law Director Kenneth Fisher, Finance Director Todd Fischer, Chief Jim Baird, Administrative Services Julie Murawski, Community & Economic Development Director Grant Aungst, Service Director Paul Barnett, Engineer Matt Jones, Council Clerk Fijabi Julien-Gallam, News Media.

The meeting convened at 6:28 p.m.

GENERAL DISCUSSION:

Mr. Piepsny provided an update to the committee, he brought up the tennis courts at Boston Mills, and Neura Park which are aging and in need of repair; his suggestion was to take appropriate action since the high school tennis teams plays on those courts. One quote was received for \$75,000.00 for the seven courts. Mr. Piepsny noted the courts at Boston Mills were in very poor condition.

Mr. Abella asked if this was something to be done this year, and Mr. Piepsny noted it would be for the 2019 budget.

Mr. Piepsny noted if the project is to be done, he would go out for bids for the project, however, he wanted to bring it to the committee's attention.

Mr. Abella asked about possible grants or donations. He noted this was something the committee can discuss later in the year for the 2019 budget.

ADJOURNMENT:

Being no further business, Mrs. Hanek moved to adjourn at 6:35 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Abella Jr.", is written over a light gray rectangular background.

Michael Abella Jr.
Chairman

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 07/09/2018

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 41-18** - An ordinance establishing the pay range for the position of part-time Manager of Administrative Services in the Division of Administrative Services - **3rd Reading** (Committee-of-the-Whole, *Administration/Carl DeForest*)

BACKGROUND: Council has established the position of part-time Administrative Services Manager by separate Ordinance and a pay range is necessary for the position.

PURPOSE AND EXPLANATION: Council wishes to establish a pay range for the position of part-time Administrative Services Manager.

The following hourly pay range is:

\$9.50 - \$35.00

IMPLEMENTATION SCHEDULE: To be effective as soon as allowed by law.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: It is currently intended that this part-time position will eventually replace the current full-time position. This will be a part of the 2019 budget proposal to City Council. If an overlap situation for training purposes were need to occur in 2018, the Administration may need to propose a 2018 budget amendment (legislation) to Council. This position is anticipated to be budgeted no more than twenty-eight (28) hours per week to comply with the part time hours policy.

Hourly pay range to be:

\$9.50 - \$35.00

RECOMMENDED ACTION:

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

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

This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO

ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING THE PAY RANGE FOR THE POSITION
OF PART-TIME MANAGER OF ADMINISTRATIVE SERVICES IN THE
DIVISION OF ADMINISTRATIVE SERVICES.

WHEREAS: Council wishes to establish a pay range for the position of part-time Manager of
Administrative Services in the Division of Administrative Services.

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

SECTION 1: The following pay range is hereby established, subject to annual appropriations by
City Council:

POSITION

RANGE

Manager of Administrative Services

\$9.50/hour to \$35.00/hour

SECTION 2: 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
Fijabi Julien-Gallam

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 41-18

BY: Committee-of-the-Whole

AN ORDINANCE ESTABLISHING THE PAY RANGE FOR THE POSITION
OF PART-TIME MANAGER OF ADMINISTRATIVE SERVICES IN THE
DIVISION OF ADMINISTRATIVE SERVICES.

WHEREAS: Council wishes to establish a pay range for the position of part-time Manager of Administrative Services in the Division of Administrative Services.

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

SECTION 1: The following pay range is hereby established, subject to annual appropriations by City Council:

<u>POSITION</u>	<u>RANGE</u>
Manager of Administrative Services	\$9.50/hour to \$35.00/hour

SECTION 2: 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
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 07/09/2018

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 43-18** - A resolution authorizing the City Manager to enter into a grant agreement with Firststar Precision Corporation - **3rd Reading** (Economic Development Committee, *Administration/Grant Aungst*)

BACKGROUND: City Administration has been in discussions with the new purchaser of an existing building in the City's industrial park regarding relocating the business to the City and potential upgrades to the existing structure and site, including additional staffing. Discussions involve economic development incentives that may be available.

PURPOSE AND EXPLANATION: The City has in place an economic development program to promote the creation of jobs and stimulate economic growth. As part of the agreement, the City shall provide Firststar Precision Corporation with an annual grant in an amount equal to 50% of Municipal Income Tax Receipts, as defined in the agreement, upon annual employee payroll performed in the City per Ohio Revised Code Section 718.02(A)(2) between \$1,500,000 and \$3,500,000. No grant shall be paid from Municipal Income Tax Receipts on employee payroll less than \$1,500,000 or greater than \$3,500,000. In order to receive and retain the grant for a maximum of four (4) years, Firststar Precision Corporation shall retain a business operation in the City, currently located or to be located at 2867 Nationwide Parkway, Brunswick, Ohio, 44212 for a minimum period of eight (8) years.

IMPLEMENTATION SCHEDULE: Estimated January, 2019.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Fiscal approval for this agreement and each applicable year will be done through an annual purchase order, subject to Council's appropriation and the applicable tax rate in existence at the time. The estimated \$20,000 amount for the completed year of 2019 is the calculated not to exceed maximum amount for the first year of the agreement provided all applicable conditions in the agreement are met, tax rates remain the same and sufficient appropriations have been passed by Council.

RECOMMENDED

ACTION:

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

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

**ADDITIONAL
INFORMATION:**

GRANT AGREEMENT

THIS GRANT AGREEMENT (the “Agreement”) is entered into by and between the City of Brunswick, Ohio, a municipal corporation duly organized and validly existing under the Constitution and laws of the State of Ohio (the “City”), and Firststar Precision Corporation, an Ohio corporation (hereinafter “Firststar”).

RECITALS:

WHEREAS, in accordance with applicable Ohio law as detailed in Ohio Revised Code Sections 718.15 and/or 718.151, as may be amended from time to time, the City has developed a program to promote the creation of jobs and stimulate economic development in the City; and

WHEREAS, the City hereby enters into this Agreement to promote the creation of jobs and stimulate economic development in the City.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and intending to be legally bound, the Parties hereto agree as follows:

A. Firststar – Representations, Covenants and Warranties.

- 1) In order to receive and retain the Grant as described in Section B below, Firststar shall retain a business operation in the City, currently located or to be located at 2867 Nationwide Parkway, Brunswick, Ohio 44212 (the “Premises”), for a minimum period of eight (8) years commencing on the first (1st) day of the fiscal year following full execution of this Agreement (the “Commencement Date”) and maintain a minimum annual employee payroll performed in the City per Ohio Revised Code Section 718.02(A)(2) of \$1,500,000.00 during such eight (8) year period (the “Minimum Annual Employee Payroll”). If Firststar relocates its business operations outside of the corporate limits of the City prior to the

expiration of such eight (8) year period or fails to maintain a Minimum Annual Employee Payroll performed in the City per Ohio Revised Code Section 718.02(A)(2) of \$1,500,000.00 during such eight (8) year period, any and all Grant amounts provided pursuant to this Agreement shall be deemed refundable and Firststar shall repay the City the full amount of all Grants received hereunder promptly upon written notice from the City and this Agreement shall automatically terminate.

- 2) If at any time during the term of this Agreement, Firststar or any employees of Firststar were to file and receive a tax refund on any payroll previously taxed by the City pursuant to this Agreement, Firststar shall be required to repay, promptly upon written notice from the City, the Grant amount equal to the tax refund issued.

B. Grants.

- 1) The City shall provide Firststar with an annual grant (the “Grant”) in an amount equal to 50% of Municipal Income Tax Receipts, as defined hereinbelow, upon annual employee payroll performed in the City per Ohio Revised Code Section 718.02(A)(2) between \$1,500,000.00 and \$3,500,000.00. No Grant shall be paid from Municipal Income Tax Receipts on employee payroll less than \$1,500,000.00 or greater than \$3,500,000.00. Such Grant shall be payable solely from City Non-Tax Revenues, as defined hereinbelow.

“Municipal Income Tax Receipts”, as used herein, means the municipal income taxes actually received by the City during the twelve (12) month period commencing on the Commencement Date, and each twelve (12) months thereafter for the term of this Agreement, derived from the employees of Firststar performing

services in the City.

“Non-Tax Revenues”, as used herein, means all moneys of the City which are not moneys raised by taxation, to the extent available for the purpose of making any payments required hereunder, including, but not limited to, the following: (a) grants from the United States of America and the State of Ohio; (b) payments in lieu of taxes now or hereafter authorized by State statute to the extent not pledged to pay debt charges on other City indebtedness; (c) fines and forfeitures which are deposited in the City’s General Fund; (d) fees deposited in the City’s General Fund for services provided and from properly imposed licenses and permits; (e) investment earnings on the City’s General Fund; (f) investment earnings on other funds of the City that are credited to the City’s General Fund; (g) proceeds from the sale of assets which are deposited in the City’s General Fund; (h) gifts and donations; and (i) all rental payments which are deposited in the City’s General Fund.

Nothing herein shall be construed as requiring the City to use or apply to the payment of its obligation hereunder any funds or revenues from any source other than Non-Tax Revenues; provided, however, that nothing herein shall be deemed to prohibit the City, at its sole discretion, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Agreement. The obligation to make any Grant hereunder shall terminate immediately if Firststar ceases business operations within the corporate limits of the City or otherwise fails to fulfill its obligations under this Agreement.

- 2) The annual Grant set forth above shall continue for a period of four (4) consecutive twelve (12) month periods from the Commencement Date unless earlier terminated as set forth in this Agreement.
- 3) The Grant required hereunder shall be made to Firststar upon the occurrence of the following: (a) the City's actual receipt of Municipal Income Tax Receipts; (b) the City's actual receipt of all necessary municipal tax returns from Firststar; and (c) the City's receipt, review and approval of any requested supporting documentation as required herein.

Any Grant payment required hereunder shall be made by check payable to Firststar, to be forwarded by regular U.S. mail within ninety (90) days of payment and filing all necessary municipal tax returns and forms with the City for the subject twelve (12) month period, to the notice address provided in Section C below, as may be updated by written notice to the City from time to time.

C. Additional Covenants and General Conditions.

- 1) This Agreement is specifically conditioned upon enactment by the Brunswick City Council of a Resolution approving this Agreement.
- 2) Firststar may not assign its rights under this Agreement without the express written consent of the City.
- 3) Firststar agrees to provide the City with information reasonably requested by the City to evaluate Firststar's compliance with this Agreement and to calculate the amount due hereunder.
- 4) A notice, demand, or other communication that may be provided or is otherwise

required under this Agreement shall be sufficiently given or delivered if it is mailed by registered or certified mail, postage prepaid, return receipt requested, or delivered personally as follows:

To the City:

City of Brunswick
Attn: City Manager
Brunswick City Hall
4095 Center Road
Brunswick, OH 44212

To Firstar:

Firstar Precision Corporation
Attn: David Tenny, President

- 5) This Agreement shall be governed exclusively by and construed in accordance with the laws of the State of Ohio.
- 6) This Agreement may be executed in several counterparts, each of which shall be deemed to be an original but altogether shall constitute only one and the same instrument. Signatures or counterparts delivered by email, facsimile or other electronic means shall be deemed binding originals.

[SIGNATURE PAGE TO FOLLOW]

WHEREFORE, the Parties hereto have caused this Grant Agreement to be executed as of the dates indicated below.

CITY OF BRUNSWICK, OHIO

FIRSTAR PRECISION CORPORATION

Carl S. DeForest, City Manager

David Tenny, President

Date:_____

Date:_____

Approved as to form:

Kenneth J. Fisher, Law Director

Date:_____

This Grant Agreement has been approved by Brunswick City Council per Resolution No. _____ adopted on _____, _____, 2018.

Fijabi Julien-Gallam, Clerk of Council

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A
GRANT AGREEMENT WITH FIRSTAR PRECISION CORPORATION.

WHEREAS: In accordance with applicable Ohio law, the City has developed a program to promote the creation of jobs and stimulate economic development in the City;

WHEREAS: The City is desirous of entering into a Grant Agreement with Firstar Precision Corporation to promote the creation of jobs and stimulate economic development in the City.

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

SECTION 1: That the City Manager, upon approval of the Law Director, is authorized and directed to enter into the Grant Agreement with Firstar Precision Corporation, as attached hereto as Exhibit "A".

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 43-18

BY: Mr. Hanek, Mr. Ousley and Mrs. Hanek

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A
GRANT AGREEMENT WITH FIRSTAR PRECISION CORPORATION.

WHEREAS: In accordance with applicable Ohio law, the City has developed a program to promote the creation of jobs and stimulate economic development in the City;

WHEREAS: The City is desirous of entering into a Grant Agreement with Firstar Precision Corporation to promote the creation of jobs and stimulate economic development in the City.

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

SECTION 1: That the City Manager, upon approval of the Law Director, is authorized and directed to enter into the Grant Agreement with Firstar Precision Corporation, as attached hereto as Exhibit "A".

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

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 07/09/2018

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 45-18** - An emergency resolution authorizing the City Manager to enter into a Memorandum of Understanding and related easement documents with the Brunswick City School District - **2nd Reading** (Committee-of-the-whole, *Administration/Ken Fisher*)

BACKGROUND: The City is willing to grant the Brunswick City School District (the "School District") a non-exclusive, temporary access easement over a portion of the City Property.

**PURPOSE AND
EXPLANATION:**

**IMPLEMENTATION
SCHEDULE:**

**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?

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND RELATED EASEMENT DOCUMENTS WITH THE BRUNSWICK CITY SCHOOL DISTRICT.

WHEREAS: The City is the owner of the real property located at 4274 Manhattan Avenue, Brunswick, Ohio known as PPN 003-18D-01-061, which is improved with a structure and parking lot for use by the Brunswick Area Television Studios (the “City Property”);

WHEREAS: The City is willing to grant the Brunswick City School District (the “School District”) a non-exclusive, temporary access easement over a portion of the City Property (the “Easement Premises”), subject to the terms and conditions contained in the Memorandum of Understanding as attached hereto as Exhibit “1” and incorporated herein by reference, to allow for access to the School District’s adjacent property from Manhattan Avenue for construction purposes;

WHEREAS: The School District is willing to construct, at its sole cost and expense, an asphalt parking lot on the City Property (the “Parking Lot”); and

WHEREAS: The City is willing to grant the School District a non-exclusive, permanent parking easement (the “Parking Easement”) on the Parking Lot, subject to the terms and conditions contained in the Memorandum of Understanding.

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

SECTION 1: That the City Manager is authorized and directed, upon approval of the Law Director, to enter into a Memorandum of Understanding with the Brunswick City School District, as attached hereto as Exhibit “1” and incorporated herein by reference.

SECTION 2: That the City Manager is authorized and directed, upon approval of the Law Director, to enter into a Temporary Access Easement Agreement with the Brunswick City School District relative to the Easement Premises, as attached as Exhibit “B” to the Memorandum of Understanding.

SECTION 3: That the City Manager is authorized and directed, upon approval of the Law Director, to enter into a Parking Easement Agreement with the Brunswick City School District relative to the Parking Easement, as attached as Exhibit “C” to the Memorandum of Understanding.

SECTION 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to allow for immediate construction access. 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
Fijabi Julien-Gallam, CMC

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 45-18

BY: Committee of the Whole

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND RELATED EASEMENT DOCUMENTS WITH THE BRUNSWICK CITY SCHOOL DISTRICT.

WHEREAS: The City is the owner of the real property located at 4274 Manhattan Avenue, Brunswick, Ohio known as PPN 003-18D-01-061, which is improved with a structure and parking lot for use by the Brunswick Area Television Studios (the “City Property”);

WHEREAS: The City is willing to grant the Brunswick City School District (the “School District”) a non-exclusive, temporary access easement over a portion of the City Property (the “Easement Premises”), subject to the terms and conditions contained in the Memorandum of Understanding as attached hereto as Exhibit “1” and incorporated herein by reference, to allow for access to the School District’s adjacent property from Manhattan Avenue for construction purposes;

WHEREAS: The School District is willing to construct, at its sole cost and expense, an asphalt parking lot on the City Property (the “Parking Lot”); and

WHEREAS: The City is willing to grant the School District a non-exclusive, permanent parking easement (the “Parking Easement”) on the Parking Lot, subject to the terms and conditions contained in the Memorandum of Understanding.

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

SECTION 1: That the City Manager is authorized and directed, upon approval of the Law Director, to enter into a Memorandum of Understanding with the Brunswick City School District, as attached hereto as Exhibit “1” and incorporated herein by reference.

SECTION 2: That the City Manager is authorized and directed, upon approval of the Law Director, to enter into a Temporary Access Easement Agreement with the Brunswick City School District relative to the Easement Premises, as attached as Exhibit “B” to the Memorandum of Understanding.

SECTION 3: That the City Manager is authorized and directed, upon approval of the Law Director, to enter into a Parking Easement Agreement with the Brunswick City School District relative to the Parking Easement, as attached as Exhibit “C” to the Memorandum of Understanding.

SECTION 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to allow for immediate construction access. 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
Fijabi Julien-Gallam, CMC

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (the "MOU") is entered into by and between the City of Brunswick, a chartered municipal corporation existing and operating pursuant to the laws of the State of Ohio (the "City") and the Brunswick City School District, a political subdivision of the State of Ohio (the "School District").

WHEREAS, the City is the owner of the real property located at 4274 Manhattan Avenue, Brunswick, Ohio known as PPN 003-18D-01-061, which is improved with a structure and parking lot for use by the Brunswick Area Television Studios (the "City Property");

WHEREAS, the City is willing to grant the School District a non-exclusive, temporary access easement (the "Temporary Access Easement") over a portion of the City Property, as generally depicted on the Map attached hereto as Exhibit "A" and incorporated herein by reference (the "Easement Premises"), subject to the terms and conditions contained herein;

WHEREAS, the School District is willing to construct, at its sole cost and expense, an asphalt parking lot on the City Property, as generally depicted on the Map attached hereto as Exhibit "A" and incorporated herein by reference (the "Parking Lot"), subject to the terms and conditions contained herein; and

WHEREAS, the City is willing to grant the School District a non-exclusive, permanent parking easement (the "Parking Easement") on the Parking Lot, as generally depicted on the Map attached hereto as Exhibit "A" and incorporated herein by reference, subject to the terms and conditions contained herein.

NOW THEREFORE, in consideration of the following terms and conditions hereinafter set forth, the parties hereto agree as follows:

- 1) The City will grant the School District the Temporary Access Easement over the Easement Premises, the form of the Temporary Access Easement Agreement attached hereto as Exhibit "B" and incorporated herein by reference, which shall be recorded with the Medina County Recorder at the School District's sole cost and expense.
- 2) The City will grant the School District the Parking Easement on the Parking Lot, the form to the Parking Easement Agreement attached hereto as Exhibit "C" and incorporated herein by reference, which shall be recorded with the Medina County Recorder at the School District's sole cost and expense.
- 3) The School District shall, at its sole cost and expense:
 - a) Maintain the Easement Premises during the term of the Temporary Access Easement.
 - b) Maintain public liability insurance on the Easement Premises in an amount not less than what is customarily maintained by the School District, which



certificate of insurance shall name the City as an additional insured and expressly provide that same shall not be terminated without thirty (30) days prior written notice to the City.

- 4) Upon expiration or earlier termination of the Temporary Access Easement, the School District shall, at its sole cost and expense:
 - a) Restore the Easement Premises and/or any other disturbed areas of the City Property to a condition wherein the Easement Premises can be utilized for parking to service the City Property.
 - b) Record all necessary documents with the Medina County Recorder to effectuate the termination of the Temporary Access Easement.
- 5) In consideration for the grant of the Temporary Access Easement and Parking Easement, the School District shall construct, maintain and repair, at its sole cost and expense, the Parking Lot with not less than thirteen (13) striped parking spaces, which shall conform with applicable ADA requirements. Construction on the Parking Lot shall begin as soon as practical upon receipt of all necessary governmental approvals.
- 6) This MOU may not be assigned without the prior written consent of the Parties hereto.
- 7) In the event of a material default by either Party in the performance of its obligations hereunder, the non-defaulting Party shall deliver to the other Party written notice setting forth the nature of the default. The defaulting Party shall have thirty (30) days to cure the default. If the default is not cured to the satisfaction of the non-defaulting Party within such thirty (30) day period, the non-defaulting Party may initiate any and all legal action to ensure performance of this MOU or pursue any other remedy at law, including, without limitation, termination of the Temporary Access Easement Agreement.
- 8) This MOU shall be governed by the laws of the State of Ohio. This MOU contains the entire agreement between the Parties and any amendment hereto shall be mutually agreed upon in writing by the Parties hereto.
- 9) All notices which either Party hereto may give shall be addressed, in the case of the City, as follows:

The City of Brunswick
Attn: Carl S. DeForest, City Manager
4095 Center Road
Brunswick, Ohio 44212
cdeforest@brunswick.oh.us

With a copy to:

Kenneth J. Fisher, Law Director
2100 Terminal Tower
50 Public Square
Cleveland, Ohio 44113
kfisher@fisher-lpa.com

And in the case of the School District, as follows:

Brunswick City School District
Attn: Michael Mayell, Superintendent
3643 Center Road
Brunswick, Ohio 44212
Email: mmayell@bcsdh.org

With a copy to:

Email: _____

Such notices shall be delivered personally or sent by email or certified mail to the above addresses, or such other addresses as either Party may direct in writing.

- 10) This Agreement shall not be effective until such time as fully executed by the parties hereto upon receipt of all necessary approvals from each party's respective legislative body.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be executed as of the dates indicated below.

CITY OF BRUNSWICK

BRUNSWICK CITY SCHOOL DISTRICT

Carl S. DeForest, City Manager

Michael Mayell, Superintendent

Date: _____

Date: _____

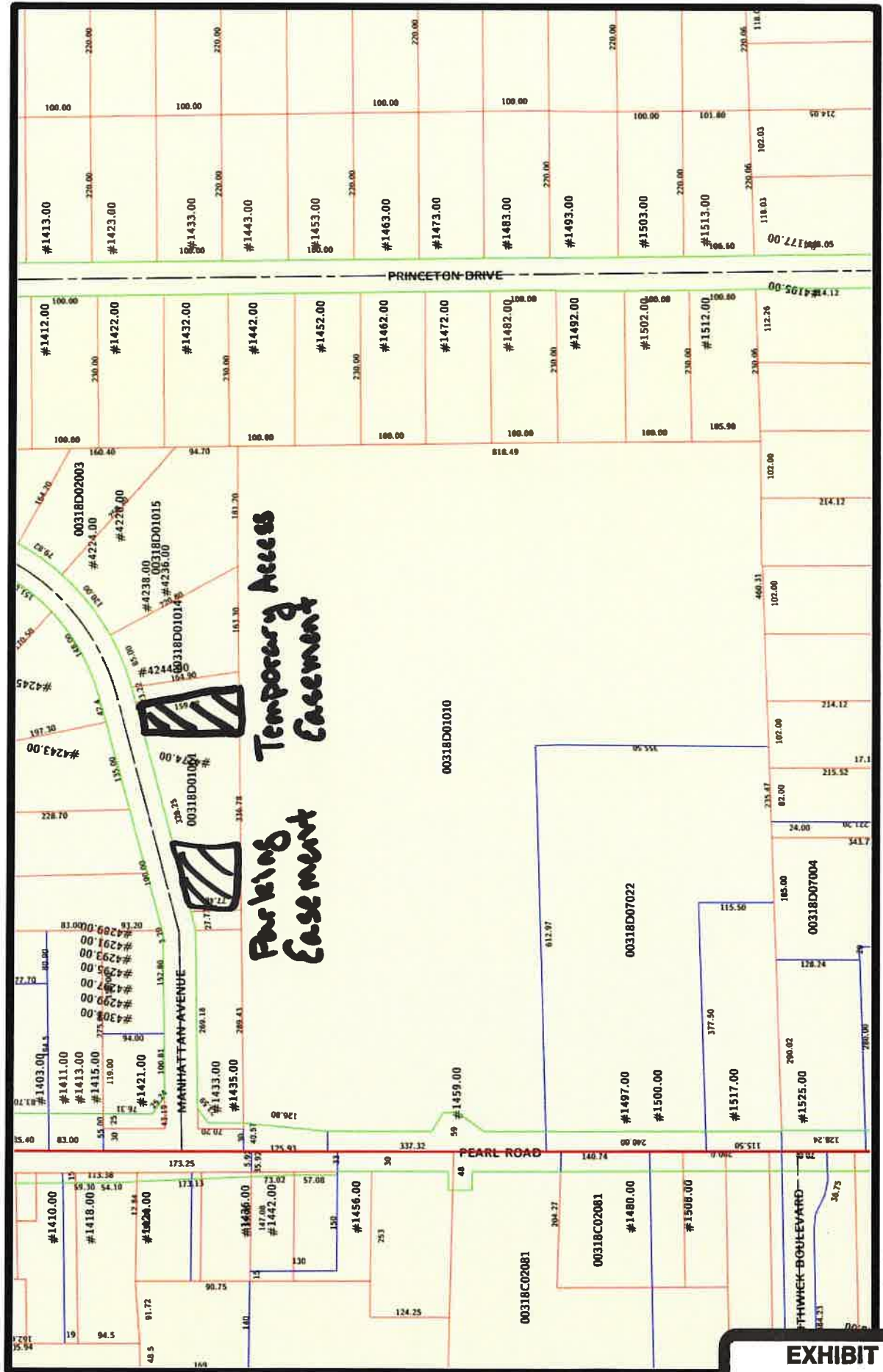
Approved as to form:

Approved as to form:

Kenneth J. Fisher, Law Director

By: _____

Title: _____



generated with the GeoMOOSE Printing Utilities

EXHIBIT

"A"

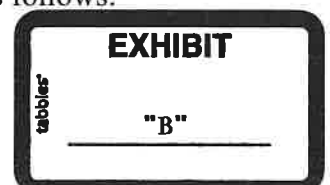
TEMPORARY ACCESS EASEMENT AGREEMENT

THIS TEMPORARY ACCESS EASEMENT AGREEMENT (the “Agreement”) is entered into by and between City of Brunswick, a chartered municipal corporation existing and operating pursuant to the laws of the State of Ohio (the “Grantor”) and the Brunswick City School District, a political subdivision of the State of Ohio (the “Grantee”).

WHEREAS, the Grantor is the owner of the real property located at 4274 Manhattan Avenue, Brunswick, Ohio known as PPN 003-18D-01-061 (the “City Property”);

WHEREAS, the Grantor is willing to grant the Grantee a non-exclusive, temporary access easement (the “Temporary Access Easement”) over a portion of the City Property as described on Exhibit “1” attached hereto and depicted on Exhibit “2” attached hereto (the “Easement Premises”), subject to the terms and conditions contained herein, to allow access to adjacent property owned by the School District from Manhattan Avenue for construction purposes (the “Construction”).

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor and Grantee hereby agree as follows:



1. Grant of Easement. Grantor hereby gives, grants, conveys, extends and confers unto Grantee the Temporary Access Easement over the Easement Premises for the sole purpose of accessing adjacent property owned by the School District from Manhattan Avenue for the Construction.
2. Term. This Temporary Access Easement shall terminate upon the earlier of the following: (a) thirty (30) months from the date of full execution hereof (the "Effective Date"), unless extended by mutual agreement of the parties hereto; or (b) upon completion of the Construction.
3. Restrictions. The School District shall take all necessary actions to ensure that all vehicles utilizing the Easement Premises shall access the Easement Premises solely from Pearl Road, i.e., right-turn ingress from Manhattan Avenue and left-turn egress to Manhattan Avenue.
4. Maintenance/Restoration. Grantee shall, at its sole cost and expense, maintain the Easement Premises and restore the Easement Premises and/or any other disturbed areas of the City Property to a condition wherein the Easement Premises can be utilized for parking to service the City Property.
5. Recording and Modification. This Agreement shall be recorded in the real estate records of Medina County, Ohio at Grantee's sole cost and expense.
6. Miscellaneous. This Agreement shall be construed in accordance with the laws of the State of Ohio, without regard to conflict of laws provisions.

IN WITNESS WHEREOF, the parties have caused this Temporary Access Easement Agreement to be executed as of the dates indicated below.

CITY OF BRUNSWICK

BRUNSWICK CITY SCHOOL DISTRICT

Carl S. DeForest, City Manager

Michael Mayell, Superintendent

Date: _____

Date: _____

Approved as to form:

Approved as to form:

Kenneth J. Fisher, Law Director

By: _____

Title: _____

STATE OF OHIO)
) ss:
COUNTY OF MEDINA)

Before me, a Notary Public in and for said County and State, personally appeared the above-named Carl S. DeForest, the City Manager of the City of Brunswick, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed, both individually and on behalf of the City of Brunswick.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Brunswick,
Ohio this _____ day of _____, 2018.

Notary Public

STATE OF OHIO)
) ss:
COUNTY OF MEDINA)

Before me, a Notary Public in and for said County and State, personally appeared the above-named Michael Mayell, the Superintendent of the Brunswick City School District, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed, both individually and on behalf of the Brunswick City School District.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Brunswick,
Ohio this _____ day of _____, 2018.

Notary Public

This instrument prepared by:

Kenneth J. Fisher Co., L.P.A.
2100 Terminal Tower
50 Public Square
Cleveland, Ohio 44113
(216) 696-7661

EXHIBIT "1"

Easement Premises Legal Description

DRIVEWAY ACCESS EASEMENT

Owner: City of Brunswick
Municipality/County: City of Brunswick, Medina County
Deed: Document #2009OR024851
Date: November 10, 2009
Permanent Parcel No: 003-18D-01-061
Location: 4274 Manhattan Avenue

Description:

**LEGAL DESCRIPTION
DRIVEWAY ACCESS EASEMENT
WITHIN CITY OF BRUNSWICK'S LAND
PP #003-18D-01-061
4274 MANHATTAN AVENUE
CITY OF BRUNSWICK
COUNTY OF MEDINA, OHIO**

Situated in the City of Brunswick, County of Medina and State of Ohio and known as being all of Sublot 3A in the Replat of Sublots 3 & 4, further known as a part of Sublots 3 & 4 in the Manhattan Allotment, (Plat Book Vol. 6, Pg. 56), being part of Lot 15, in Tract 1 of Brunswick Hills Township, and being a **0.1836 acres (7,996 sq.ft.) Driveway Access Easement** located within a 0.8907 acres parcel of land as conveyed to the City of Brunswick dated November 10, 2009 as recorded in Document #2009OR024851 (PP #003-18D-01-061) of Medina County Deed Records, further evidenced by the 'Replat of Sublots 3 & 4' as Parcel '3A' prepared for Board of Medina County Commissioners , and further bounded and described as follows;

Beginning at the Northeasterly corner of Sublot 3A of Manhattan Allotment Replat, at a point on the southerly sideline of Manhattan Avenue (50' right-of-way) recorded in Manhattan Allotment Volume 6 Page 56, said point being the Principal Place of Beginning;

- COURSE I** Thence **South 07°09'37" West**, along the westerly sideline of land as conveyed to the Brunswick City Board of Education (PP #003-18D-01-059) of Medina County Deed Records distance of **159.12 feet** to the Southwest corner thereof on the Northerly line of land as conveyed to the Brunswick City Board of Education (PP #003-18D-01-010) of Medina County Deed Records;
- COURSE II** Thence **North 90°00'00" West**, along said Northerly line of Brunswick City Board of Education's land (PP #003-18D-01-010), a distance of **62.00 feet**;
- COURSE III** Thence **North 00°00'00" East**, to said southerly sideline of Manhattan Avenue a distance of **147.14 feet** to a point;

COURSE IV

Thence **North 75°43'00" East**, along said southerly sideline of Manhattan Avenue, a distance of **43.51 feet** to the Principal Place of Beginning and containing **0.1836 acres (7,996 sq.ft.)** of land as calculated and described from Medina County Records by Donald F. Sheehy, Registered Surveyor #7849 of Chagrin Valley Engineering, Ltd., in April 2018, be the same more or less;

Basis of Bearing for this legal description is **North 75°43'00" East** as the southerly sideline of Manhattan Avenue (50 feet wide) as evidenced by record documents of Medina County Recorder Documents.

File #18028 Driveway Access Easement
4274 Manhattan Avenue – PP#003-18D-01-061
April 18, 2018 (BAS)



4.18.2018

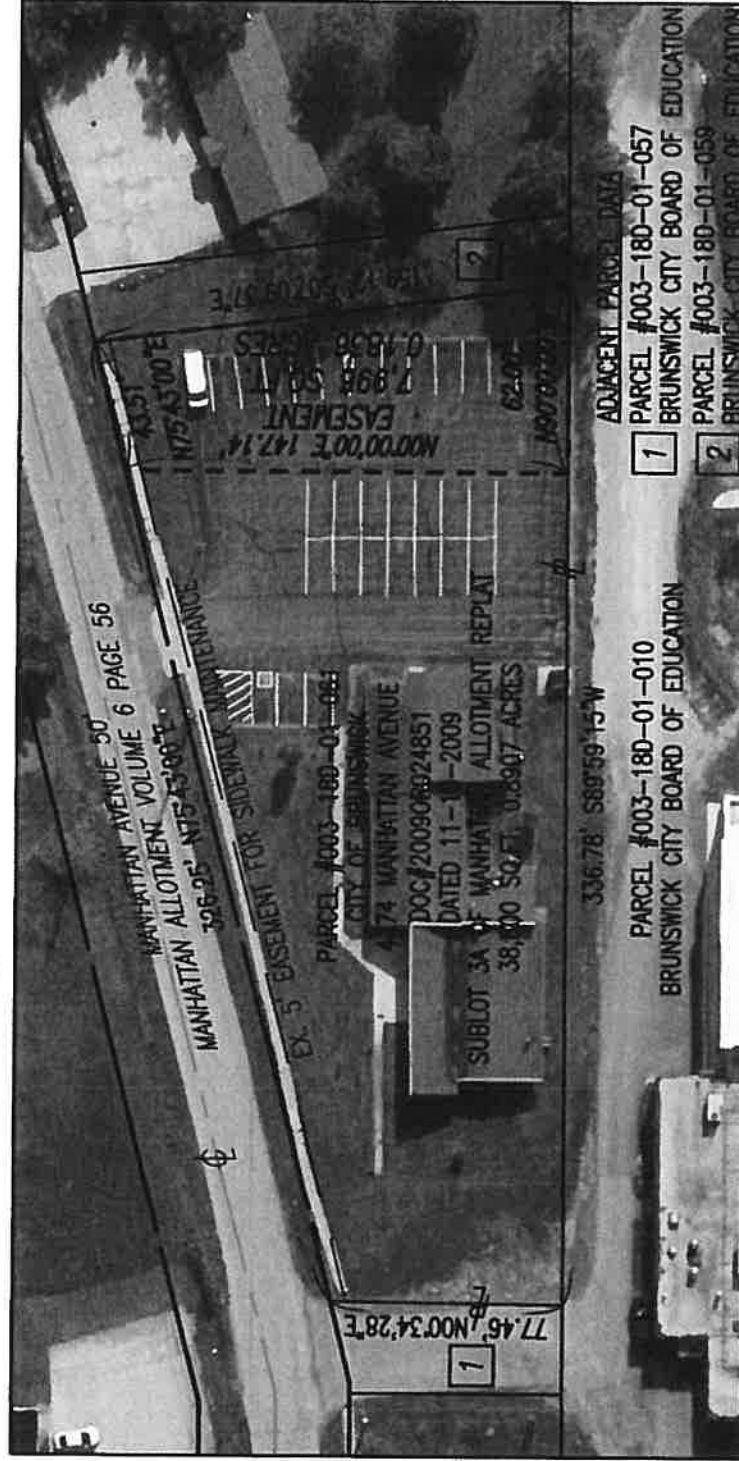
EXHIBIT "2"

Easement Premises Depiction

DRIVEWAY ACCESS EASEMENT

4274 MANHATTAN AVENUE
CITY OF BRUNSWICK, MEDINA COUNTY, OHIO
FROM: CITY OF BRUNSWICK
TO: BRUNSWICK CITY BOARD OF EDUCATION

GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.



NOTES

BOUNDARY AND BASIS OF BEARINGS OF NORTH 75°43'00\"/>

REPLAT OF SUBLOTS 3 & 4
CREATING SUBLLOT 3A IN THE MANHATTAN ALLOTMENT
BEING PART OF ORIGINAL BRUNSWICK TWP. LOT 15
TR. 1 NOW IN THE CITY OF BRUNSWICK

CUNNINGHAM & ASSOCIATES INC.
EX. EASEMENT FOR SIDEWALK MAINTENANCE ACROSS
PART OF SUBLLOT 3 & 4 OF MANHATTAN ALLOTMENT

cve CHAGRIN VALLEY
ENGINEERING, LTD.
Creative Engineers. Intelligent Solutions.
22999 Torrey Road, Suite 100 Dayton, Ohio 45424
Phone: 414.237.1997 Fax: 414.237.1997 www.cveintd.com

DOC#2008R024851
BOARD OF MEDINA COUNTY COMMISSIONERS
S.L.-3A 0.8807 ACRES
PLAT PREPARED 03-26-1992

DOC#000686000475
BOARD OF MEDINA COUNTY
5' EASEMENT FOR SIDEWALK MAINTENANCE
EASEMENT PREPARED 04-1991
MEDINA COUNTY ENGINEERS OFFICE

ADJACENT PARCEL DATA

1 PARCEL #003-18D-01-057
BRUNSWICK CITY BOARD OF EDUCATION
2 PARCEL #003-18D-01-059
BRUNSWICK CITY BOARD OF EDUCATION

PARCEL #003-18D-01-010
BRUNSWICK CITY BOARD OF EDUCATION



PARKING EASEMENT AGREEMENT

THIS PARKING EASEMENT AGREEMENT (the "Agreement") is entered into by and between City of Brunswick, a chartered municipal corporation existing and operating pursuant to the laws of the State of Ohio (the "Grantor") and the Brunswick City School District, a political subdivision of the State of Ohio (the "Grantee").

WHEREAS, the Grantor is the owner of the real property located at 4274 Manhattan Avenue, Brunswick, Ohio known as PPN 003-18D-01-061 (the "City Property");

WHEREAS, the Grantor is willing to grant the Grantee a non-exclusive, permanent parking easement (the "Parking Easement") over the parking lot located on the westerly portion of the City Property, as generally depicted on Exhibit "1" attached hereto (the "Easement Premises"), subject to the terms and conditions contained herein.

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor and Grantee hereby agree as follows:

1. Grant of Easement. Grantor hereby gives, grants, conveys, extends and confers unto Grantee the Parking Easement over the Easement Premises.
2. Maintenance/Repair. Grantee shall, at its sole cost and expense, maintain and repair the Easement Premises.

STATE OF OHIO)
) ss:
COUNTY OF MEDINA)

Before me, a Notary Public in and for said County and State, personally appeared the above-named Michael Mayell, the Superintendent of the Brunswick City School District, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed, both individually and on behalf of the Brunswick City School District.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Brunswick,
Ohio this _____ day of _____, 2018.

Notary Public

This instrument prepared by:

Kenneth J. Fisher Co., L.P.A.
2100 Terminal Tower
50 Public Square
Cleveland, Ohio 44113
(216) 696-7661

EXHIBIT "1"

Easement Premises Depiction

TEMPORARY ACCESS EASEMENT

Owner: City of Brunswick
Municipality/County: City of Brunswick, Medina County
Deed: Document #2009OR024851
Date: November 10, 2009
Permanent Parcel No: 003-18D-01-061
Location: 4274 Manhattan Avenue

Description:

**LEGAL DESCRIPTION
TEMPORARY ACCESS EASEMENT
WITHIN CITY OF BRUNSWICK'S LAND
PP #003-18D-01-061
4274 MANHATTAN AVENUE
CITY OF BRUNSWICK
COUNTY OF MEDINA, OHIO**

Situated in the City of Brunswick, County of Medina and State of Ohio and known as being all of Sublot 3A in the Replat of Sublots 3 & 4, further known as a part of Sublots 3 & 4 in the Manhattan Allotment, (Plat Book Vol. 6, Pg. 56), being part of Lot 15, in Tract 1 of Brunswick Hills Township, and being a **0.1301 acres (5,668 sq.ft.) Temporary Access Easement** located within a 0.8907 acres parcel of land as conveyed to the City of Brunswick dated November 10, 2009 as recorded in Document #2009OR024851 (PP #003-18D-01-061) of Medina County Deed Records, further evidenced by the 'Replat of Sublots 3 & 4' as Parcel '3A' prepared for Board of Medina County Commissioners , and further bounded and described as follows;

Beginning at the Northwesterly corner of Sublot 3A of Manhattan Allotment Replat, at a point on the Southerly sideline of Manhattan Avenue (50' right-of-way) recorded in Manhattan Allotment Volume 6 Page 56, said point being the Principle Place of Beginning;

COURSE I Thence **North 75°43'00" East**, along said Southerly sideline of Manhattan Avenue, a distance of **68.29 feet** to a point;

COURSE II Thence **South 00°34'28" West**, parallel with and at a perpendicular distance of 66.00 feet East of the Westerly line of said Sublot 3A of Manhattan Allotment Replat, a distance of **94.30 feet** to a point on the Northerly line of land as conveyed to the Brunswick City Board of Education (PP #003-18D-01-010) of Medina County Deed Records;

COURSE III Thence **South 89°59'15" West**, along said Northerly line of Brunswick City Board of Education's land (PP #003-18D-01-010), a distance of **66.00 feet** to the Southwesterly corner of said Sublot 3A of Manhattan Allotment Replat;

COURSE IV

Thence **North 00°34'28" East**, along said Westerly line of Sublot 3A of Manhattan Allotment Replat, a distance of **177.46 feet** to the Principle Place of Beginning and containing **0.1301 acres (5,668 sq.ft.)** of land as calculated and described from Medina County Records by Donald F. Sheehy, Registered Surveyor #7849 of Chagrin Valley Engineering, Ltd., in June, 2018, be the same more or less;

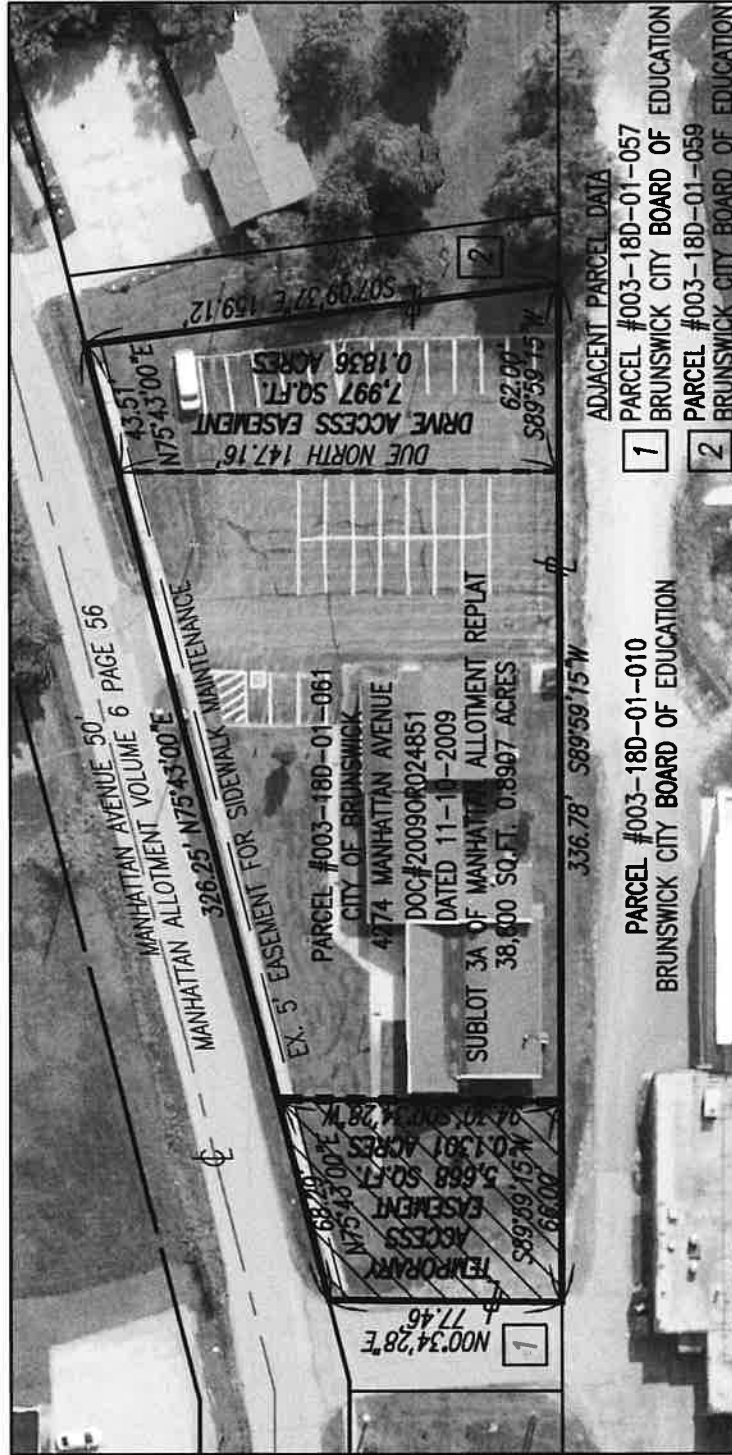
Basis of Bearing for this legal description is **North 75°43'00" East** as the southerly sideline of Manhattan Avenue (50 feet wide) as evidenced by record documents of Medina County Recorder Documents.

File #18028 Temporary Access Easement
4274 Manhattan Avenue – PP#003-18D-01-061
June 21, 2018 (jaw)

TEMPORARY ACCESS EASEMENT

4274 MANHATTAN AVENUE
CITY OF BRUNSWICK, MEDINA COUNTY, OHIO
FROM: CITY OF BRUNSWICK
TO: BRUNSWICK CITY BOARD OF EDUCATION

GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.



NOTES

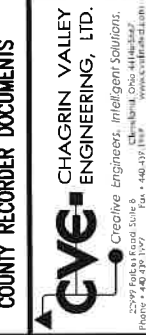
BOUNDARY AND BASIS OF BEARINGS OF N75°43'00"E AS
THE CENTERLINE OF MANHATTAN AVENUE (50 FEET WIDE)
AS EVIDENCED BY RECORD DOCUMENTS OF MEDINA
COUNTY RECORDER DOCUMENTS

REPLAT OF SUBLOTS 3 & 4
CREATING SUBLOT 3A IN THE MANHATTAN ALLOTMENT
BEING PART OF ORIGINAL BRUNSWICK TWP. LOT 15
TR. 1 NOW IN THE CITY OF BRUNSWICK

PARCEL #003-18D-01-010
BRUNSWICK CITY BOARD OF EDUCATION

ADJACENT PARCEL DATA
PARCEL #003-18D-01-057
BRUNSWICK CITY BOARD OF EDUCATION
PARCEL #003-18D-01-059
BRUNSWICK CITY BOARD OF EDUCATION

CUNNINGHAM & ASSOCIATES, INC.
EX. EASEMENT FOR SIDEWALK MAINTENANCE ACROSS
PART OF SUBLOT 3 & 4 OF MANHATTAN ALLOTMENT



DOC#2009R024851
BOARD OF MEDINA COUNTY COMMISSIONERS
S.L.-3A 0.8907 ACRES
PLAT PREPARED 03-28-1992

DOC#000686000475
BOARD OF MEDINA COUNTY
5' EASEMENT FOR SIDEWALK MAINTENANCE
EASEMENT PREPARED 04-1991
MEDINA COUNTY ENGINEERS OFFICE

CVE #18028 06-21-18

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 07/09/2018

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 46-18** - An emergency ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for multi-family dwelling units in all zoning districts and the issuance of such approvals - **2nd Reading** (Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: Council would like to extend moratorium.

PURPOSE AND EXPLANATION: Council would like to extend the temporary moratorium. The current temporary moratorium ends in August while Council is on summer break.

IMPLEMENTATION SCHEDULE: Three readings and an emergency to not have a gap between the current and the new proposed legislation.

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?

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN EMERGENCY ORDINANCE EXTENDING A TEMPORARY
MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF
APPLICATIONS FOR ZONING, OCCUPANCY, CONDITIONAL USE
AND/OR BUILDING PERMIT APPROVALS FOR MULTI-FAMILY
DWELLING UNITS IN ALL ZONING DISTRICTS AND THE
ISSUANCE OF SUCH APPROVALS.

WHEREAS: The City of Brunswick may legitimately regulate the location and approval of Multi-Family Dwelling Units, as defined in Codified Ordinance Section 1242.02(32)(c);

WHEREAS: On February 12, 2018, City Council adopted Ordinance No. 9-18, establishing a six (6) month temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for Multi-Family Dwelling Units in any Zoning District in the City effective as of February 12, 2018; and

WHEREAS: This Council believes that extending the temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for Multi-Family Dwelling Units in any Zoning District in the City, and on the issuance of such approvals, will not deny property owners economically viable use of their property and will permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof relative to the location and approval process for Multi-Family Dwelling Units.

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

SECTION 1: The six (6) month temporary moratorium established by Ordinance No. 9-18 shall be extended for a period of six (6) months up to and including February 12, 2019, wherein the City shall not accept or process any applications for zoning, occupancy, conditional use and/or building permit approvals for Multi-Family Dwelling Units in any Zoning District in the City, and further shall not issue any such approvals during said period.

SECTION 2: Whenever the provisions of this Ordinance conflict with any other Ordinance or any provision of the Codified Ordinances of the City, the provisions of this Ordinance shall control.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City and its residents and property owners and for the additional reason that it is required to permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof relative to the location and approval process for Multi-Family Dwelling Units. 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
Fijabi Julien-Gallam

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 46-18

BY: Committee of the Whole

AN EMERGENCY ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING, OCCUPANCY, CONDITIONAL USE AND/OR BUILDING PERMIT APPROVALS FOR MULTI-FAMILY DWELLING UNITS IN ALL ZONING DISTRICTS AND THE ISSUANCE OF SUCH APPROVALS.

WHEREAS: The City of Brunswick may legitimately regulate the location and approval of Multi-Family Dwelling Units, as defined in Codified Ordinance Section 1242.02(32)(c);

WHEREAS: On February 12, 2018, City Council adopted Ordinance No. 9-18, establishing a six (6) month temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for Multi-Family Dwelling Units in any Zoning District in the City effective as of February 12, 2018; and

WHEREAS: This Council believes that extending the temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for Multi-Family Dwelling Units in any Zoning District in the City, and on the issuance of such approvals, will not deny property owners economically viable use of their property and will permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof relative to the location and approval process for Multi-Family Dwelling Units.

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

SECTION 1: The six (6) month temporary moratorium established by Ordinance No. 9-18 shall be extended for a period of six (6) months up to and including February 12, 2019, wherein the City shall not accept or process any applications for zoning, occupancy, conditional use and/or building permit approvals for Multi-Family Dwelling Units in any Zoning District in the City, and further shall not issue any such approvals during said period.

SECTION 2: Whenever the provisions of this Ordinance conflict with any other Ordinance or any provision of the Codified Ordinances of the City, the provisions of this Ordinance shall control.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City and its residents and property owners and for the additional reason that it is required to permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof relative to the location and approval process for Multi-Family Dwelling Units. 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
Fijabi Julien-Gallam

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 07/09/2018

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Todd Fischer

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 48-18** - An emergency resolution authorizing the City Manager to enter into an addendum to the retainer agreement with Keith D. Weiner & Associates Co, LPA. for the collection of past due delinquent accounts. - **2nd Reading** (Finance Committee, *Administration/Todd Fischer*)

BACKGROUND: The State of Ohio changed municipal tax law affecting tax years 2016 and later by permitting only those attorney fees awarded in judgment (O.R.C. 718.27).

For 2015 and prior tax years, attorney/collection fees were allowed to be passed onto the delinquent taxpayer and collected from the delinquent taxpayer (deemed to have sufficient assets) prior to judgment.

If the City uses a collection agency and collects on delinquent cases prior to judgment under the new law, the City and taxpayers who pay their taxes on time must bear the costs of those services. The only way for the costs to be borne by the person who was later deemed to have sufficient assets but elected not to pay, is to obtain a judgment against that person in court. That judgment, per the City and LPA, should include tax, penalty and interest along with reasonable attorney fees, court and collection costs. The end result of this new law is the City must sue and collect on all viable delinquent cases through a court judgment if it is our goal to use the collected income tax dollars for their voted intention (for example providing and maintaining safety forces). If those same dollars were to be spent on collection costs instead, less would become available for voted purposes.

The proposed retainer agreement addendum is a direct result of changes in the State Law and numerous back and forth discussions between the City representatives and the Collection Firm.

**PURPOSE AND
EXPLANATION:**

See background. The proposed contract addendum is a direct result of changes in the State Law and numerous back and forth discussions between the City representatives and the Collection Firm.

**IMPLEMENTATION
SCHEDULE:**

Administration is asking for emergency with three readings so that we can pursue the collection of 1 year old delinquent accounts as timely as possible. The delinquent accounts that are planned to be handed over to the Firm are cases in which efforts to collect by our tax office have been

exhausted. The court process can also take months and thus it is important to keep the process intact and operating timely.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

If the City uses a collection agency and collects on delinquent cases prior to judgment under the new law, the City and taxpayers who pay their taxes on time must bear the costs of those services. The only way for the costs to be borne by the person who was later deemed to have sufficient assets but elected not to pay, is to obtain a judgment against that person in court. That judgment, per the City's and LPA's request, should include tax, penalty and interest along with reasonable attorney fees and collection costs. The end result of this new law is the City must sue and collect on all viable delinquent cases through a court judgment if it is our goal to use the collected income tax dollars for their voted intention (one example providing and maintaining safety forces). If those same dollars were to be spent on collection costs instead then less would become available for maintaining safety forces and other services.

Last year's collection costs equaled \$198,426. Of those costs, only \$12,418.26 was expended from City funds. Assuming worst case scenario under this new law and no delinquent cases went to court, this new law could have cost the City an approximate \$186,000 based on last year's volume. In other words, we would have had \$186,000 less designated for safety, non-safety services and infrastructure/capital improvements if this were to occur.

**RECOMMENDED
ACTION:**

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

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

Administration is asking for emergency with three readings so that we can pursue the collection of 1 year old delinquent accounts as timely as possible. The delinquent accounts that are planned to be handed over to the Firm are cases in which efforts to collect by our tax office have been exhausted. The court process can also take months and thus it is important to keep the process intact and operating timely.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN ADDENDUM TO THE RETAINER AGREEMENT
WITH KEITH D. WEINER & ASSOCIATES CO., LPA FOR THE
COLLECTION OF PAST DUE DELINQUENT ACCOUNTS.

WHEREAS: The Ohio General Assembly changed municipal tax law commencing in tax year
2016 relative to the collection of attorney fees incurred; and

WHEREAS: The proposed Addendum to the Retainer Agreement with Keith D. Weiner &
Associates Co., LPA is required to comply with Ohio law.

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

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby
authorized and directed to enter into an Addendum to the Retainer Agreement
with Keith D. Weiner & Associates Co., LPA, as attached hereto as Exhibit "A".

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for
the immediate preservation of the public peace, property, health, safety or welfare,
and for the additional reason that immediate passage is necessary to immediately
pursue the collection of delinquent accounts. 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
Fijabi Julien-Gallam, CMC

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 48-18

BY: Mrs. Hanek, Mr. Ousley and Mr. Delsanter

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN ADDENDUM TO THE RETAINER AGREEMENT
WITH KEITH D. WEINER & ASSOCIATES CO., LPA FOR THE
COLLECTION OF PAST DUE DELINQUENT ACCOUNTS.

WHEREAS: The Ohio General Assembly changed municipal tax law commencing in tax year 2016 relative to the collection of attorney fees incurred; and

WHEREAS: The proposed Addendum to the Retainer Agreement with Keith D. Weiner & Associates Co., LPA is required to comply with Ohio law.

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

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby authorized and directed to enter into an Addendum to the Retainer Agreement with Keith D. Weiner & Associates Co., LPA, as attached hereto as Exhibit "A".

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to immediately pursue the collection of delinquent accounts. 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
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 07/09/2018

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Barnett

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 50-18** - A resolution authorizing the city manager to enter into an agreement with blue oceans satellite systems inc. in an initial amount not to exceed \$47,761.50 with annual options subject to additional council approval for service department automated vehicle location software and declaring an emergency - **2nd Reading** (Services, Utilities, Technology & Cable Committee, Administration/Paul Barnett)

BACKGROUND: A motion was passed on January 8, 2018 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. Responses were received on May 3, 2018. There were two responses. The lowest and best response meeting the specifications was from Blue Oceans Satellite Systems, Inc.

PURPOSE AND EXPLANATION: 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.

IMPLEMENTATION SCHEDULE: The services are scheduled to be activated in September, 2018 and continue thru August 31, 2023 with ongoing annual option years to renew as approved by Council.

FINANCIAL INFORMATION: Blue Oceans Satellite Systems, Inc. - - 953-0420-56252 \$40,222.50 for first year only - 117-0420-54253 \$7,539.00 for first year only and for each of the remaining 4 years. - -

FINANCIAL SUMMARY: Year 1 will run upon signing of the proposed contract in 2018 through August 31, 2019 with 4 more terms spanning from September 1 through August 31 with completion in 2023. Years 2 through 5 and beyond are contingent upon the appropriation of necessary funds by City Council as required by applicable law. In the event City Council fails to appropriate sufficient funds to provide for the future years of this agreement, this Agreement shall automatically terminate at the expiration of the first year or any year that funds are not appropriated.

**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?
It is requested that legislation is passed after 3 readings by emergency at the July 23 meeting to allow for the ordering of hardware and installation prior to this winter season.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BLUE OCEANS SATELLITE SYSTEMS INC. IN AN INITIAL AMOUNT NOT TO EXCEED \$47,761.50 WITH ANNUAL OPTIONS SUBJECT TO ADDITIONAL COUNCIL APPROVAL FOR SERVICE DEPARTMENT AUTOMATED VEHICLE LOCATION SOFTWARE AND DECLARING AN EMERGENCY.

WHEREAS: Automated Vehicle Software will allow for improved Service Department efficiency and accountability.

WHEREAS: Pursuant to a Request for Proposals authorized by Council on January 8, 2018, two (2) responses were received with the lowest and best proposal from Blue Oceans Satellite Systems Inc.

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

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby authorized and directed to enter into an Agreement with Blue Oceans Satellite Systems Inc. for software tracking of the City's Service Department Vehicles in an amount not to exceed \$47,761.50 with Annual Options subject to additional Council approval.

SECTION 2: That this Resolution is hereby declared to be an immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to permit necessary software tracking of the City's Service Department Vehicles to immediately commence. 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
Fijabi Gallam, CMC

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 50-18

BY: Mr. Salzgeber, Mr. Capretta and Mr. Hanek

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BLUE OCEANS SATELLITE SYSTEMS INC. IN AN INITIAL AMOUNT NOT TO EXCEED \$47,761.50 WITH ANNUAL OPTIONS SUBJECT TO ADDITIONAL COUNCIL APPROVAL FOR SERVICE DEPARTMENT AUTOMATED VEHICLE LOCATION SOFTWARE AND DECLARING AN EMERGENCY.

WHEREAS: Automated Vehicle Software will allow for improved Service Department efficiency and accountability.

WHEREAS: Pursuant to a Request for Proposals authorized by Council on January 8, 2018, two (2) responses were received with the lowest and best proposal from Blue Oceans Satellite Systems Inc.

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

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby authorized and directed to enter into an Agreement with Blue Oceans Satellite Systems Inc. for software tracking of the City's Service Department Vehicles in an amount not to exceed \$47,761.50 with Annual Options subject to additional Council approval.

SECTION 2: That this Resolution is hereby declared to be an immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to permit necessary software tracking of the City's Service Department Vehicles to immediately commence. 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
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 07/09/2018

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 51-18** - An ordinance establishing the position of part-time Hydrant Painter in the Division of Fire - **2nd Reading** (Safety & Environment Committee, *Administration/Jim Baird*)

BACKGROUND: The Division of Fire is responsible for the fire hydrants in the City. New hydrants are added and old ones replaced. These hydrants need to be painted our standard color throughout the City.

PURPOSE AND EXPLANATION: To insure the Division of Fire maintains responsibility of all City fire hydrants, and for the consistency, uniformity and protection from the elements by painting hydrants.

IMPLEMENTATION SCHEDULE: As soon as allowed by law.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Payment of hours will be within budget approved by City Council.

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?
Ordinance shall be in effect after its passage by the required number of votes, or from the earliest time allowed by law.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING THE POSITION OF PART-TIME
HYDRANT PAINTER IN THE DIVISION OF FIRE.

WHEREAS: The position of part-time Hydrant Painter in the Division of Fire is required to efficiently proceed with the City's Annual Hydrant Painting Program.

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

SECTION 1: That the position of part-time Hydrant Painter is hereby established in the Division of Fire to allow the City to efficiently proceed with the Annual Hydrant Painting Program, subject to a pay range established by Ordinance and approved by the City Manager.

SECTION 2: 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
Fijabi Julien-Gallam, CMC

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 51-18

BY: Mr. Ousley, Mr. Salzgeber and Mr. Abella

AN ORDINANCE ESTABLISHING THE POSITION OF PART-TIME
HYDRANT PAINTER IN THE DIVISION OF FIRE.

WHEREAS: The position of part-time Hydrant Painter in the Division of Fire is required to efficiently proceed with the City's Annual Hydrant Painting Program.

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

SECTION 1: That the position of part-time Hydrant Painter is hereby established in the Division of Fire to allow the City to efficiently proceed with the Annual Hydrant Painting Program, subject to a pay range established by Ordinance and approved by the City Manager.

SECTION 2: 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
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 07/09/2018

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 52-18** - An ordinance establishing the pay range for the position of part-time Hydrant Painter in the Division of Fire - **2nd Reading** (Safety & Environment Committee, *Administration/Jim Baird*)

BACKGROUND: The Division of Fire is in need of a part time Fire Hydrant Painter to provide painting services for all City fire hydrants.

State Minimum - \$17.66

PURPOSE AND EXPLANATION: To create an hourly pay range for the part time Fire Hydrant in the Division of Fire.

IMPLEMENTATION SCHEDULE: The Ordinance shall be in effect from its passage by the required number of votes or from the earliest time allowed by law.

FINANCIAL INFORMATION: Seasonal Hydrant Painter Part-Time - - Fire Fund #115 - 115-0510-51162 - - 5000

FINANCIAL SUMMARY: Position to only work the number of hours in the budget approved by City Council. The 2018 budget includes \$5,000 in wages for this position. The 2018 funding source for this position has been identified as charges for services revenue generated by the Division of Fire.

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?
As soon as allowed by law.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO

ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING THE PAY RANGE FOR THE POSITION
OF PART-TIME HYDRANT PAINTER IN THE DIVISION OF FIRE.

WHEREAS: Council wishes to establish a pay range for the position of part-time Hydrant Painter in the Division of Fire.

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

SECTION 1: The following pay range is hereby established, subject to annual appropriations by City Council:

POSITION

RANGE

Part-Time Hydrant Painter

State Minimum Wage to \$17.66/Hr.

SECTION 2: 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
Fijabi Julien-Gallam

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 52-18

BY: Mr. Ousley, Mr. Salzgeber and Mr. Abella

AN ORDINANCE ESTABLISHING THE PAY RANGE FOR THE POSITION
OF PART-TIME HYDRANT PAINTER IN THE DIVISION OF FIRE.

WHEREAS: Council wishes to establish a pay range for the position of part-time Hydrant Painter in the Division of Fire.

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

SECTION 1: The following pay range is hereby established, subject to annual appropriations by City Council:

<u>POSITION</u>	<u>RANGE</u>
Part-Time Hydrant Painter	State Minimum Wage to \$17.66/Hr.

SECTION 2: 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
Fijabi Julien-Gallam, CMC