

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda

OCTOBER 8, 2018

6:15 PM

or immediately following Finance Committee
In Caucus Room

1. Discussion Items
 - (a) Update from the Medina County Health Department - Health Commissioner Krista R. Wasowski and Brunswick appointed representative Andrea Pallotta
 - (b) NOPEC Discussion - Mr. Pat MacNamara
 - (c) Waste/Recycle Collection Options
2. Motion Items
 - (a) A motion to approve The Orchard (Quail Creek) Apartments revised conditional zoning certificate and detailed site plan.
3. Review Legislation
 - (a) **ORD. NO. 66-18** - An ordinance establishing section 618.30 of the City of Brunswick Codified Ordinances by prohibiting the feeding of wildlife and stray animals - **3rd Reading** (Committee-of-the-Whole, *Administration/Brian Ousley*)
 - (b) **RES. NO. 77-18** - An emergency resolution strongly opposing State Issue 1, which is a proposed amendment to the Ohio Constitution that would weaken Ohio's criminal laws with respect to dangerous drugs such as fentanyl, heroin, methamphetamine, cocaine, and LSD, and urging Brunswick residents to vote against State Issue 1 in the upcoming general election to be held on November 6, 2018 - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Joseph Salzgeber*)
4. General Discussion
5. Executive Session
 - (a) Motion to go into an Executive Session for the purpose to discuss the appointment, employment, dismissal, discipline, demotion or compensation of a public employee and the sale/lease of property.
6. Adjournment

THE CITY OF BRUNSWICK

DISCUSSION



DATE: 10/08/2018

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

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

DISCUSSION: Update from the Medina County Health Department - Health Commissioner Krista R. Wasowski and Brunswick appointed representative Andrea Pallotta

BACKGROUND: Andrea Pallotta, Brunswick appointed representative to the Board of Health, and Health Commissioner Krista R. Wasowski would like to have just a few moments to update council and give the opportunity for any questions about the renewal levy that we have on the ballot this November.

PURPOSE AND EXPLANATION:

IMPLEMENTATION SCHEDULE:

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

ADDITIONAL INFORMATION:

DISCUSSION



DATE: 10/08/2018

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

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

DISCUSSION: Waste/Recycle Collection Options

BACKGROUND: Added an Option 4. This is the cheapest option but does not allow for material to be recycled.

PURPOSE AND EXPLANATION:

IMPLEMENTATION SCHEDULE:

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

ADDITIONAL INFORMATION:

Waste/Recycle Collection Options

Revised 9-27-2018

Negotiations at the County are currently at \$54.69 per ton tipping fee once the facility is up and running in January 2020.
Considering increasing the fee from the current tipping fee of \$42.00 per ton to \$44.50 per ton in the next couple of months to cover current costs.
Current contract with Republic Waste expires on June 30, 2019.
We still have an option to renew the current contract for one additional month. Cost may remain the same or may increase. That will need to be negotiated
If we bid a similar program to what we currently have, we need to have the bids advertised the first week of December, 2018.
If we bid a program with carts we will need to have the bids advertised middle to late October 2018.

Options w/\$55 per Ton Trash and \$60 per Ton Recycle Disposal Fees

	Tipping Fees	Collection Fees	Bin or Cart Cost (Annual for 5 years)	Marketing Cost	Total Cost	Cost / Quarter / Customer	Actual or Estimated Quarterly Rate to Customers***
Option 1	\$827,970	\$1,691,164	\$0	\$0	\$2,519,134	\$54.02	\$56.84
Option 2	\$876,720	\$2,642,575	\$192,971	\$19,664	\$3,731,930	\$80.02	\$82.84
Option 3	\$876,720	\$1,512,012	\$347,969	\$19,664	\$2,756,364	\$59.10	\$62.92
Option 4	\$827,970	\$1,193,721	\$221,970	\$19,664	\$2,263,325	\$48.53	\$52.35
Actual Rate as of 7-23-2018							\$52.23

Options w/\$55 per Ton Trash and \$40 per Ton Recycle Disposal Fees

	Tipping Fees	Collection Fees	Bin or Cart Cost (Annual for 5 years)	Marketing Cost	Total Cost	Cost / Quarter / Customer	Actual or Estimated Quarterly Rate to Customers***
Option 1	\$827,970	\$1,691,164	\$0	\$0	\$2,519,134	\$54.02	\$56.84
Option 2	\$801,840	\$2,642,575	\$192,971	\$19,664	\$3,657,050	\$78.42	\$81.24
Option 3	\$801,840	\$1,512,012	\$347,969	\$19,664	\$2,681,484	\$57.50	\$61.32
Option 4	\$827,970	\$1,193,721	\$221,970	\$19,664	\$2,263,325	\$48.53	\$52.35
Actual Rate as of 7-23-2018							\$52.23

***Actual rates will be determined after all expenses are finalized

This analysis is intended to be used to aid in the selection of an option which will result in a bidding process. Assumptions are made in these numbers and actual cost will depend on bid results. If option 1 is selected there will be no need for rebidding waste collection until the current contract runs its course. Note the proposed quarterly rates also take into account delinquency, fuel fluctuations, city labor and benefit costs, processing costs, postage, computer equipment and software costs.

Option 1

Current Practice

Weekly trash collection unlimited and residents take their recycle to drop off containers throughout the city.

Option 2

Recycle Cart Only

Leave waste collection as is. Each household is given a recycle cart and all recyclables must be placed within the cart. Carts can be placed on the curb weekly.

Option 3

Waste & Recycle Cart

Provide a cart for waste collection and a cart for recycle collection to each household. Curb service for both waste and recycle is on a weekly basis.

Option 4

Comingled Waste/Recycle Cart

Provide a cart for waste and recycle comingled collection to each household.

Suggested Details of Program with Options 3-4

- Bulk items will be allowed unlimited on a weekly basis
- No extra bags of trash outside of cart will be allowed
- If the item is of a size that it will fit into a cart it must be in the cart to be picked up. It cannot be placed outside of the cart.
- White goods will be picked up on a weekly basis.
- Each customer will be allowed to have up to 3 unlimited collections per year. The contractor will be required to track and
- Contractor will be required to purchase, deliver and maintain the carts. This includes but is not limited to replacing wheels, lids, bodies and delivery etc.
- Contractor will be required to keep a minimum of 75 recycle and 75 waste carts in stock at all times and upon completion of the contract deliver these to Brunswick.
- Contractor will be required to lease, deliver and bill customers that request additional carts at a rate of \$58 per cart and keep track of these in a data base. These carts will remain the property of the City but maintained by the contractor.

THE CITY OF BRUNSWICK

PROPOSED MOTION



DATE: 10/08/2018

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

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

MOTION: A motion to approve The Orchard (Quail Creek) Apartments revised conditional zoning certificate and detailed site plan.

BACKGROUND: On September 20, 2018, the Planning Commission held a public hearing and approved the revised conditional zoning certificate and detailed site plan for The Orchard (Quail Creek) Apartments, located at Pearl Road and Magnolia Drive, extending south to Beverly Hills Drive, in the C-G General Commercial District.

PURPOSE AND EXPLANATION: As required by Section 1286.07(b) of the Codified Ordinances of the City of Brunswick, City Council approval is required for all multi-family developments. This apartment complex was previously approved by the Planning Commission on May 17, 2018 and by City Council on June 11, 2018. For aesthetic reasons, a revised site plan was submitted to reconfigure the location of the buildings whereby the townhomes are situated near the southern portion of the site, and the two-story walk-up buildings are located near the northern portion of the complex. Additionally, the community building and swimming pool were moved from the east side of the site near the Hickory Hills Apartments to the west side near Pearl Road.

IMPLEMENTATION SCHEDULE: City Council October 8, 2018 meeting.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION: Adopt the motion.

ADDITIONAL INFORMATION:

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 10/08/2018

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

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 66-18** - An ordinance establishing section 618.30 of the City of Brunswick Codified Ordinances by prohibiting the feeding of wildlife and stray animals - **3rd Reading** (Committee-of-the-Whole, *Administration/Brian Ousley*)

BACKGROUND:

PURPOSE AND EXPLANATION: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

IMPLEMENTATION SCHEDULE:

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

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

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 66-18

BY: Committee-of-the-Whole

AN ORDINANCE ESTABLISHING SECTION 618.30 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES BY PROHIBITING THE FEEDING
OF WILDLIFE AND STRAY ANIMALS.

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

SECTION 1: That Section 618.30 of the Codified Ordinances is hereby established to read as follows:

618.30 FEEDING OF WILDLIFE AND STRAY ANIMALS PROHIBITED.

- (a) No person shall purposely or knowingly provide food for dogs, cats, deer, geese, ducks, raccoons, fowl or other wild animals, wildlife or stray animals by setting food out on any public property or within 150 ft. of any adjacent property line or public right-of-way. This Section does not apply to animals owned by that person or to song birds fed from a stationary bird feeder.
- (b) No person shall purposely or knowingly feed, cause to be fed, or provide food for wild white-tail deer in any location where undomesticated animals can access such food, whether by hand or through ground-feeding stations, salt licks or other established mechanisms to feed wild white-tailed deer, on lands publicly or privately owned.
- (c) This Section shall not apply to a law enforcement officer, game officer or conservation officer enforcing the laws of the State of Ohio or any local ordinances, nor to anyone officially authorized by the City to engage in an animal control program.
- (d) The City may initiate a civil action in the Court of Common Pleas for injunctive and other relief for any violation of this Section.
- (e) Whoever violates this Section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. A separate offense shall be deemed committed on each day on or during which a violation of this Section occurs.

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

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 66-18

BY: Committee-of-the-Whole

AN ORDINANCE ESTABLISHING SECTION 618.30 OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES BY PROHIBITING THE FEEDING OF ANIMALS.

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

SECTION 1: That Section 618.30 of the Codified Ordinances is hereby established to read as follows:

618.30 FEEDING OF ANIMALS PROHIBITED.

- (a) No person shall purposely or knowingly provide food for dogs, cats, deer, geese, ducks, raccoons, fowl or other wild animals, wildlife or stray animals, except as otherwise specifically authorized in designated and marked public areas, where such feeding: (a) causes or contributes to damage to the property of another; or (b) creates a public or private nuisance.
- (b) This Section does not apply to fishing, feeding of animals owned by that person or to song birds fed from a stationary and off-ground/hanging bird feeder provided that no private property shall contain more than two (2) off-ground/stationary bird feeders.
- (c) This Section shall not apply to a law enforcement officer, game officer or conservation officer enforcing the laws of the State of Ohio or any local ordinances, nor to anyone officially authorized by the City to engage in an animal control program, including, without limitation, a feral cat Trap-Neuter-Vaccinate-Return Program or similar program.
- (d) The City may initiate a civil action in the Court of Common Pleas for injunctive and other relief for any violation of this Section.
- (e) Whoever violates this Section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. A separate offense shall be deemed committed on each day on or during which a violation of this Section occurs.

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. 66-18

BY: Committee-of-the-Whole

AN ORDINANCE ESTABLISHING SECTION 618.30 OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES BY PROHIBITING THE FEEDING OF ANIMALS.

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

SECTION 1: That Section 618.30 of the Codified Ordinances is hereby established to read as follows:

618.30 FEEDING OF ANIMALS PROHIBITED.

- (a) No person shall purposely or knowingly provide food for dogs, cats, deer, geese, ducks, raccoons, fowl or other wild animals, wildlife or stray animals, except as otherwise specifically authorized in designated and marked public areas, where such feeding: (a) causes or contributes to damage to the property of another; or (b) creates a public or private nuisance.
- (b) This Section does not apply to fishing, feeding of animals owned by that person or to song birds fed from a stationary and off-ground/hanging bird feeder ~~provided that no private property shall contain more than two (2) off-ground/stationary bird feeders.~~
- (c) This Section shall not apply to a law enforcement officer, game officer or conservation officer enforcing the laws of the State of Ohio or any local ordinances, nor to anyone officially authorized by the City to engage in an animal control program, including, without limitation, a feral cat Trap-Neuter-Vaccinate-Return Program or similar program.
- (d) The City may initiate a civil action in the Court of Common Pleas for injunctive and other relief for any violation of this Section.
- (e) Whoever violates this Section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. A separate offense shall be deemed committed on each day on or during which a violation of this Section occurs.

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

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 10/08/2018

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

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 77-18** - An emergency resolution strongly opposing State Issue 1, which is a proposed amendment to the Ohio Constitution that would weaken Ohio's criminal laws with respect to dangerous drugs such as fentanyl, heroin, methamphetamine, cocaine, and LSD, and urging Brunswick residents to vote against State Issue 1 in the upcoming general election to be held on November 6, 2018 - **1st Reading** (To be brought from Committee-of-the-Whole, Administration/Joseph Salzgeber)

BACKGROUND: The two major parties in Ohio are either opposed to, or have not taken any position on, State Issue 1. However, State Issue 1 is opposed by the Chief Justice of the Ohio Supreme, the Governor, Ohio's Attorney General and both major-party candidates for Attorney General in 2018, the Ohio Common Pleas Judges Association, the Ohio Association of Municipal and County Court Judges, the Ohio Association of Juvenile and Family Court Judges, the Ohio Bar Association, the Ohio Prosecuting Attorney's Association, the Buckeye State Sheriff's Association, the Ohio Association of Chiefs of Police, and the Ohio Patrolmen's Benevolent Association, as well as Brunswick's local State Senator and both State Representatives.

PURPOSE AND EXPLANATION: State Issue 1 would reduce the offense levels for obtaining, possessing or using such dangerous drugs from felonies to misdemeanors. State Issue 1 would further prohibit judges from imposing of any jail time whatsoever until the offender has committed a 3rd such drug possession/use offense within 24 months. State Issue 1 would result in Ohio having the most lenient criminal laws in the United States with respect to the possession/use of such dangerous drugs, and make Ohio a haven for hard drug users from across the United States (like Colorado is for marijuana). It is no exaggeration to warn that the number of dangerous drug overdoses and deaths in Brunswick, and throughout the State of Ohio, will increase if State Issue 1 is passed.

IMPLEMENTATION SCHEDULE:

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED

ACTION:

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

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

To be considered as an emergency with suspension of the rules.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 77-18

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION STRONGLY OPPOSING STATE ISSUE 1, WHICH IS A PROPOSED AMENDMENT TO THE OHIO CONSTITUTION THAT WOULD WEAKEN OHIO'S CRIMINAL LAWS WITH RESPECT TO DANGEROUS DRUGS SUCH AS FENTANYL, HEROIN, METHAMPHETAMINE, COCAINE, AND LSD, AND URGING BRUNSWICK RESIDENTS TO VOTE AGAINST STATE ISSUE 1 IN THE UPCOMING GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2018.

WHEREAS: Dangerous drugs such as fentanyl, heroin, methamphetamine, cocaine and LSD, as well as the criminal activities associated with such dangerous drugs, pose a significant threat to the public health, welfare, and safety of the residents of the City of Brunswick and the State of Ohio;

WHEREAS: State Issue 1 would amend the Ohio Constitution to add a new Section 12 to Article XV of the Constitution, and thereby (a) mandate that the criminal offenses of obtaining, possessing, or using any dangerous drug such as fentanyl, heroin, methamphetamine, cocaine, LSD, and other controlled substances cannot be classified as a felony, but only a misdemeanor; (b) prohibit jail time as a sentence for obtaining, possessing, or using such dangerous drugs until an individual's third offense within 24 months; and (c) allow an individual convicted of obtaining, possessing, or using any such dangerous drugs prior to the effective date of the amendment to ask a court to reduce the conviction to a misdemeanor, regardless of whether the individual has completed the sentence;

WHEREAS: State Issue 1 would further amend the Ohio Constitution to require sentence reductions of currently incarcerated individuals, except individuals incarcerated for murder, rape, or child molestation, by up to 25%, if the individual participates in rehabilitative, work, or educational programming;

WHEREAS: Passage of State Issue 1 would result in Ohio having the most lenient criminal laws in the United States with regard to the possession and use of dangerous drugs, such as fentanyl, heroin, methamphetamine, cocaine and LSD, and would have the adverse consequences of increasing the usage of, and the number of overdoses and deaths from, such dangerous drugs within the City of Brunswick and the State of Ohio;

WHEREAS: Passage of State Issue 1 would have the adverse consequence of the State of Ohio becoming a haven for the users of dangerous drugs, such as fentanyl, heroin, methamphetamine, cocaine and LSD, from other parts of the United States;

WHEREAS: State Issue 1 is being financed primarily by out-of-state interests, whose members would not have to live with the resulting adverse consequences to the City of Brunswick and State of Ohio if State Issue 1 were to be passed.

WHEREAS: State Issue 1 is opposed by the Chief Justice of the Ohio Supreme Court, the Governor, Ohio's Attorney General and both major-party candidates for Attorney General in 2018, the Ohio Common Pleas Judges Association, the Ohio Association of Municipal and County Court Judges, the Ohio Association of Juvenile and Family Court Judges, the Ohio Bar Association, the Ohio Prosecuting Attorney's Association, the Buckeye State Sheriff's Association, the Ohio Association of Chiefs of Police, and the Ohio Patrolmen's Benevolent Association, as well as the State Senator and both State Representatives elected by Brunswick residents to represent them in the Ohio General Assembly.

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

SECTION 1: This Council does hereby strongly oppose State Issue 1 and urges Brunswick residents to vote against State Issue 1 in the upcoming general election to be held on November 6, 2018.

SECTION 2: That the Clerk of Council is hereby authorized and directed to forward certified copies of this Resolution to the Ohio General Assembly, Ohio Governor John Kasich, Chief Justice Maureen O'Connor of the Ohio Supreme Court, and to local broadcast and print media outlets.

SECTION 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety and for the additional reason that this Council wants to timely express its opinion in opposition to State Issue 1 prior to the election to be held on November 6, 2018 and prior to the commencement of early voting on October 10, 2018 for that election. Therefore, the same shall be in full force from and after its passage by the required number of votes or at the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

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