



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	Andrea Rodriguez Ward 3	Joseph Delsanter At-Large	Anthony Capretta Ward 4
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Administration Representatives

APRIL 8, 2019
7:30 PM
IN COUNCIL CHAMBERS

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of Council Meeting Minutes.
 - (a) Regular Council Meeting Minutes dated March 25, 2019
5. Mayor's Report:
 - (a) Mayor's Court Financial Report for the month ending March 2019 will be posted on the website and added to the minutes for the record;
 - (b) Proclamation to honor Principal Lisa Cinadr of St. Ambrose for receiving the Dr. Karen M. Ristau Innovations Award;
 - (c) Arrow of Light Recognition - Pack 3517
 - (d) Recognition of Scouts BSA Troop 7407;
 - (e) Mayor's Update
6. Clerk of Council's Report
7. Council Committee Reports:
 - Economic Development.....Mr.Hanek
 - Economic Development Committee Meeting Minutes dated March 25, 2019
 - Services, Utilities, Technology & Cable.....Mrs.Rodriguez
 - Finance Committee.....Mrs. Hanek
 - Safety & Environment.....Mr.Ousley
 - Safety Committee Meeting Minutes dated March 25, 2019
 - Planning & Zoning Committee.....Mr.Delsanter
 - Parks, Recreation & Community Committee.....Mr. Abella Jr.

Parks & Rec Committee Meeting Minutes dated March 25, 2019
Building & Building Code Committee.....Mr. Capretta

8. Other Boards and Commissions

(a) Committee of the Whole Meeting Minutes dated March 25, 2019

9. Petitions from the Public on Legislation

10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

b. 2nd Reading(s)

c. 1st Reading(s)

RES. NO. 25-19 - A resolution establishing a Sisterhood city relationship between the City of Brunswick, Ohio, and the City of San Juan, Metro Manila. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Mayor Ron Falconi*)

RES. NO 26-19 - An emergency resolution authorizing participation in the Ohio Department of Transportation winter contract for road salt for the 2019-2020 winter season. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

RES. NO. 27-19 - A resolution accepting a perpetual public easement from Kenneth R. Sacks for access to and maintenance of a public water main within the Orchard Apartments Development. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

RES. NO. 28-19 - A resolution authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation for the storage of road salt. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

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, MARCH 25, 2019

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 Members showed the following Council Members present: Anthony Capretta, Andrea Rodriguez, Brian Ousley, Joseph Delsanter, 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 Council Meeting Minutes:

Michael Abella Jr. moved to approve the Public Hearing minutes dated February 11, 2019, and the Regular Council meeting minutes dated March 11, 2019, as written, seconded by Anthony Capretta. Roll Call - Ayes - 7, Patricia Hanek, Joseph Delsanter, Brian Ousley, Nicholas Hanek, Michael Abella Jr., Anthony Capretta, Andrea Rodriguez. Nays - 0. Motion Carried.

Mayor's Report:

Proclamation presentation to Eagle Scout Blake Steven McClain:

Mayor Ron Falconi presented a proclamation to Scout Blake Steven McClain from Troop 519 for receiving the Eagle Scout Award for successfully completing all requirements for Scouting's highest rank and wished him success in years to come.

Blake expressed his appreciation for being recognized for achieving the Eagle Scout Award.

Proclamation to honor Matt Payne the Firefighter of the Year 2018:

Mayor Ron Falconi presented a proclamation to Firefighter Lieutenant Matt Payne to recognize him as the Firefighter/Paramedic of the Year 2018 and to express the city's deep appreciation for his distinguished service. Mayor Falconi wished Lieutenant for continued success in all his future endeavors.

Lieutenant Matt Payne expressed his appreciation for the proclamation and appreciation for working for the City of Brunswick.

Proclamation to honor Kurtis Ziebold for his lifesaving efforts:

Mayor Ron Falconi presented a proclamation to Firefighter Kurtis Ziebold for his bravery and heroism. Mayor Falconi explained that Mr. Ziebold participated in a life-saving action. MR. Ziebold was able to

keep the victim's bleeding under control and until emergency services arrived.

Fire Chief Joshua Erskine remarked that Jackie Haumschild, a registered nurse with Southwest General Health Center, was present to recognize Mr. Ziebold for his life-saving efforts. Ms. Haumschild has partnered with the city to institute the "Stop the Bleed" program. The program is a national initiative to render immediate care to any victim who may have significant bleeding. Chief Erskine remarked that some of the efforts that Mr. Ziebold exhibited are examples of the "Stop the Bleed" program.

Ms. Haumschild congratulated Mr. Ziebold on receiving the Life-Saving Award. Ms. Haumschild explained that the "Stop the Bleed" campaign was born out of the horrible school shootings. The "Stop the Bleed" campaign is an effort to teach the public how to recognize and have the ability to stop any bleeding. She noted that she had the privilege to talk to the Brunswick seniors about the "Stop the Bleed" campaign. The "Stop the Bleed" campaign is in the Brunswick schools, and the teachers are aware of the process. She thanked the city for being so proactive with moving the "Stop the Bleed" campaign forward.

Proclamation to recognize Brunswick Students Logan Heil, Jordyn Thomas, and Felicia Pasadyn:

Brunswick Senior Logan Heil and Sophomore Jordyn Thomas were not able to attend the meeting to accept their proclamation.

Mayor Ron Falconi presented a proclamation to Felicia Pasadyn for winning first place at the state level for the 100-meter backstroke in Canton. Mayor Falconi congratulated Felicia Pasadyn on her extraordinary year and wished her much success in the future.

Clerk of Council's Report:

Clerk of Council Fijabi Julien - Gallam announced that St. Ambrose is hosting their 3rd Annual Free Family STEAM Night on Tuesday, April 2, 2019, from 5:30 p.m. to 7:30 p.m. Mrs. Gallam expressed that this is a wonderful way for families to spend an evening together engaging in hands-on STEAM activities throughout their school.

Council Committee Reports:

Economic Development.....Mr. Hanek:

Mr. Hanek had no formal reports this evening.

Services, Utilities, Technology & Cable.....Mrs. Rodriguez:

Mrs. Rodriguez had no written formal reports this evening.

She informed everyone that the construction at the intersection North Carpenter Road and Grafton Road has begun. Mrs. Rodriguez noted that the change in the traffic patterns is scheduled to start on April 1, 2019. She advised everyone to be aware of the workers on the road.

Finance Committee.....Mrs. Hanek:

Patricia Hanek moved to approve the Finance Committee formal report dated March 11, 2019, as written, seconded by Brian Ousley. Roll Call - Ayes - 7, Michael Abella Jr., Patricia Hanek, Brian Ousley, Nicholas Hanek, Andrea Rodriguez, Joseph Delsanter, Anthony Capretta. Nays - 0. Motion Carried.

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

Brian Ousley moved to approve the Safety & Environment Committee formal report dated March 11, 2019, as written, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Anthony Capretta, Nicholas Hanek, Andrea Rodriguez, Joseph Delsanter, Patricia Hanek, Brian Ousley, Michael Abella Jr. 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:

Mr. Capretta had no formal reports this evening.

Other Boards and Commissions:

Michael Abella Jr. moved to approve the Committee-of-the-Whole minutes dated February 25, 2019, March 4, 2019, and March 11, 2019, as written, seconded by Anthony Capretta. Roll Call - Ayes - 7, Nicholas Hanek, Andrea Rodriguez, Joseph Delsanter, Patricia Hanek, Michael Abella Jr., Brian Ousley, Anthony Capretta. 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. 21-19 - A Resolution recognizing and congratulating Brunswick Ward 3 Councilman Joseph Salzgeber on his appointment as Medina County Recorder. - **3rd Reading** (Committee-of-the-Whole, Administration/Michael Abella Jr.):

Michael Abella Jr. moved to adopt Resolution Number 21-19, seconded by Joseph Delsanter. Roll Call - Ayes - 5, Andrea Rodriguez, Brian Ousley, Joseph Delsanter, Anthony Capretta, Michael Abella Jr. Nays - 2, Nicholas Hanek, Patricia Hanek. Motion Carried.

Councilwoman Patricia Hanek remarked that she already publicly congratulated Mr. Salzgeber twice on January 14, 2019, and February 11, 2019. She expressed that she doesn't see any point in congratulating Mr. Salzgeber again. She explained that it is contradictory to congratulate Mr. Salzgeber again because of his reluctance to take the high road when he was appointed Medina County Recorder. She expressed

that Mr. Salzgeber should have resigned as Ward 3 Councilman. Instead, Mr. Salzgeber chose to ignore the Compatibility of Public Offices or Positions chart on the Ohio Attorney General's website. Mr. Hanek explained that the Attorney General's Office stated that a member of City Council is not compatible with a county office appointment. She remarked that Mr. Salzgeber ignored the City's Charter and sections of the Ohio Revised Code (ORC). She noted that at Mr. Salzgeber's public hearing on February 11, 2019, he alleged that he was a victim of a partisan attack. Mrs. Hanek noted that Mr. Salzgeber singled her out and, made false statements and allegation about her. She expressed that there is no justification for Mr. Salzgeber's action. Mrs. Hanek explained that she is voting "No" on this legislation because she can't condone his actions.

Comments During Vote:

Councilman Michael Abella Jr. commented before he voted. Mr. Abella congratulated Mr. Salzgeber on his appointment to the Medina County Recorder. He expressed that it was a pleasure serving with Mr. Salzgeber for the years he served on the council. Mr. Abella wished Mr. Salzgeber good luck on his county leadership, and he asked Mr. Salzgeber to keep the City of Brunswick as the #1 city in Medina County.

Councilman Joseph Delsanter commented before he voted. Mr. Delsanter expressed that he has known Mr. Salzgeber for many years. He explained that there are legal challenges. He noted that those legal challenges would have likely been in favor of Mr. Salzgeber's petition, but Mr. Salzgeber was grand enough to not go that distance. Mr. Delsanter believed that is the right thing to do.

Councilwoman Patricia Hanek commented before she voted. Mrs. Hanek noted that Mr. Salzgeber ignored the opinion of the Brunswick law director and the independent counsel. She explained that the City had to pay for the opinion from the independent counsel because Mr. Salzgeber ignored the law director's opinion and parts of the Ohio Revised Code.

Councilman Anthony Capretta called Point of Order.

Councilwoman Patricia Hanek continued on with her vote.

2nd Reading(s)

1st Reading(s)

ORD. NO. 23-19 - An emergency ordinance adopting the recommendation of the Brunswick Community Reinvestment Area Housing Council to continue all active agreements in 2019 and accepting the 2018 CRA Status Report.- **1st Reading** (To be brought from Economic Development Committee, *Administration/Grant Aungst*):

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

City Engineer Matt Jones explained that this ordinance is to accept the recommendation of the Brunswick Community Reinvestment Area (CRA) Housing Council. The Brunswick CRA Housing

Council met on February 13, 2019, to accept the 2018 CRA Status Report and to continue all active agreements in 2019. Mr. Jones remarked that the suspension of the rules and an emergency is needed to forward the acceptance to the Ohio Development Services Agency by March 31, 2019.

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

RES. NO. 24-19 - An emergency resolution authorizing the City Manager to purchase digital radios for the, Division of Police and Division of Fire from Vasu Communications, Inc. in an amount not to exceed \$280,000.00. - **1st Reading** (To be brought from Safety & Environment Committee, Administration/Brian Ohlin and Josh Erskine):

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

Fire Chief Erskine remarked that this resolution would allow the Division of Police and the Division of Fire to purchase digital radio equipment. This purchase included mobile radios for the fire and police vehicles, handheld radios for the officers and dispatch upgrades to transition to the Digital Public Safety Network.

Brian Ousley moved to adopt Resolution Number 24-19, seconded by Joseph Delsanter. Roll Call - Ayes - 7, Nicholas Hanek, Andrea Rodriguez, Michael Abella Jr., Anthony Capretta, Joseph Delsanter, Patricia Hanek, Brian Ousley. Nays – 0. Motion Carried

City Manager's Report:

City Manager Carl DeForest

- Announced that the Brunswick Income Tax Office is scheduled to open on Saturday, April 6, 2019, and April 13, 2019, from 9:00 a.m. to 1:00 p.m. to prepare local taxes for free for the residents. He asked everyone to be patient with the department because the Brunswick Income Tax Office only has three employees staffed.
- Remarked that the construction on North Carpenter Road is expected to start soon. The information regarding this project is available through the Ohio Department of Transportation (ODOT) link that's on the City's website. The information is expected to be updated frequently. He advised everyone to pay attention to the detours.
- Remarked that the next quarterly newspaper is scheduled to come out at the end of April. The quarterly newspaper is expected to have information regarding community engagement event dates with the administration to update the residents on the new trash and recycling process. The first event is in July.
- Reminded everyone that there is a collection box for retired flags in City Hall by the military memorial, across from the City Manager's Office. The Veterans of Foreign Wars (VFW) collects the flags, and then retire them in a ceremony at the VFW. He advised everyone to retire the flags respectfully if they do not want them anymore.

Administrative Departments:

Police Chief Brian Ohlin

- Remarked that the Division of Police is doing a Teen Driver Safety Program at Brunswick High School on April 8, 2019, at 7:00 p.m. in the Concord Room. This is a joint effort with the Division of Police, Ohio State Highway Patrol, Medina County Sheriff's Office, and Medina County Safe Communities. Chief Ohlin encouraged any teen drivers or parents with teen drivers to attend the event to learn about tips on being a safe driver.
- Reminded everyone that the Brunswick Citizen Police Academy application period is still open. Applications are available on the City's website or at the police station. The academy is every Wednesday starting on April 17, 2019, until mid-June.

Fire Chief Josh Erskine

- Remarked that the Division of Fire received 806 calls of services as of March 25, 2019. This is an 8.4% increase from March 2018.
- Remarked that the department conducted approximately 100 initial business inspections.
- Announced that the Division of Fire is hosting a Citizen Fire Academy starting in September to the first week of October. The academy coincides with fire prevention week.
- Reiterated that the North Carpenter Road project is scheduled to start on April 1, 2019.
- Remarked that it is prohibited to burn any yard waste within the city's limits.

Parks and Recreation Director John Piepsny

- Announced that registration for spring swimming lessons is scheduled to start on Saturday, March 30, 2019, at the Brunswick Recreation Center. The registration for members is from 9:00 a.m. to 11:00 a.m. and registration for non-members is from 11:00 a.m. to 1:00 p.m.
- Remarked that the garden plots at the Heritage Farm are available to be reserved starting April 1, 2019. The plots are 20 x 20 in size. The plot is \$35 for residents and \$50 for non-residents.
- Remarked that the Earth Day Celebration is on April 13, 2019, from 12:00 p.m. to 2:00 p.m. The celebration is consisting of planting trees and cleaning up the farm.

Open Forum:

Former Councilman Joseph Salzgeber farewell

Joseph Salzgeber, at 611 Cattail Circle, congratulated Andrea Rodriguez on her appointment as Ward 3 Councilwoman. He thanked Councilman Michael Abella Jr. for making the motion to honor him with Resolution Number 21-19. Mr. Salzgeber remarked that he ran for City Council in 2015 because he bent a rim on his vehicle on Grafton Road. He proudly noted that after over three years as a council member, the City Council completed Grafton Road, half of Skyview Drive, parts of Magnolia and Beverly Hills Drive, and the City is scheduled to start on North Carpenter Road on April 1, 2019.

Mr. Salzgeber expressed that he would have resigned if the City Charter was clear at the time of his appointment on January 14, 2019, to the Medina County Records position. He explained that the

Charter was not clear; therefore, the City's law director had to forward this matter to outside legal counsel to interpret the Charter. Mr. Salzgeber noted that the 1909 Attorney General's Opinion was out of date and the law director indicated that opinion did not apply. He reiterated that he would have resigned if the Charter was clear and he still believed that the Charter is still not clear. Mr. Salzgeber expressed that he resigned because he liked the City of Brunswick and the City Council. He did not want to drag the City through a lawsuit. The City could use the money on fixing the roads. Mr. Salzgeber thanked the City Council for honoring him and wished everyone good luck.

Concrete Replacement Program

Rich Prospal, at 312 Nancy Circle remarked that he read an article in the March 23, 2019 Post Newspaper edition about the City's implementation for a new program to replace the current concrete panel replacement program. Mr. Prospal expressed that the condition of the roads in the city has been a lively discussion for many years. He expressed that he was excited that the road levy passed a few years ago. He explained that he lived in Colonial Parkway for about 45 years, and when Nancy Circle was a brand new concrete road. His family was the first to move on Nancy Circle in November of 1975. He explained that the 45-year-old road had begun to deteriorate over the years. He thanked the City Council for doing panel replacements on his street. Mr. Prospal remarked that the roadways in his area are considerably older.

Mr. Prospal explained that the road levy was passed to repair and replace the crumbling roads. The City Engineer at the time of the passing of the recent road levy mentioned that the concrete roadways per the specification used in Brunswick have an average lifespan of up to 50 years with proper maintenance. Mr. Prospal reminded everyone that the proper maintenance did not happen during that time which allowed the lifespan of the road to decrease. The new program is resurfacing the roadways with asphalt. Mr. Prospal remarked that he read in the newspaper that this would be a new process that is similar to what has been used in other suburbs to get 12 or more year on the lifespan of the roads. Mr. Prospal wanted to know if the 12 years is an anticipated span or is it an actual experience span. He noted that the asphalt has a 7-year lifespan. Mr. Prospal expressed that it doesn't seem logical to him to place a product that has a 7-year lifespan over a base that has already exceeded its lifespan.

Mr. Prospal asked questions regarding the proposed concrete prosed. He wanted to know will the roads with the new layer of asphalt be completed in that 12-year period. He also wanted to know what happens when the topping of asphalt is gone and the base is older. Mr. Prospal believed that covering up a problem today would lead to a more massive problem down the road. He noted that the international engineering organization that he is a part of, their motto is prevention rather than cure. He would like to see the City apply this motto to this situation. The cure is not patching roads and hiding the problems.

Mr. Prospal advised the City Council and the administration to take a hard look at the new program and visit the suburbs that used this system to ask questions regarding their experience. The facts could help the city make an intelligent decision. Mr. Prospal concluded his open remarks by announcing that it was World Water Day.

Unfinished Business: There was none.

New Business: There was none.

Adjournment:

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

There being no further business, the meeting adjourned at 8:06 p.m.

Respectfully submitted,

Fijabi Julien-Gallam, CMC

Clerk of Council

Mayor Ron Falconi

Adopted

ECONOMIC DEVELOPMENT

March 25, 2019

IN ATTENDANCE: Chairman Nicholas Hanek, Committee Member Brian Ousley, Committee Member Patricia Hanek, Michael Abella Jr., Anthony Capretta, Andrea Rodriguez, Joseph Delsanter, City Manager/Safety Director Carl DeForest, Finance Director Todd Fischer, Fire Chief Josh Erskine, Law Director Kenneth Fisher, Parks & Recreation Director John Piepsny, Engineer Matt Jones, Council Clerk Fijabi Julien-Gallam, News Media.

The meeting convened at 6:23 p.m.

REVIEW LEGISLATION:

ORD. NO. 23-19 – An emergency ordinance adopting the recommendation of the Brunswick Community Reinvestment Area Housing Council to continue all active agreements in 2019 and accepting the 2018 CRA Status Report

Mr. Jones explained this legislation adopts the CRA Housing Council recommendation to continue all the active agreements in 2019, and to accept the 2018 CRA status report.

Mr. Hanek pointed out the legislation in the packet was numbered as 23-18, noting it to be a typo; it should be numbered as 23-19, it was numbered correctly on the agenda.

Mr. Ousley moved to amend Ord. No. 23-18 to Ord. No. 23-19. Vote – 3 Ayes, 0 Nays.

Mrs. Hanek moved this ordinance to tonight's Council Agenda of March 25, 2019 as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mr. Ousley moved to adjourn at 6:25 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,



Nicholas Hanek
Chairman

SAFETY & ENVIRONMENT COMMITTEE MEETING

March 25, 2019

IN ATTENDANCE: Chairman Brian Ousley, Committee Member Michael Abella Jr., Committee Member Andrea Rodriguez, Nicholas Hanek, Anthony Capretta, Joseph Delsanter, Patricia Hanek, City Manager/Safety Director Carl DeForest, Finance Director Todd Fischer, Fire Chief Josh Erskine, Law Director Kenneth Fisher, Parks & Recreation Director John Piepsny, Engineer Matt Jones, Council Clerk Fijabi Julien-Gallam, News Media.

The meeting convened at 6:26 p.m.

REVIEW LEGISLATION:

RES. NO. 24-19 – An emergency resolution authorizing the City Manager to purchase digital radios for the Division of Police and Division of Fire from Vasu Communications Inc., in an amount not to exceed \$280,000.00

Chief Erskine advised this legislation allows for the safety forces to upgrade to the MARCS radio platform. The purchase is through Vasu Communications in an amount not to exceed \$280,000.00; this purchase was approved in the 2019 budget.

Mr. Abella moved this resolution to tonight's Council Agenda of March 25, 2019 as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

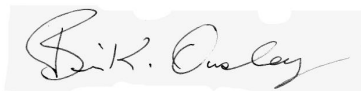
GENERAL DISCUSSION:

It was noted the committee will discuss the safety levy at the next regularly scheduled committee meeting of April 1.

ADJOURNMENT:

Being no further business, Mrs. Rodriguez moved to adjourn at 6:28 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

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Brian Ousley
Chairman

PARKS, RECREATION & COMMUNITY COMMITTEE

March 25, 2019

IN ATTENDANCE: Chairman Michael Abella Jr., Committee Member Patricia Hanek, Committee Member Anthony Capretta, Nicholas Hanek, Andrea Rodriguez, Brian Ousley, Joseph Delsanter, City Manager/Safety Director Carl DeForest, Finance Director Todd Fischer, Fire Chief Josh Erskine, Law Director Kenneth Fisher, Parks & Recreation Director John Piepsny, Engineer Matt Jones, Council Clerk Fijabi Julien-Gallam, News Media.

The meeting convened at 6:17 p.m.

SOCCER DISCUSSION:

Mr. Piepsny advised the City partners with Brunswick Youth Soccer Association (BYSA), and Brunswick Soccer Association (BSA), the lease agreements expire in August. He noted BSA mainly deals with travel teams.

He met with the two organizations and brought up the possibility of both organizations working together to form one organization, similar to the model of surrounding communities of Medina and Strongsville, where they work together with one vision and purpose to make the best of student athletes. With the lease agreements expiring in August, Mr. Piepsny thought it was a good opportunity to bring the idea to both organizations and see if there was any interest. He mentioned travel was interested, however rec did not have the same interest; however he will have more discussions in the hopes to make it work.

Mr. Piepsny noted he will keep the committee updated.

GENERAL DISCUSSION:

Mr. Ousley brought up a letter and map Council received on bike routes. He commented at a past meeting the idea of a bike route was discussed, however this information is that of a designated bike route.

After reviewing the map that denotes the areas of the routes, Mrs. Hanek did not see anything designated in the City; what was designated was in Brunswick Hills, and she was not sure why Council received this information.

Mr. Ousley mentioned during the past discussion it was noted the route was going to go down Substation, and it was pointed out that was a busy county road.

It was pointed out by Mr. DeForest that what Mr. Ousley was relating to was when the State of Ohio through ODOT spoke on a bike route, however, the information Council received was from a local safety program which the administration was aware of, and the City will be getting signs.

Mr. Piepsny interjected he was just made aware of program as well.

Mr. Ousley noted nothing has come about from the state on bike routes, and six months ago he reached out to the City of Strongsville to see about connectivity however he has not heard back from the Council representative there.

ADJOURNMENT:

Being no further business, Mr. Capretta moved to adjourn at 6:22 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

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Michael Abella Jr.
Chairman

COMMITTEE OF THE WHOLE MEETING

March 25, 2019

IN ATTENDANCE: Vice Mayor Michael Abella Jr., Brian Ousley, Andrea Rodriguez, Nicholas Hanek, Anthony Capretta, Joseph Delsanter, Patricia Hanek, City Manager/Safety Director Carl DeForest, Finance Director Todd Fischer, Fire Chief Josh Erskine, Law Director Kenneth Fisher, Parks & Recreation Director John Piepsny, Engineer Matt Jones, Council Clerk Fijabi Julien-Gallam, News Media.

The meeting convened at 6:29 p.m.

MOTIONS:

Motion to allow the Brunswick Area Historical Society to amend their existing agreement with the City of Brunswick to allow for the expansion of their lease area for the proposed building:

Mr. Piepsny advised the Historical Society has a lease agreement for the front 4.2 acres of Heritage Farm, and they are proposing to build an exterior building to model a small school house which would be situated outside the lease agreement. This motion would amend the current agreement allowing the new building to be a part of the lease agreement.

Mr. Delsanter advised the Historical Society came before the Planning Commission with the plans for the pole structure using a brick facade from Edwards Middle School when it is taken down.

Mr. Ousley mentioned Heritage Farm came a long way, he mentioned when it was shut down due to safety issues, and the Historical Society took care of all those issues.

Mr. Delsanter moved to allow the Brunswick Area Historical Society to amend their existing agreement with the City of Brunswick to allow for the expansion of their lease area for the proposed building. Vote – 7 Ayes, 0 Nays.

Motion to approve the revised detailed site plan for the Orchard Apartments Pearl Road and Magnolia Drive extending south to Beverly Hills Drive:

Mr. Jones informed the committee of the minor revision to the detailed site plan for the Orchard Apartments. He reiterated the revision was very minor, and it has to do with two of the single story units changing from one car garages to two car garages due to a demand among their potential renters, in doing that a couple of the driveways had to be moved around. Mr. Jones advised they came before Planning Commission and both the administration and Planning Commission support this change.

Mr. Hanek moved to approve the revised detailed site plan for the Orchard Apartments Pearl Road and Magnolia Drive extending south to Beverly Hills Drive. Vote – 6 Ayes, 1 Nay – Mr. Ousley.

Motion to appoint Clerk of Council Fijabi Julien-Gallam as designee for elected officials to attend public records training as required by Section 149.43 and 109.43 of the Ohio Revised Code:

Mrs. Gallam noted this annual designation is for the Clerk to attend public records training on behalf of all elected officials.

Mrs. Hanek moved to appoint Clerk of Council Fijabi Julien-Gallam as designee for elected officials to attend public records training as required by Section 149.43 and 109.43 of the Ohio Revised Code. Vote – 7 Ayes, 0 Nays.

GENERAL DISCUSSION:

On behalf of newly appointed Councilwoman Rodriguez, Mr. Fischer explained *Then & Now* certificates. Mr. Fischer noted according to state law if a purchase order is not done in a timely manner or it is not done before a service is rendered the bill cannot be paid unless the amount is less than \$3,000 dollars, however if it is over \$3,000 dollars Council has to sign a *Then & Now* certificate based on Ohio Revised Code language.

Mr. Fischer advised there were two *Then & Now* certificates needing signed this evening, one relating to an unemployment claim, and the other for a software agreement for the Service Department.

Mr. Ousley mentioned at the March 11 Committee of the Whole Meeting Mr. Jones brought up an asphalt overlay program; Mr. Ousley asked if Mr. Jones was able to reach out to other communities using that process to provide some insight to Council.

Mr. Jones advised he will be better prepared to discuss this at the next meeting; he was still working through it and talking to other communities.

Mr. Ousley expressed Council's concerns with putting asphalt on top of deteriorated concrete.

ADJOURNMENT:

Being no further business, Mr. Hanek moved to adjourn at 6:37 p.m. Vote – 7 Ayes, 0 Nays.

Respectfully submitted,

Valerie Zak

Valerie Zak
Assistant Clerk of Council

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 4/8/2019

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

FROM: Carl S. DeForest, City Manager
Ron Falconi

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 25-19** - A resolution establishing a Sisterhood city relationship between the City of Brunswick, Ohio, and the City of San Juan, Metro Manila. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Mayor Ron Falconi*)

BACKGROUND: San Juan is one of the few urban cities in the Philippines which values and preserves its very rich historical, religious and cultural heritage despite its booming economy and remarkable progress, the City of San Juan is now recognized as the “Historical City of Excellence” also for having been consistently awarded and conferred with numerous and unprecedented recognition because of its excellent governance, outstanding leadership, environmental concern and public service.

Apart from being historically known for its Pinaglabanan Shrine where the first battle of the Katipunan against the Spaniards occurred in 1896 and its significant part in the eventual attainment of the Philippine Independence in 1898, San Juan is likewise the only city in Metro Manila that retains its original name given during the Spanish Era, in honor of its Patron Saint, St. John the Baptist, thus, likewise retaining its religious connotation.

The City of San Juan also takes pride of its local and global affiliates and friendly relationships with other cities, which includes, among others, Luwan District of Shanghai, China; Maui, Hawaii, and Sta. Barbara, California of the United States of America, among others.

PURPOSE AND EXPLANATION: City Councilor Vincent Rainier M. Pacheco Chairman of the Committee on Culture, History, and Tourism introduced San Juan City as the prospect of a sister city of your progressive locality The City of Brunswick, State of Ohio. San Juan Metro Manila Philippines is a sister city of Santa Barbara CA since 2009 and a new sister of The County of Maui Hawaii. San Juan Metro Manila Philippines is a friendship city with Milpitas CA since the early '90s.

San Juan is a small city in Metro Manila but they will not be a burden to a future sister city to The City of Brunswick, but will be an asset in terms of culture, trade, best practices and can share growth.

**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
RESOLUTION NO. 25-19

BY: Committee-of-the-Whole

A RESOLUTION ESTABLISHING A SISTERHOOD CITY RELATIONSHIP
BETWEEN THE CITY OF BRUNSWICK, OHIO, AND THE CITY OF SAN
JUAN, METRO MANILA.

WHEREAS: Honorable Mayor Guia Gomez, of the City of San Juan, Metro Manila, Philippines, and the Honorable Mayor Ron Falconi, Brunswick, Ohio seek to establish a sister-city relationship between the City of San Juan and the City of Brunswick.

WHEREAS: San Juan, Metro Manila is the country's No. 1 Highly Urbanized City and remains an ideal place which to live – peacefully, centrally located, with access to all of life's necessities and luxuries.

WHEREAS: The City of San Juan, Metro Manila has a total area of 3.69 square miles (5.94 km²) with a population of 122,180 based on the 2015 Census of Population - Population of the National Capital Region.

WHEREAS: Both the City of Brunswick, Ohio and the City of San Juan, Metro Manila share a common desire and intention to promote and foster strong special ties, mutual understanding, friendship, goodwill and an atmosphere in which economic and community development can be implemented and strengthened.

WHEREAS: Both the City of Brunswick, Ohio and the City of San Juan, Metro Manila yearn for exchanges in science and technology, culture and arts, tourism, planning and urban development, commerce/trade and industry, education, sports development, environment protection, public health and social services.

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

SECTION 1: To establish a sisterhood city relationship with the City of San Juan, Metro Manila through a Memorandum of Agreement covering the intentions for the benefit of their respective constituents.

SECTION 2: To sign any agreement to implement the sisterhood between the two countries.

SECTION 3: A copy of this Resolution shall be forward to the City of San Juan, Metro Manila and all concerned agencies for their information.

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: 4/8/2019

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 26-19** - An emergency resolution authorizing participation in the Ohio Department of Transportation winter contract for road salt for the 2019-2020 winter season. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

BACKGROUND: The ODOT Office of Contracts Purchasing Services provides the opportunity for municipal corporations to participate in the State's purchase of sodium chloride (road salt) for snow and ice removal.

PURPOSE AND EXPLANATION: This agreement would allow the City to purchase sodium chloride (road salt) through the ODOT contract. This provides an economy of scale that typically provides lower prices than the City can receive on its own and helps the City keep salt costs as low as possible. The City of Brunswick has participated in this program in the past years with benefit.

IMPLEMENTATION SCHEDULE: The participation agreement was received from ODOT on March 19, 2019 with a deadline to have submitted completed legislation and the committed quantity of sodium chloride no later than April 19, 2019.

FINANCIAL INFORMATION: City entering into a cooperative purchasing program with ODOT - - - Salt & Cinders 117-0420-55300 - 2000 tons -

FINANCIAL SUMMARY: Per ton salt price and purchasing requirements would be based on the new ODOT contract that is yet to be determined. Purchases will be limited to Council adopted budget and the certified purchase order amounts in accordance with Ohio Revised Code Section 5705.41D.

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?

It is requested that legislation is passed by emergency measure with the suspension of the rules for the immediate preservation of the public peace, property, health, safety, or welfare, and so that the legislation will be enacted and delivered to ODOT prior to their April 19, 2019 deadline.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 26-19

BY: Mrs. Rodriguez, Mr. Capretta and Mr. Hanek

AN EMERGENCY RESOLUTION AUTHORIZING PARTICIPATION IN THE
OHIO DEPARTMENT OF TRANSPORTATION WINTER CONTRACT FOR
ROAD SALT FOR THE 2019-2020 WINTER SEASON.

WHEREAS: Ohio Revised Code Section 5513.01(B) provides the opportunity for political subdivisions to participate in contracts of the Ohio Department of Transportation (“ODOT”) for purchase of supplies, including road salt; and

WHEREAS: The City has participated in ODOT contracts for road salt in past years, which participation minimizes road salt costs and price increases.

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

SECTION 1: The City Manager is hereby authorized and directed, upon the approval of the Law Director, to enter into all necessary agreements with ODOT for the purchase of road salt for the 2019-2020 winter season upon the following terms:

- a) The City agrees to be bound by all terms and conditions established by ODOT in the Winter Contract for Road Salt (the “Contract”) and acknowledges that upon award of the Contract by the Director of ODOT, the City will be bound by all such terms and conditions contained therein.
- b) The City hereby acknowledges that upon formal execution of the Contract by the Director of ODOT, a contract between the City and the awarded road salt supplier (the “Supplier”) shall be created.
- c) The City hereby agrees to be solely responsible for resolving all claims or disputes arising out of the participation in the Contract and agrees to hold ODOT harmless from any claims, actions, expenses or other damages arising therefrom.
- d) The City hereby requests a total of 2,000 tons of Sodium Chloride (road salt), which the City agrees to purchase from the Supplier at the delivered price per ton as per the Contract.
- e) The City hereby agrees to purchase a minimum of 90% of the above requested road salt quantity from Supplier during the effective period of the Contract from September 1, 2019 through April 30, 2020.
- f) The City hereby agrees to place orders with and directly pay the Supplier on a net 30 basis for all road salt delivered pursuant to the Contract.
- g) The City hereby acknowledges that should the City wish to rescind its election to participate under the Contract, the City will do so no later than Thursday, June 1, 2019 by sending a written email request to ODOT Office of Contract Sales, Purchase Section at Contracts.Purchasing@dot.ohio.gov. Upon receipt, ODOT shall respond

that it has received the rescission request and confirm removal of the City's request to participate in the Contract. The City hereby acknowledges that it is the sole responsibility of the City to ensure that ODOT has timely received this Resolution and/or any rescission request and ODOT shall not be held responsible or liable for failure to timely receive the City's request to participate in the Contract and/or any rescission request.

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 this Resolution must be submitted to ODOT by April 19, 2019 to allow for participation in the Contract for the 2019-2020 winter season. 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, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 4/8/2019

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

FROM: Carl S. DeForest, City Manager
Paul Barnett, Matt Jones

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 27-19** - A resolution accepting a perpetual public easement from Kenneth R. Sacks for access to and maintenance of a public water main within the Orchard Apartments Development. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

BACKGROUND:

PURPOSE AND EXPLANATION: The proposed easement allows for the installation and maintenance of a water main on the Orchard Apartments Phase 2 site as needed to provide domestic water service and fire protection to the proposed apartment buildings.

IMPLEMENTATION SCHEDULE: The project is currently underway and is anticipated to be complete in late 2019.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: No costs known by Finance at this time. Should costs arise, they must be handled in accordance with Ohio laws, the Charter of the City of Brunswick, and the Council-approved budget.

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
RESOLUTION NO. 27-19

BY: Mrs. Rodriguez, Mr. Capretta and Mr. Hanek

A RESOLUTION ACCEPTING A PERPETUAL PUBLIC EASEMENT FROM KENNETH R. SACKS FOR ACCESS TO AND MAINTENANCE OF A PUBLIC WATER MAIN WITHIN THE ORCHARD APARTMENTS DEVELOPMENT.

WHEREAS: Kenneth R. Sacks has proposed providing a perpetual public easement to the City of Brunswick and City of Cleveland for access to and maintenance of a public water main within the Orchard Apartments Development.

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

SECTION 1: That the City of Brunswick hereby accepts the perpetual public easement, upon approval of the Law Director, from Kenneth R. Sacks in the form 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

PEARL ROAD (80')

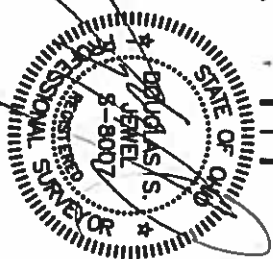
SITUATED IN THE CITY OF BRUNSWICK,
COUNTY OF MEDINA AND STATE OF OHIO
AND KNOWN AS BEING A PART OF ORIGINAL
BRUNSWICK TOWNSHIP LOT 5, TRACT 1.

BEVERLY HILLS DRIVE (60')

MAGNOLIA DRIVE (60')

DMG RENTALS 18 LLC
DOC. NO. 201706019984
09/05/2017

50' WATER MAIN EASEMENT
1.5302 AC. (66654 S.F.)



- ① R=805.56
b=430'44"
A=47.89
T=23.86
CH=47.86
N7810'03"W
- ② R=545.58
b=930'58"
A=80.61
T=45.41
CH=80.51
N7539'56"W
- ③ R=545.56
b=516'36"
A=50.25
T=25.14
CH=50.23
N6816'08"W
- ④ R=652.80
b=315'58"
A=37.21
T=18.61
CH=37.21
S8424'24"E

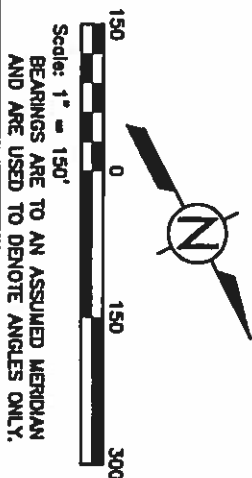


EXHIBIT C

CUNNINGHAM & ASSOCIATES, INC.
CIVIL ENGINEERING and SURVEYING
203 W. LIBERTY ST. MEDINA, OHIO 44256 330-725-5980

Part of Lot 5, Tract 1
LOCATED IN:
CITY OF BRUNSWICK
COUNTY OF MEDINA
STATE OF OHIO

DATE: 02/28/19
PROJECT: 16-203
JOB FILE NO. 1620-BHAMC
SHEET NO. 1

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 4/8/2019

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. 28-19** - A resolution authorizing the City Manager to enter into an agreement with the Ohio Department of Transportation for the storage of road salt. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

BACKGROUND: This agreement has occurred for many years and this is a continuation of the same arrangement.

PURPOSE AND EXPLANATION: This agreement will allow ODOT to continue to operate as efficiently as possible by staging salt near the areas that they are providing snow and ice control thereby providing safe and effective transportation to Brunswick and other citizens. This operational efficiency minimizes drive time for plow drivers during snow and ice events allowing them to reload with salt near the area they are providing service.

IMPLEMENTATION SCHEDULE: This work will take place commencing with the first snow fall this year.

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?
This agreement is needed when the snow and ice activities commence which can be at any time.

ADDITIONAL

INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 28-19

BY: Mrs. Rodriguez, Mr. Capretta and Mr. Hanek

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO
AN AGREEMENT WITH THE OHIO DEPARTMENT OF
TRANSPORTATION FOR THE STORAGE OF ROAD SALT.

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

SECTION 1: The City Manager is hereby authorized and directed to enter into an Agreement
with the Ohio Department of Transportation, as attached hereto as Exhibit "A",
for the storage of road salt.

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

ROAD SALT STORAGE AGREEMENT

THIS ROAD SALT STORAGE AGREEMENT is entered into by and between the City of Brunswick, an Ohio municipal corporation located at 4095 Center Road, Brunswick, Ohio 44212 (the “City”) and the Ohio Department of Transportation (“ODOT”).

RECITALS:

WHEREAS, the Parties hereto have determined that it is desirable to establish an arrangement wherein the City will allow ODOT to store road salt on City owned property and utilize City equipment for loading such road salt as provided herein.

NOW, THEREFORE, in consideration of the mutual promises, covenants and obligations contained herein, the Parties hereto agree as follows:

1. **TERM.** The term of this Agreement shall commence upon full execution of this Agreement and end on June 30, 2020 unless terminated by either Party hereto as provided in Section 2 herein.
2. **TERMINATION.** This Agreement may be terminated by either Party hereto upon thirty (30) days written notice.
3. **ODOT RESPONSIBILITIES.** Upon full execution of this Agreement ODOT shall provide fifty (50) tons of road salt annually to the City at a location approved by the City (the “Storage Location”) for the use of storage buildings and equipment. ODOT employees shall be solely responsible for loading road salt into ODOT vehicles. ODOT shall provide the City Service Director with the accounting of road salt removed from the Storage Location after each snow event and shall replenish the road salt upon the direction of the City Service Director as soon as reasonable after each snow event. Upon termination of this

Agreement, ODOT shall replenish any road salt that has not already been replenished.

4. CITY RESPONSIBILITIES. The City shall provide the Storage Location to ODOT and permit ODOT employees to utilize City equipment, including fuel, necessary to load road salt into ODOT vehicles at no cost.
5. WORKERS' COMPENSATION. Each Party hereto shall provide workers' compensation for its own employees.
6. PROPERTY DAMAGE. Each Party shall be responsible for and shall hold the other Party harmless from injury to its own employees or damage to its property. Any damage to City owned property as a result of ODOT's use shall be repaired by the City and the actual cost of repair shall be reimbursed by ODOT through the provision of road salt in an amount equivalent to the actual cost of repair.
7. ASSIGNMENT. This Agreement is not assignable without the prior written consent of both Parties hereto.
8. DEFAULT/REMEDIES. 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 terminate this Agreement. In the event of termination, the defaulting Party shall have no further rights or obligations under

this Agreement; however, the defaulting Party shall not be relieved of its obligations under this Agreement which accrued prior to the date of termination.

9. MISCELLANEOUS. This Agreement shall be governed by the laws of the State of Ohio. This Agreement contains the entire agreement between the Parties and any amendment hereto shall be mutually agreed upon in writing by the Parties hereto.

10. NOTICES. All notices which either Party hereto may give shall be addressed, in the case of the City of Brunswick, as follows:

The City of Brunswick
Attn: Service Director
4095 Center Road
Brunswick, Ohio 44212

And in the case of the Ohio Department of Transportation, as follows:

Ohio Department of Transportation
Attn: Howard Goodyear
3220 Medina Road
Medina, Ohio 44256

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

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed
as of the dates indicated below.

City of Brunswick

Ohio Department of Transportation

Carl S. DeForest, City Manager

By:_____

Date_____

Date_____

Approved as to form:

Kenneth J. Fisher, Law Director