

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda

SEPTEMBER 13, 2021

6:15 PM

In Caucus Room

or immediately following the Finance Committee Meeting

1. Discussion Items
 - (a) Review and approve the Council's Office 2022 Budget.
2. Motion Items
 - (a) Motion to enter into an agreement with the Medina County Office for Older Adults (MCOOA) to organize senior services within the City of Brunswick at the Brunswick Community Recreation and Fitness Center.
3. Review Legislation
 - (a) **ORD. NO. 87-2021** - An emergency ordinance creating an Opioid Settlement Fund (#141). - 1st Reading (To be brought from Committee-of-the-Whole, *Administration/Todd Fischer*)
 - (b) **ORD. NO. 88-2021** - An ordinance establishing Chapter 866 of the City of Brunswick Codified Ordinances to regulate mobile foodservice operations. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)
4. General Discussion
5. Executive Session
 - (a) Motion to go into Executive Session to discuss the Sale/lease of property and appointment, employment, dismissal, discipline, demotion, or compensation of a public employee.
6. Adjournment



DISCUSSION

DATE: 9/13/2021

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

FROM: Michael Abella Jr.

COPY: Mayor Ron Falconi

DISCUSSION: Review and approve the Council's Office 2022 Budget.

BACKGROUND: The narrative is attached to the Council's Office Budget. In the past, the Council's Office budget is completed by the Clerk of Council, then the President of Council reviews the proposed budget before it is submitted to the City Council for approval. Any questions regarding the appointment, employment, dismissal, discipline, demotion, or compensation of a public employee are discussed in the executive session.

PURPOSE AND EXPLANATION: The Council's Office budget has to be added to the City Manager's budget for approval in November for the 2022 budget year.

IMPLEMENTATION SCHEDULE:

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

ADDITIONAL INFORMATION:

City Council's Budget Narrative 2022 Operating Budget

Council Responsibilities

Brunswick City Council is the legislative and representative branch of the City elected by the voters of Brunswick. All legislative powers of the City are vested in the Council except as otherwise provided by law or the Charter. Council provides and exercises the performance of all duties and obligations imposed on the City by law. The City Council appoints a City Manager who executes the laws and administers the government of the City. The City Council appoints a Clerk of Council, who is a Certified Municipal Clerk, to give notice of Council Meetings to its members and the public, create and maintain the records of its proceedings and perform such duties assigned by law, Charter, and/or the Council.

Budget Highlights:

Council employs a full-time Clerk of Council and a Part-time Assistant Clerk of Council at an average of 28 hours per week.

Associations, Conferences & Training costs have been controlled and held to a minimum for the past several years. In 2020, the Associations, Conferences & Training line was decreased from \$3500 to \$3000, to move \$500 to incidentals. The Associations, Conferences & Training line will stay at \$3,000. The Clerk applies for scholarships for the Master Municipal Clerks Academy, when available, to save money and has done so for several years. This line item also covers various membership fees, occasionally required workshops, and sometimes miscellaneous mileage.

Codification line item has fluctuated up and down over the years. The plan is to keep the Codification line at the current budget amount (\$8,000) to provide the general codification of City ordinances and resolutions (Refer to Section 3.18 (b)).

Incidental line item covers plaques, business cards, and nameplates for Council dais, name badges, keys, banners, miscellaneous mileage, or special occasion refreshments (i.e. oath of offices). The incidental line will stay at \$900.

Office Supplies cover paper, copier staples, record books, calendars, batteries, disks, and miscellaneous supplies.

Postage covers all postage and the Council's share of maintenance on the postage machine.

Capital Purchase line item covers technology (Computers, tablets, laptops, etc.), carpets, desks, cabinets, furniture, Chairs, and software/programs in the Council's office. See Capital Improvement Fund #901 spreadsheet for beginning and ending balance. The purchase of an affordable laptop (1) has been requested due to IT not having a reliable and efficient laptop to loan when the Clerk is out of the office for training, for intern use, for council's use, and meetings use. The impact of COVID has shown the lack of technology resources in the Council's office. \$2,000 was appropriated for this project and has been included in the budget (See Capital Improvement Fund #901). The Council Clerk has since obtained direction from IT. IT cannot supply quotes for items for the 2022 year with the current chip shortages. Vendors are having a hard time keeping things in stock and prices are fluctuating. Computer and Digital recording replacements are budgeted starting in the 2024 year.



4095 CENTER ROAD - BRUNSWICK, OHIO 44212

CITY HALL PHONE: (330) 225-9144 - FAX: (330) 273-8023 - POLICE & FIRE PHONE: (330) 225-9111 - FAX: (330) 225-6002 <http://www.brunswick.oh.us>

City of Brunswick, Ohio
Five Year Capital Purchase Plan
Sub Fund - 901 Council

8/4/2021

	2022	2023	2024	2025	2026
Est Beginning Balance	\$ 33,656.34	\$ 31,656.34	\$ 31,656.34	\$ 28,656.34	\$ 28,656.34
Add: Set-Asides	-	-	-	-	-
Less: Capital Purchases	2,000.00	-	3,000.00	-	-
Est Ending Balance	\$ 31,656.34	\$ 31,656.34	\$ 28,656.34	\$ 28,656.34	\$ 28,656.34

Capital Purchase Plan Description	2022 Amount	2023 Amount	2024 Amount	2025 Amount	2026 Amount
Computer and Related Equipment:					
2 Computer Replacements**			2,400.00		
Other:			600.00		
Digital Recording Equipment***					
Headphones/Miscellaneous					
Lap-Top Computers (Council) 1 *	2,000				

City of Brunswick, Ohio
Departmental Budget Worksheet
For the Budget Year Ending, December 31, 2021

Fund: General Fund
Department: City Council
Fund Number: 001-0100

Line Item Account Number	Classification/ Account Title
-----------------------------	----------------------------------

2021	
Original Budget	Current Budget

2022	
Departmental Request	City Manager Recommendation

Personal Services
001-0100-51022 Council Members
001-0100-51180 Council Clerk
001-0100-51182 Council Clerk PT

\$	98,329.00	\$	98,329.00
	49,157.00		49,157.00
	23,002.00		23,002.00

Finance will calculate
Finance will calculate
24,752

Total Personal Services

\$	170,488.00	\$	170,488.00
----	------------	----	------------

\$	-	\$	-
----	---	----	---

Fringe Benefits
001-0100-52002 Longevity
001-0100-52222 Deferred Compensation
001-0100-52223 PERS
001-0100-52225 No Medical Coverage
001-0100-52226 Meditax
001-0100-52228 Sick Buy Back
001-0100-52231 Wellness
001-0100-52274 Workers Compensation
001-0100-52275 Hospitalization
001-0100-52280 Retirement Leave ORC Payout
001-0100-53258 Association, Conference & Training

	335.00		335.00
	1,475.00		1,475.00
	29,502.00		29,502.00
	-		-
	2,495.00		2,495.00
	224.00		-
	952.00		952.00
	5,971.00		5,971.00
	25,890.00		25,890.00
	-		-
	3,000.00		3,000.00

Finance will calculate
Finance will calculate
Finance will calculate
Finance will calculate
Finance will calculate
Finance will calculate
3,000

Total Fringe Benefits & Training

\$	69,844.00	\$	69,620.00
----	-----------	----	-----------

\$	-	\$	-
----	---	----	---

Purchased Services
001-0100-54246 Postage
001-0100-54253 Equipment Service Contract
001-0100-54272 Insurance
001-0100-54279 Codification

	200.00		200.00
	-		-
	3,750.00		3,750.00
	8,000.00		8,000.00

\$ 200
\$ 3,750.00
\$ 8,000.00

Total Purchased Services

\$	11,950.00	\$	11,950.00
----	-----------	----	-----------

\$11,950.00	\$	-
-------------	----	---

Office Supplies & Materials
001-0100-55239 Incidentals
001-0100-55242 Office Supplies

	900.00		816.00
	850.00		850.00

\$ 900.00
\$ 850.00

Total Office Supplies & Materials

\$	1,750.00	\$	1,666.00
----	----------	----	----------

\$1,750.00	\$	-
------------	----	---

Transfers Out
001-0100-99999 Transfer Out - Five-Year Capital Plan

	-		-
--	---	--	---

	-		-
--	---	--	---

Total Transfers Out

\$	-	\$	-
----	---	----	---

\$	-	\$	-
----	---	----	---

Total Operation Appropriations

\$	254,032.00	\$	253,724.00
----	------------	----	------------

Finance will calculate

2021	
Capital Plan Budget vs. Actual	

2022	
Capital Request	Capital Recom.

Five Year Capital Plan Expenditures
901-0100-56252 Capital Outlay

	-		84.00
--	---	--	-------

2,000	-		-
-------	---	--	---

Total Capital Equipment

\$	-	\$	84.00
----	---	----	-------

\$2,000.00	\$	-
------------	----	---

GRAND TOTAL OF EXPENDITURES

\$	254,032.00	\$	253,808.00
----	------------	----	------------

Finance will calculate

Footnote:

Council Clerk, for many years, retired in December 2017. New Council Clerk hired with some overlap in 2017.

In July 2019, part-time Assistant Council Clerk retired, new part-time Assistant Council Clerk hired.

* In April 2021, part-time Assistant Council Clerk resigned for a full-time position.
* In May 2021, new part-time Assistant Council Clerk hired at a starting rate of pay with an increase upon successful completion of the annual performance evaluation (May 17, 2022).

City of Brunswick, Ohio
Departmental Budget Worksheet
For the Budget Year Ending, December 31, 2021

Fund: General Fund
Department: City Council
Fund Number: 001-0100

Line/Item Account Number	Classification / Account Title	2007	2012	Actuals 2017	2019	2020
<i>Personal Services</i>						
001-0100-51022	Council Members	\$ 72,288.72	\$ 83,737.61	\$ 89,613.56	\$ 92,470.00	\$ 94,549.48
001-0100-51180	Council Clerk	51,642.47	56,358.40	68,309.84	46,617.67	49,743.05
001-0100-51182	Council Clerk PT	21,776.94	16,959.73	22,648.94	21,973.28	19,689.33
<i>Total Personal Services</i>		\$ 145,708.13	\$ 157,055.74	\$ 180,574.34	\$ 161,060.95	\$ 163,981.86
<i>Fringe Benefits</i>						
001-0100-52002	Longevity	1,005.20	2,084.48	2,443.29	-	-
001-0100-52222	Deferred Compensation	2,583.33	2,817.86	3,040.69	-	-
001-0100-52223	PERS	26,058.55	29,278.65	33,640.03	27,731.64	27,318.35
001-0100-52225	No Medical Coverage	-	-	-	-	-
001-0100-52226	Meditax	2,142.21	2,295.04	2,692.42	2,353.72	2,303.89
001-0100-52228	Sick Buy Back	1,498.44	1,326.05	583.13	-	-
001-0100-52231	Wellness	-	-	543.78	725.04	725.04
001-0100-52274	Workers Compensation	8,869.93	3,913.73	1,511.03	(1,960.91)	(6,469.88)
001-0100-52275	Hospitalization	14,096.88	15,840.92	18,698.59	23,260.64	25,009.29
001-0100-52280	Retirement Leave ORC Payout	-	-	4,619.84	4,929.47	-
001-0100-53258	Association, Conference & Training	8,062.14	1,043.00	691.82	1,004.57	365.00
<i>Total Fringe Benefits & Training</i>		\$ 64,316.68	\$ 58,599.73	\$ 68,464.62	\$ 58,044.17	\$ 49,251.69
<i>Purchased Services</i>						
001-0100-54246	Postage	400.37	334.80	-	-	-
001-0100-54253	Equipment Service Contract	1,510.46	-	-	-	-
001-0100-54272	Insurance	1,712.69	2,633.24	2,192.35	1,954.61	2,582.84
001-0100-54279	Codification	7,634.29	6,660.59	7,550.62	3,546.01	3,800.45
<i>Total Purchased Services</i>		\$ 11,257.81	\$ 9,628.63	\$ 9,742.97	\$ 5,500.62	\$ 6,383.29
<i>Office Supplies & Materials</i>						
001-0100-55239	Incidentals	434.18	467.29	649.96	365.14	651.81
001-0100-55242	Office Supplies	629.97	418.83	416.14	403.05	415.81
<i>Total Office Supplies & Materials</i>		\$ 1,064.15	\$ 886.12	\$ 1,066.10	\$ 768.19	\$ 1,067.62
<i>Transfers Out</i>						
001-0100-99999	Transfer Out - Five-Year Capital Plan	-	2,500.00	3,500.00	9,300.00	6,000.00
<i>Total Transfers Out</i>		\$ -	\$ 2,500.00	\$ 3,500.00	\$ 9,300.00	\$ 6,000.00
<i>Total Operation Appropriations</i>		\$ 222,346.77	\$ 228,670.22	\$ 263,348.03	\$ 234,673.93	\$ 226,684.46
<i>Five Year Capital Plan Expenditures</i>						
901-0100-56252	Capital Outlay	3,759.55	399.90	-	247.41	159.96
<i>Total Capital Equipment</i>		\$ 3,759.55	\$ 399.90	\$ -	\$ 247.41	\$ 159.96
GRAND TOTAL OF EXPENDITURES		\$ 226,106.32	\$ 229,070.12	\$ 263,348.03	\$ 234,921.34	\$ 226,844.42

Footnote:

Council Clerk, for many years, retired in December 2017. New Council Clerk hired with some overlap in 2017.

In July 2019, part-time Assistant Council Clerk retired, new part-time Assistant Council Clerk hired.

PROPOSED MOTION



DATE: 9/13/2021

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

FROM: Carl S. DeForest, City Manager
Taylor Petkovsek

COPY: Mayor Ron Falconi

MOTION: Motion to enter into an agreement with the Medina County Office for Older Adults (MCOOA) to organize senior services within the City of Brunswick at the Brunswick Community Recreation and Fitness Center.

BACKGROUND: The City of Brunswick entered into a three-year agreement with the Medina County Office for Older Adults for the purpose of organizing and facilitating senior services at the Brunswick Community Recreation and Fitness Center. That contract will be expiring on December 31, 2021. It is the desire of the administration to enter into a new three-year agreement for the purpose of organizing and facilitating senior services at the Brunswick Community Recreation & Fitness Center.

PURPOSE AND EXPLANATION: If this motion is accepted, this would be the third three-year renewal with Medina County Office for Older Adults.

IMPLEMENTATION SCHEDULE: The new contract would start January 1, 2022 and continue through December 31, 2024.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The cost of the senior services would be the following:
2022 - \$20,000.00
2023 - \$20,500.00
2024 - \$21,000.00

This request in added costs is to accommodate the one (1) part-time staff member, administrative duties and utility costs, supplies, and entertainment budget.

The account # is 131-0830-54286. Payment by year for this contract will also be contingent upon sufficient Council adopted appropriations. Council appropriates on an annual basis by state law.

**RECOMMENDED
ACTION:**

**ADDITIONAL
INFORMATION:**

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 9/13/2021

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

FROM: Carl S. DeForest, City Manager
Todd Fischer, Lynnette Ozanich

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 87-2021** - An emergency ordinance creating an Opioid Settlement Fund (#141). - 1st Reading (To be brought from Committee-of-the-Whole, *Administration/Todd Fischer*)

BACKGROUND: The people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

The State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

The State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City has adopted pursuant to Resolution No. 66-2021, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding ("MOU") relating to the allocation and the use of the proceeds of any potential settlements described; and

The MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

This Council understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

A settlement proposal (the "Proposed Settlement") is being presented to the State of Ohio and Local Governments by distributors AmerisourceBergen, Cardinal, and McKesson (collectively the "Settling Distributors") to resolve governmental entity claims in the State of Ohio using the structure of the MOU and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement, which settlement proposal is summarized in

Exhibits 1 and 2 as attached hereto and incorporated herein by reference; and

Ohio Revised Code Section 5705.09(F) requires the City to establish a special fund for each class of revenues derived from a source other than the general property tax, which the law requires to be used for a particular purpose.

**PURPOSE AND
EXPLANATION:**

See details listed in the background section.

**IMPLEMENTATION
SCHEDULE:**

Recommended action for approval with emergency and suspension of the rules on September 13, 2021.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

The establishment of a fund is required by law and will allow for the accounting structure to be in place.

**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?

The emergency and suspension clause is considered necessary in order to remain in compliance with the Ohio Revised Code, allow for the daily operations of the City of Brunswick to continue without interruptions, and allow for the proper accounting structure to be in place as required by law.

**ADDITIONAL
INFORMATION:**

None.

CITY OF BRUNSWICK, OHIO

ORDINANCE NO. 87-2021

By: Committee-of-the-Whole

AN EMERGENCY ORDINANCE CREATING AN OPIOID SETTLEMENT FUND
(#141)

- WHEREAS: The people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and
- WHEREAS: The State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and
- WHEREAS: The State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City has adopted pursuant to Resolution No. 66-2021, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and
- WHEREAS: The MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution;
- WHEREAS: This Council understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants;
- WHEREAS: A settlement proposal (the “Proposed Settlement”) is being presented to the State of Ohio and Local Governments by distributors AmerisourceBergen, Cardinal, and McKesson (collectively the “Settling Distributors”) to resolve governmental entity claims in the State of Ohio using the structure of the MOU and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement, which settlement proposal is summarized in Exhibits 1 and 2 as attached hereto and incorporated herein by reference.
- WHEREAS: Ohio Revised Code Section 5705.09(F) requires the City to establish a special fund for each class of revenues derived from a source other than the general property tax, which the law requires to be used for a particular purpose; and

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

- SECTION 1: That An Opioid Settlement Fund #141 is hereby created.

SECTION 2: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, welfare, and providing for the usual daily operation of a municipal department, and for the further reason that proper fund accounting measures be created. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

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

PROPOSED LEGISLATION



DATE: 9/13/2021

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

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 88-2021** - An ordinance establishing Chapter 866 of the City of Brunswick Codified Ordinances to regulate mobile foodservice operations. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)

BACKGROUND: Chapter 866 is being established to regulate mobile foodservice operations.

PURPOSE AND EXPLANATION: Due to an increase in requests from vendors to operate a mobile food service within the city, Chapter 866 is being created.

IMPLEMENTATION SCHEDULE: First reading on September 13, 2021; then refer to the Planning Commission for a public hearing.

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?
Recommend approval.

ADDITIONAL

INFORMATION:

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 88-2021

BY: Committee-of-the-Whole

AN ORDINANCE ESTABLISHING CHAPTER 866 OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES TO REGULATE MOBILE FOOD SERVICE OPERATIONS.

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

SECTION 1: That Chapter 866 of the Codified Ordinances, titled “Mobile Food Service Operation”, is hereby established to read as follows:

866.01 DEFINITIONS

As used in this Chapter:

(a) “Food” shall mean a raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or part for human consumption.

(b) “Mobile food service operation” means a food service operation that is operated from a movable vehicle or portable structure.

(c) “Mobile food service operation permit” shall mean the permit issued by the Division of Building pursuant to this Chapter.

(d) “Food service operation license” means the official document issued by the Medina County Health Department or by any other governmental agency with the authority to license food service operations.

866.02 MOBILE FOOD SERVICE OPERATION PERMIT

(a) Applications for a mobile food service operation permit shall be filed with the Division of Building, no less than ten (10) days prior to the proposed event, on a form to be furnished which shall require at least the following information:

- (1) The name of the applicant and the applicant's physical description.
- (2) The home address of the applicant, social security number, driver's license number and the tax identification number of the employer, if applicable.
- (3) The name and address of the applicant's employer.
- (4) All places of residence of the applicant and all employment during the preceding year.
- (5) The nature and the character of the foods to be sold.
- (6) The City income tax form must also be completed and filed with the application.

- (7) Written permission from the property owner to operate on the private property where the mobile food service operation is proposed to be conducted.
 - (8) A site plan showing the proposed location of the mobile food service operation.
- (b) The applicant shall furnish a recent photograph.
- (c) A B.C.I. and F.B.I. Web check must be completed through the Medina County Sheriff's Office and provided with the original application.
- (d) If the Chief of Police determines after an investigation that the applicant proposes to engage in a lawful commercial or professional enterprise and neither the applicant nor the enterprise upon which the applicant proposes to engage constitutes a clear and present danger to the residents of the City and all requirements of this Chapter have been satisfied, the Division of Building shall issue a permit to the applicant.

866.03 PERMITTED ZONING DISTRICTS FOR OPERATION

Excluding private events not open to the public, a mobile food service operation is permitted to be operated in the following Zoning Districts in the City:

C-G General Commercial (non-residential only)
 C-N Neighborhood Commercial
 GW-C Gateway Commercial
 C-H Highway Interchange Commercial
 Brunswick Town Center SPD-2 (Main Street District only)

866.04 PERMIT FEE

For the permit to be issued under the provisions of this Chapter, each applicant shall pay to the City seventy-five dollars (\$75.00) per each individual application. All permits issued hereunder shall be valid for a period of ninety (90) days from the date of issuance.

866.05 HOURS OF OPERATION

No mobile food service operations shall be conducted before 9:00 a.m. or after 7:00 p.m. on weekdays, or before 11:00 a.m. or after 9:00 p.m. on Saturdays, Sundays and legal holidays.

866.06 GENERAL REQUIREMENTS

(a) All persons employed and/or entities operating a mobile food service operation shall:

- (1) Register with the City for a mobile food service operation permit and display the permit in the vehicle at all times while operating within the City.
 - (2) Be eighteen (18) years of age or older.
 - (3) Wear clean, washable outer garment or uniform disclosing the name of the employer thereon.
 - (4) Maintain themselves in a clean condition and free from contagious disease.
 - (5) Possess a valid driver's license if operating a motor vehicle.
 - (6) Quarterly file a revenue report with the City of Brunswick Finance Department for any income generated in the City. Reports must be filed within thirty (30) days of quarter end.
 - (7) Maintain all necessary food service licenses as required by law.
 - (8) Comply with all food service and/or health guidelines as required by law.
 - (9) Provide the name of the business and its owner(s), the mailing address of the business, and the mobile telephone number of the operator.
 - (10) Provide the make, model, year and current registered license number of the mobile food vehicle.
- (b) All vehicles used for mobile food service operation shall:
- (1) Be clearly marked with the company name and phone number on both sides in letters at least four (4) inches high;
 - (2) Carry a minimum of one million dollars (\$1,000,000) bodily injury and property damage insurance. A copy of this insurance coverage policy must be filed with the application.
 - (3) Be safety inspected annually with certification by a mechanic that the vehicle is in safe operating condition. A copy of this inspection must be filed with the Division of Building as part of the application.
 - (4) Be issued an annual "Food Service Mobile License" by the Medina County Health Department. A copy of this license must be filed with the application.
 - (5) The operation of the mobile food vehicles shall at all times be in compliance with all applicable governmental rules and regulations, including but not limited to those of the County Public Health Department and the State.
 - (6) Not operate on City owned property or within the public right of way unless authorized by the City in writing.
- (c) Music on mobile food service operation vehicles must not be audible in excess of fifty (50) feet from the vehicle and must be turned off while the vehicle is stopped for sales.
- (d) No mobile food service operation shall sell, attempt to sell or offer for sale any wares:
- (1) Within one hundred (100) feet of any street intersection.

- (2) Within two hundred fifty (250) feet of any school premises, day care center, playground, church or place of worship unless these entities or facilities request the service.
 - (3) Within five hundred (500) feet of a special event unless approved as part of that event.
- (e) The following actions, without limitation, by an owner/operator of a mobile food service vehicle are hereby declared to be nuisances and are prohibited in the City:
- (1) The frequent and repeated canvassing in any area or upon any street by representative of the same organization.
 - (2) Failure to keep and maintain the vehicles and containers used for the sale of food in a clean and sanitary condition.
 - (3) The sale of food by a person with a communicable disease.
 - (4) Any other violation of this Chapter.
 - (5) No mobile food vehicle shall make or cause to be make any excessive noise, lighting or other method of attracting the attention of the public that otherwise complies with the City's noise ordinance and any other applicable regulation.
 - (6) Mobile food vehicles shall not be permitted free-standing temporary signage except one (1) menu board, with a maximum of six (6) square feet, placed adjacent to the mobile food vehicle.
 - (7) The City reserves the right to relocate a mobile food vehicle to an alternate location as determined by the City if the approved location needs to be used for emergency purposes or other public benefit.

866.07 REVOCATION

Any violations or complaints of this Chapter will be reviewed and investigated by the Division of Police. In addition to any other penalties provided herein, the permit issued pursuant to this Chapter may be revoked by the City Manager for any violation of this Chapter. Upon revocation, the applicant and/or owner may not reapply for a permit under this Chapter for a period of six (6) months from the date of revocation.

866.08 PENALTY

Whoever violates any of the provisions of this chapter shall be fined not more than seven hundred fifty dollars (\$750.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

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