

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda

DECEMBER 12, 2016

6:30 PM

1. Discussion Items
 - (a) Brunswick Lake Park Lease Agreement
 - (b) Kidder Elementary School Trash Pick-up - Don Johnson from Kimble.
 - (c) Discussion on the two revised proposed animal ordinances (recommended from Safety & Environment Committee).
 - (d) Discussion of placing the same safety levy on the May 2017 ballot with possible language revisions (recommended from the Safety & Environment Committee).
2. Motion Items
 - (a)
3. Review Legislation
 - (a) **RES. NO. 95-16** - An emergency Resolution amending Resolution 6-16 by increasing the maximum premium payment for property, automobile, inland marine, general liability, public officials liability, police liability, boiler and machines, crime coverage, cyber coverage, employment practice and umbrella insurance coverage by an amount not to exceed \$10,000.00 - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Julie Murawski*)
4. General Discussion
5. Executive Session
 - (a) Motion to go into Executive Session to discuss the appointment, employment, dismissal, discipline, demotion or compensation of a public employee.
6. Adjournment

THE CITY OF BRUNSWICK

PROPOSED MOTION



DATE: 12/12/2016

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager
John Piepsny

COPY: Mayor Ron Falconi

MOTION: Brunswick Lake Park Lease Agreement

BACKGROUND: It is the desire for the Medina County Park District to expand their role in the operations and management of Brunswick Lake Park. Medina County Park District has had a lease for the Susan Hambley Nature Center operations for the past 6 years. This lease will be expiring December 31, 2016. The Medina County Park District would like to expand this lease agreement to include the management and operations of over 65 acres of Brunswick Lake Park (See Attachment).

**PURPOSE AND
EXPLANATION:**

IMPLEMENTATION

SCHEDULE: Once approved by City Council a lease agreement will be executed by the City Manger and Approved by the City Law Director.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

RECOMMENDED

ACTION: We would request this discussion item be moved to COW for further discussion.

**ADDITIONAL
INFORMATION:**

"EXHIBIT A"

- Parcel 1: Medina County Parcel 003-18D-04-012 being 3.703 acres more or less
Parcel 2: Medina County Parcel 003-18D-04-031 being 40.925 acres more or less
Parcel 3: Medina County Parcel 003-18D-10-261 being 20.7369 acres more or less



CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING SECTION 618.28 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES BY PROVIDING REGULATIONS
FOR THE TETHERING OF DOGS.

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

SECTION 1: That Section 618.28 of the Codified Ordinances is hereby established to read as follows:

618.28 TETHERING DOGS

- (a) As used in this Section:
 - (1) "Body harness" means a device consisting of straps made of nylon, leather or other pliable material fitted to the body of a dog and used to affix a restraint of the animal.
 - (2) "Collar" means a device consisting of straps made of nylon, leather or other pliable material secured around the neck of a dog that is properly fitted and has enough room between the collar and the dog's throat through which two adult fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog.
 - (3) "Properly fitted" means worn without causing discomfort, pain or injury.
 - (4) "Tether" means, when used as a noun, any device, including but not limited to a chain, leash, cable or tie out attached to a stationary point or object, trolley or run used to contain or restrain a dog. When used as a verb, tether shall mean to attach a dog to such a device.
- (b) Nothing in this section shall prohibit the tethering of a dog that is in the immediate proximity of its owner or custodian, in a manner that does not cause discomfort, pain or injury to the dog.
- (c) No person shall tether or cause to be tethered any dog that is not in the immediate vicinity of its owner or custodian except under all the following conditions:
 - (1) The owner or custodian is present on the property;
 - (2) Such tethering does not exceed sixty (60) continuous minutes;
 - (3) The dog is six months of age or older;
 - (4) If female, the dog is sterilized;
 - (5) The tether does not exceed ten percent of the dog's body weight;
 - (6) The tether is at least three times the length of the dog from the tip of its nose to the base of its tail;
 - (7) The tether allows the dog to easily stand, sit, lie, turn around, and make all other normal body movements in a comfortable normal position;

- (8) The tether allows the dog to interact safely with other animals;
 - (9) The tether is appropriate for the age and size of the dog and attached to the dog by a properly fitted collar or body harness configured to prevent the dog or tether from becoming entangled with other objects or animals or from extending over an object or edge that could result in the strangulation or injury of the dog;
 - (10) Only one dog is attached to a single tether;
 - (11) The dog is not tethered in such a manner to permit the dog to cross and enter upon another's property, except that the same shall not be unlawful if the affected owner or person having lawful possession thereof provides consent; and
 - (12) Adequate water and shade is provided to the dog.
- (d) Whoever violates or fails to comply with any provisions of this section is guilty of the following and shall be subject to the penalty as provided in Section 698.02:
- (1) On the first offense within 12 months, a minor misdemeanor.
 - (2) On the second offense within 12 months of a first offense, a misdemeanor of the fourth degree.
 - (3) On the third offense within 12 months of a first offense, a misdemeanor of the first degree.
 - (4) On any offense, if the dog was injured, a misdemeanor of the first degree.

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
Barbara J. Ortiz

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING SECTION 618.29 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES BY PROVIDING REGULATIONS
FOR LEAVING ANIMALS UNATTENDED IN VEHICLES.

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

SECTION 1: That Section 618.29 of the Codified Ordinances is hereby established to read as follows:

618.29 LEAVING ANIMALS UNATTENDED IN VEHICLES

- (a) No animal shall be left unattended in an enclosed portion of a vehicle except under all the following conditions:
 - (1) No animal may be left unattended in an enclosed portion of a vehicle for more than five minutes;
 - (2) No heat or cold advisory has been issued by a local or state authority or the National Weather Service;
 - (3) The animal is not younger than six months of age; and
 - (4) Adequate water is provided to the animal.
- (b) This section does not apply to any animal left unattended in an enclosed portion of a vehicle wherein appropriate temperature controls are in actual use.
- (c) Whoever violates or fails to comply with any provisions of this section is guilty of the following and shall be subject to the penalty as provided in Section 698.02:
 - (1) On the first offense within 12 months, a minor misdemeanor.
 - (2) On the second offense within 12 months of a first offense, a misdemeanor of the fourth degree.
 - (3) On the third offense within 12 months of a first offense, a misdemeanor of the first degree.
 - (4) On any offense, if the animal was injured, a misdemeanor of the first degree.

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
Barbara J. Ortiz

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 12/12/2016

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 95-16** - An emergency Resolution amending Resolution 6-16 by increasing the maximum premium payment for property, automobile, inland marine, general liability, public officials liability, police liability, boiler and machines, crime coverage, cyber coverage, employment practice and umbrella insurance coverage by an amount not to exceed \$10,000.00 - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Julie Murawski*)

BACKGROUND: Council adopted Resolution No. 6-16 authorizing the City Manager to enter into a one (1) Year contract for liability insurance. The carrier providing coverage, Travelers, will delete a prorated premium for removals of property, and requires payment for additions to coverage. Therefore, this legislation is needed to cover the additional monies necessary to pay for the net additions.

PURPOSE AND EXPLANATION: So that payment may be made of the net additions from the 2016 budget.

IMPLEMENTATION SCHEDULE:

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Any additional net premium amounts will be based upon the net additions and deletions of items during the policy year. This legislation for any possible additional premiums, not to exceed \$10,000.

Fund and accounts involved in any payment will depend on the Department or Divisions ownership of those assets being deleted or added. All payments made will be contingent upon sufficient Council adopted appropriations pursuant to ORC 5705.

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?

This emergency Resolution is needed in order to pay for the net additions in this year's budget.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AMENDING RESOLUTION NO. 6-16 BY INCREASING THE MAXIMUM PREMIUM FOR PROPERTY, AUTOMOBILE, INLAND MARINE, GENERAL LIABILITY, PUBLIC OFFICIALS LIABILITY, POLICE LIABILITY, BOILER AND MACHINES, CRIME COVERAGE, CYBER COVERAGE, EMPLOYMENT PRACTICE AND UMBRELLA INSURANCE COVERAGE BY AN AMOUNT NOT TO EXCEED \$10,000.00.

WHEREAS: The City utilized the professional services of Love Insurance Agency to obtain proposals for property, automobile, inland marine, general liability public officials liability, police liability, boiler and machines, crime coverage, cyber coverage, employment practice and umbrella insurance coverage;

WHEREAS: On January 25, 2016, this Council adopted Resolution No. 6-16 authorizing the City Manager to enter into a one (1) year contract from February 1, 2016 through January 31, 2017 at an annual premium of \$231,785.00, which amount includes crime coverage premium in the amount \$2,286.00, for the following insurance: property, automobile, inland marine, general liability, public officials liability, police liability, boiler and machines, crime coverage, cyber coverage, employment practice and umbrella coverage; and

WHEREAS: The insurance carrier (Travelers) makes prorated premium adjustments for City property removed from and/or added to coverage under the policy, which has resulted in additional premium amount due from the City.

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

SECTION 1: That the City Manager is hereby authorized to remit payment for additional premiums due in an amount not to exceed \$10,000.00.

SECTION 2: The Finance Director is authorized to issue a warrant for payment of the additional premium amount upon receipt of a proper invoice from the City Manager.

SECTION 3: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the additional reason to ensure continuing coverage of the insured property. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading_____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barbara J. Ortiz, CMC

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 95-16

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AMENDING RESOLUTION NO. 6-16 BY INCREASING THE MAXIMUM PREMIUM FOR PROPERTY, AUTOMOBILE, INLAND MARINE, GENERAL LIABILITY, PUBLIC OFFICIALS LIABILITY, POLICE LIABILITY, BOILER AND MACHINES, CRIME COVERAGE, CYBER COVERAGE, EMPLOYMENT PRACTICE AND UMBRELLA INSURANCE COVERAGE BY AN AMOUNT NOT TO EXCEED \$10,000.00.

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PASSED: 1st Reading_____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barbara J. Ortiz, CMC