BRUNSWICK CITY COUNCIL AGENDA

Brian Ousley At-Large	Alex Johnson At-Large	Michael Abella Jr. Ward 1	Kenneth Fisher Law Director	Anthony Bales City Manager	Ron Falconi Mayor	Barbara Ortiz Council Clerk	Patricia Hanek At-Large	Joseph Salzgeber Ward 3	Anthony Capretta Ward 4	Nicholas Hanek Ward 2

Administration Representatives

DECEMBER 19, 2016

1. Prayer and Pledge of Allegiance led by Webelos ll Den of Pack 3407

2. Roll Call of Members

3. Correspondence

4. Approval of regular Council Meeting Minutes dated December 12, 2016.

   (a) City Council Minutes dated December 12, 2016.

5. Mayor's Report:
   (a) Mayor's Update

6. Clerk of Council's Report

7. Council Committee Reports:
   Economic Development...Mr. Johnson
   Services, Utilities, Technology & Cable.....................................Mr. Salzgeber
   (36) Services Committee Meeting Minutes dated December 12, 2016
   Finance Committee..Mrs. Hanek
   Safety & Environment...Mr. Hanek
   (33) Safety Committee Meeting Minutes dated December 5, 2016
   Planning & Zoning Committee...Mr. Ousley
   Parks, Recreation & Community Committee...............................Mr. Abella Jr.
   Building & Building Code Committee..Mr. Capretta
   (35) Building Code Committee Meeting Minutes dated December 12, 2016

8. Other Boards and Commissions

   (a) Committee of the Whole Meeting Minutes dated November 28, 2016

9. Petitions from the Public on Legislation

10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

RES. NO. 83-16 - A resolution urging contributions to local food banks - **3rd Reading** (Committee-of-the-Whole, *Administration/Brian Ousley)*

ORD. NO. 92-16 - An ordinance establishing Section 1440.27 of the City of Brunswick Codified Ordinances by providing for single-family and two-family residential rental property regulations - **3rd Reading** (Building & Building Code Committee, *Administration/Ken Fisher*)

RES. NO. 93-16 - An emergency resolution authorizing the City Manager to enter into a municipal engineering consulting services agreement with Chagrin Valley Engineering, Ltd for the provision of professional municipal engineering services and designating Matthew M. Jones, P.E., as Consulting Municipal Engineer **- 3rd Reading** (Committee-of-the-Whole, *Administration/Paul Barnett)*

b. 2nd Reading(s)

c. 1st Reading(s)

RES. NO. 98-16 - An emergency resolution authorizing the City Manager to enter into a one year contract to engage the Audit Division of the Auditor of State's Office of Ohio to audit the City of Brunswick for the fiscal year ending December 31, 2016- **1st Reading** *(To be brought from Finance Committee, Todd Fischer)*

RES. NO. 99-16 - An emergency resolution requesting an advance release of property tax revenue funds from the Medina County Treasurer collected for the benefit of the City of Brunswick - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

ORD. NO. 100-16 - An ordinance establishing Section 618.29 of the City of Brunswick Codified Ordinances by providing regulations for leaving animals unattended in vehicles - **1st Reading** (Safety and Environment Committee, *Administration/Ken Fisher*)

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

(a) Motion to have a Special Council Meeting on December 27, 2016 at 6:30 p.m. for legislation to cover the BTA merger with Medina County and the agreement for fund transfers of GCRTA and to waive notification.

16. Adjournment

CITY OF BRUNSWICK, OHIO

MINUTES OF COUNCIL

MONDAY, DECEMBER 12, 2016

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: BRIAN OUSLEY, ALEX JOHNSON, MICHAEL ABELLA JR., ANTHONY CAPRETTA, PATRICIA HANEK, NICHOLAS HANEK, JOSEPH SALZGEBER AND COUNCIL CLERK BARB ORTIZ, MAYOR RON FALCONI.

CORRESPONDENCE: THERE WAS NONE.

APPROVAL OF REGULAR COUNCIL MEETING MINUTES DATED NOVEMBER 28, 2016.
PATRICIA HANEK MOVED TO APPROVE THE COUNCIL MEETING MINUTES DATED NOVEMBER 28, 2016 AS WRITTEN, SECONDED BY ALEX JOHNSON. ROLL CALL - AYES - 7, BRIAN OUSLEY, ALEX JOHNSON, MICHAEL ABELLA JR., ANTHONY CAPRETTA, PATRICIA HANEK, NICHOLAS HANEK, JOSEPH SALZGEBER. NAYS - 0. MOTION CARRIED.

MAYOR'S REPORT:

Mayor's Court Financial Report for the month ending November 2016 will be posted on the website and added to the minutes for the record.

Motion to approve the Mayor's recommendation to reappoint Cliff Nowak to the MCDAC Board:

Joseph Salzgeber moved to approve the Mayor's recommendation to reappoint Cliff Nowak to the MCDAC Board, seconded by Patricia Hanek. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Motion to approve the Mayor's recommendation to reappoint Stan Socha to the Volunteer Firefighters' Dependents Fund Board:

Brian Ousley moved to approve the Mayor's recommendation to reappoint Stan Socha to the Volunteer Firefighter's Dependents Fund Board, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Motion to approve the Mayor's recommendation to appoint Tim Smith to the Medina County Housing Network:

Anthony Capretta moved to approve the Mayors recommendation to appoint Tim Smith to the Medina

County Housing Network, seconded by Joseph Salzgeber. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

CLERK OF COUNCIL'S REPORT: MRS. ORTIZ REMINDED EVERYONE ONE THAT THE CITY WAS STILL LOOKING FOR PEOPLE INTERESTED IN THE VACANCIES FOR THE BOARDS AND COMMISSIONS. THERE WERE A COUPLE PEOPLE THAT APPLIED FOR PLANNING COMMISSION. IF ANYONE WAS INTERESTED THEY COULD CONTACT HER. THE CITY WAS ALSO LOOKING FOR SOMEONE FOR THE BUILDING BOARD CODE OF APPEALS, JUVENILE DIVISION AND THERE WERE TWO OPENINGS FOR THE COUNCIL ON AGING AND DISABILITIES.

COUNCIL COMMITTEE REPORTS:

Economic Development..Mr. Johnson:

Alex Johnson had no formal report tonight.

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

Joseph Salzgeber moved to approve the formal report dated November 28, 2016 as written, seconded by Brian Ousley. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Finance Committee..Mrs. Hanek:

Patricia Hanek moved to approve the formal reports dated November 21, 2016 and November 28, 2016 as written, seconded by Joseph Salzgeber. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Safety & Environment..Mr. Hanek:

Nicholas Hanek moved to approve the formal report dated November 28, 2016 as written, seconded by Alex Johnson. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Planning & Zoning Committee..Mr. Ousley:

Brian Ousley had no formal report this evening.

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

Michael Abella Jr. moved to approve the formal report dated November 28, 2016 as written, seconded by Alex Johnson. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

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

Anthony Capretta moved to approve the formal report dated November 28, 2016 as written, seconded by Alex Johnson. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

OTHER BOARDS AND COMMISSIONS: PATRICIA HANEK MOVED TO APPROVE THE COMMITTEE-OF-THE-WHOLE MINUTES DATED NOVEMBER 21, 2016 AND NOVEMBER 29, 2016 AS WRITTEN, SECONDED BY JOSEPH SALZGEBER. ROLL CALL - AYES - 7, BRIAN OUSLEY, ALEX JOHNSON, MICHAEL ABELLA JR., ANTHONY CAPRETTA, PATRICIA HANEK, NICHOLAS HANEK, JOSEPH SALZGEBER. NAYS - 0. MOTION CARRIED.

PETITIONS FROM THE PUBLIC ON LEGISLATION:

RICHARD KASSOUF OF 4092 TUDOR AVENUE - MR. KASSOUF WAS HERE FOR THE INSPECTION LEGISLATION AND APPLICATION FOR RESIDENTIAL RENTAL PROPERTY. HE REPRESENTED HIMSELF AS A HOMEOWNER, A PROPERTY OWNER, AN INVESTOR AND A REALTOR. HE FOUND THE DETAILS OF THIS PARTICULAR LEGISLATION NOT TO HIS LIKING. HE THOUGHT IT PUT THE CITY AT RISK AND WAS NOT GOOD FOR THE GENERAL REAL ESTATE POPULATION. IT COULD BE CONSIDERED DISCRIMINATORY IN A NUMBER OF WAYS. HE SAID THAT SEVERAL OF THE COUNCIL MEMBERS ADVISED IT WAS NOT. HOWEVER HE THOUGHT IT COULD BE MADE DISCRIMINATORY IN THAT THE CITY WILL COUNT THE NUMBER OF OCCUPANTS ON A PROPERTY. THE CITY WILL LOOK AT THE TENANT MIX THAT MIGHT BE IN A SINGLE OR DOUBLE. IT ALSO COULD BE DISCRIMINATORY IN THAT THE CITY MAY DISCRIMINATE PROPERTY IN THE FACT THAT THERE WAS A ONE OR TWO FAMILY THAT MAY QUALIFY. IF THERE WAS A TWO FAMILY THAT HAD A THIRD FLOOR THAT COULD BE RENTED OUT THAT QUALIFIED. IF THERE WAS A THREE FAMILY IT DID NOT QUALIFY. A FOUR FAMILY WOULD NOT QUALIFY. THE FEDERAL GUIDELINES TO BEING ABLE TO CONSIDER A NON-COMMERCIAL REAL ESTATE WAS ONE TO FOUR FAMILIES. AGAIN THIS COULD BE A POINT OF CONTENTION. IN ADDITION, IF THERE WAS A PIECE OF PROPERTY OWNED BY AN INDIVIDUAL AND BECAME A RENTAL PROPERTY, THAT RENTAL PROPERTY WOULD THEN BE OPEN FOR AN INSPECTION. THE ORDINANCE DID NOT STIPULATE HOW MUCH OF AN INSPECTION THIS WAS. THERE WERE LAWS IN THIS CITY AND ORDINANCE THAT SPECIFICALLY ADDRESSED INTERIOR AND EXTERIOR EXAMINATION OF PROPERTY. IF THE CITY SAW SOMETHING ON THE OUTSIDE OF THE PROPERTY THAT DID NOT COMPLY WITH AN ORDINANCE THE CITY HAD THE OPPORTUNITY TO SEND AN INSPECTOR OVER AND CREATE VIOLATIONS. ON THE INTERIOR THE CITY HAD TO HAVE A COMPLAINT OR A REAL REASON TO GET INTO THE PROPERTY

WHICH OPEN THAT DOOR TO ALLOW AN INSPECTOR TO GO INTO A PIECE OF PROPERTY POSSIBLY WITHOUT ANY REASON OTHER THAN THE FACT THAT A TENANT WAS GOING IN. AGAIN, IT WOULD BE INSPECTED WITH POSSIBLE VIOLATIONS.

TO HIM THIS SCREAMED POINT OF SALE INSPECTION OR POINT OF LEASING INSPECTION. HE WAS CORRECTED IN HIS UNDERSTANDING FROM THE ORIGINAL INFORMATION THAT THE OWNER COULD POTENTIALLY PAY A $300 AMOUNT EVERY TWO YEARS. THIS WAS HIGH IN COMPARISON TO SOME OF THE RENTALS IN THIS AREA. HE KNEW OF RENTALS THAT WERE IN THE $300 TO $400 RANGE AND THAT WOULD TAKE A BIG CHUNK OF MONEY OUT OF SOMEONE'S POCKET. HE MENTIONED THE $200 PER MONTH FINE FOR NOT MAKING AN APPLICATION. HE SAID HE HAD A PIECE OF PROPERTY THAT HE RENTED FOR $750 A MONTH. IF HE FAILED TO APPLY FOR OCCUPANCY PERMIT AND HE WENT ONE FULL YEAR THIS WOULD BE 75% OF HIS GROSS INCOME. THIS DID NOT INCLUDE TAXES OR MAINTENANCE. HE THOUGHT THIS WAS WORSE THAN THE IRS. THE CITY WOULD ALSO PUT IT IN AS A TWO YEAR SERIES. HE DID READ IN THE ORDINANCE THAT POSSIBLY THERE COULD BE A SECOND TENANT OR A THIRD TENANT DURING THAT TWO YEAR PERIOD. THE AVERAGE LEASE IN THIS COMMUNITY WAS ONE YEAR. ANYTHING MORE THAN ONE YEAR COULD BE CONSIDERED A PROBLEM IF THEY HAD TO PAY ANOTHER FINE OR ANYTHING ELSE. HE THOUGH THIS WAS NOT THE SITUATION THE CITY WANTED TO DEAL WITH.

CINDY KINTOP OF A3674 BOSTON ROAD - MS. KINTOP WAS A REAL ESTATE BROKER AND OWNED FOREST REALITY IN VALLEY CITY AND DID A LOT OF BUSINESS IN MEDINA COUNTY. SHE WAS ALSO HERE BECAUSE OF SEEING THE ARTICLE REGARDING THE REGISTRATION PROCESS FOR THOSE WHO OWN RENTAL PROPERTIES. THE ONE THING SHE DID NOT SEE ADDRESSED IN THE ARTICLE WAS HOW THOSE HOMEOWNERS WILL BE MADE AWARE THAT THERE WAS A REGISTRATION FEE. SHE WAS CONCERNED IF A HOMEOWNER DID NOT REALIZE AND AN ENTIRE YEAR OR MORE SENT PAST HIM AT $200 PER MONTH IT WAS AN EXORBITANT FEE. THE $300 REGISTRATION FEE PROPOSED FOR EVERY TWO YEARS WAS HIGH COMPARED TO OTHER COMMUNITIES. SHE THOUGH THAT HAVING THE SITUATION WHERE THE CITY WAS COMING IN EVERY TWO YEARS TO LOOK AT PROPERTY WAS BURDENSOME ON A HOMEOWNER. SHE STRESSED THAT SHE DID NOT OWN ANY INVESTMENT PROPERTY IN BRUNSWICK AND THIS DID NOT AFFECT HER PERSONALLY. HOWEVER, SHE WAS LOOKING AT HER INVESTORS AND CLIENTS AND COULD SEE THAT THIS WOULD BE A BURDEN ON THEM. EVEN HOMEOWNERS WOULD NOT LIKE SOMEONE TO COME IN EVERY TWO YEARS TO INSPECT OUR HOMES. SHE THOUGHT IT WAS A DETAIL THE CITY NEEDED TO ADDRESS ALONG WITH THE FEE STRUCTURE BEFORE THEY MADE THEIR FINAL DETERMINATION NEXT WEEK. THIS WILL HAVE A HUGE IMPACT ON THE LITTLE GUYS. THEY WERE JUST TRYING TO GET AHEAD. SHE FELT THE DETAILS OF THIS ORDINANCE NEEDED TO BE LOOKED AT AGAIN. SHE UNDERSTOOD THE INTENT AS BOTH A HOMEOWNER AND A REAL ESTATE BROKER. SHE WANTED TO SEE A NICE STANDARD OF LIVING IN THE COMMUNITY. SHE DID NOT WANT TO SEE TOO MANY CARS, OR BUILDING CODE VIOLATIONS. HOWEVER, THE CITY HAD CODE IN PLACE TO DEAL WITH THOSE THINGS ALREADY. IT NEEDED MORE CONSIDERATION AND MORE DISCUSSION AMONG COUNCIL BEFORE THE DECISION WAS MADE.

CHRIS ZVEROWSKI OF 1225 ALEXANDREA LANE, MEDINA - HE WHOLEHEARTEDLY DISAGREED WITH THE PROPOSED ORDINANCE ALSO. HE SPENT A SIGNIFICANT AMOUNT OF TIME ON THE PHONE WITH MR. CAPRETTA AND THE LAW DIRECTOR. HE WANTED SOME CLEAR ANSWERS. HE WAS TOLD THAT BRUNSWICK WENT OUT TO BEREA AND UNIVERSITY HEIGHTS WHICH BOTH OF THOSE WERE COLLEGE TOWNS. HE WAS NOT SURE WHERE THE COLLEGE CAMPUSES WERE IN BRUNSWICK. ALSO, HE LOOKED AT THE ECONOMIC IMPACT. HE WAS NOT GOING TO PAY THE $300, HIS TENANTS WERE GOING TO PAY THIS MONEY. THIS WAS PULLING $300 OUT OF THE INCOME STREAM IN THE CITY OF BRUNSWICK. AS HE SPOKE TO THE LAW

DIRECTOR EARLIER TODAY, IT WAS A TAX. HE DISAGREED AND SAID IT WAS AN APPLICATION FEE. HOWEVER, MR. ZVEROWSKI ADVISED IT WAS A TAX AS IT WAS MONEY COMING OUT OF HIS POCKET INTO THE CITY'S POCKET. WHAT WOULD HAPPEN WAS THE RENTS WOULD GET RAISED IN BRUNSWICK AND NO ONE WAS GOING TO BE ABLE TO RENT. THE CITY WOULD HAVE MORE FORECLOSURES AND BANKRUPTCIES. HE WAS A LOCAL REALTOR IN THE AREA AND ALSO WORKED AT RISK MANAGEMENT FOR INSURANCE COMPANY. AS MR. CAPRETTA AND HE TALKED EARLIER, HE TOOK CARE OF HIS RENTAL PROPERTY. THEY HAVE INVESTED ABOUT $75,000 IN IMPROVEMENTS. HE TOLD ME THAT HE WAS TOO NICE OF A LANDOWNER. HE ENCOURAGED COUNCIL TO THINK LONG AND HARD ABOUT IT. HE UNDERSTOOD WHAT THE CITY WAS TRYING TO DO BUT THOUGHT THEY WERE GOING ABOUT IT THE WRONG WAY. THERE WERE ORDINANCES ALREADY IN PLACE FOR THE TYPE OF THINGS THAT THE CITY WAS TRYING TO DO.

TINA GRANT OF 364 FOXBOROUGH DRIVE - MS. GRANT WAS THE MANAGER OF THE HOWARD HANNAH OFFICE, THE LARGEST REAL ESTATE FIRM IN BRUNSWICK. SHE WAS ALSO A MEMBER OF THE MEDINA COUNTY BOARD OF REALTORS. THIS WAS JUST BROUGHT TO HER ATTENTION TODAY. SHE ASKED FOR AN EXTENSION OF THIS ORDINANCE. SHE WAS ASKING FOR AN EMERGENCY MEETING OF THE MEDINA COUNTY BOARD OF REALTORS TO SIT DOWN AND DISCUSS THIS AND HOW IT WOULD IMPACT POSITIVELY AND/OR NEGATIVELY. SHE ADVISED THEY WILL MEET THIS WEEK AND HAVE A REPRESENTATIVE FROM THE BOARD COME BACK NEXT WEEK. THEY DID HAVE SAFETY CODES, BUILDING CODES AND CODES FOR OTHER PROBLEMS. THEY DID FEEL THAT THE $200 A MONTH LATE FEE WAS EXORBITANT. SHE RELATED THAT SOME PEOPLE MAKE $50 A MONTH ON THEIR RENTALS. IF THEIR MORTGAGE WAS $950 AND THEY WERE ABLE TO COLLECT $1,000 A MONTH. IF THEY MADE $600 OR $1,200 A YEAR, THE CITY WOULD CHARGED $300 EVERY TWO YEARS. SHE ALSO WONDERED WHAT WAS BEING INSPECTED. SHE WOULD LIKE TO LOOK AT THE ORDINANCE AND FIND OUT MORE DETAILS SO THAT SHE COULD BRING IT BEFORE THE BOARD OF REALTORS. SHE SAID BRUNSWICK DID NOT HAVE A POINT OF SALE AND IT WAS A HUGE DRAW TO THE COMMUNITY. SHE FELT THAT MOST LANDLORDS MAINTAINED THEIR PROPERTY. AGAIN, SHE ASKED FOR AN EXTENSION SO THEY COULD ALL COME UP WITH A GREAT SOLUTION TO HELP KEEP THE CITY AND HOUSING LOOKING BEAUTIFUL AND TO BRING BUYERS INTO THE CITY.

GARY NOLAN OF 4163 WILLOW GROVE - MR. NOLAN STATED TO HIM IT SEEMED LIKE THE CITY WAS SINGLING OUT LANDLORDS. IF SOMEONE BOUGHT A HOME HERE THEY WOULD NOT HAVE TO DO ANY OF THIS. NO MATTER HOW MANY PEOPLE MOVE INTO THE HOUSE, THEY WERE NOT SUBJECT TO WHAT THE LANDLORDS WERE SUBJECT TO. AS FAR AS THE PARKING PROBLEM, SINGLE FAMILY HOMES WERE NOT LIKE A CLUSTER HOME WHERE A PARKING PROBLEM WOULD BE MORE LIKELY. IF HE HAD TENANTS THAT WERE GOING TO HAVE A PARTY AND THEY WERE NOT GETTING ALONG WITH THEIR NEIGHBOR THE NEIGHBOR MAY COMPLAIN. THE LANDLORD WOULD BE IN NONCOMPLIANCE. WOULD HE HAVE TO ASK THEM TO MOVE? AS FAR AS THE NUMBER OF PEOPLE ALLOWED IN THE HOME, HE WENT TO THE BUILDING DEPARTMENT AND ASKED HOW MANY PEOPLE WERE ALLOWED IN A HOME AND NO ONE KNEW THE ANSWER. HE WONDERED HOW HE WOULD KNOW WHO HE COULD RENT TO AND HOW MANY PEOPLE. IF HE SHOULD FIND THAT OUT AND RENTED THE HOME AND THE TENANTS MET THE MAXIMUM ALLOWANCE AND SOMEONE WAS PREGNANT, HE WOULD BE IN NONCOMPLIANCE AGAIN. HE WOULD HAVE TO KICK THEM OUT. HE DID NOT AGREE WITH THE FORMAT THAT WAS SET UP. HE FELT LIKE HE ALREADY PAID FOR THIS BECAUSE HE PAID INCOME TAX AND IT USED TO BE INCLUDED. HE LIVED HERE SINCE THE EARLY 1970'S. THE CITY ALSO RECEIVED MONEY FROM INCOME TAX FROM THE RENT. HE THOUGHT A LOT MORE NEEDED TO BE DISCUSSED WITH THIS LEGISLATION AND THE LANDLORD SHOULD BE ADDRESSED MORE

APPROPRIATELY.

ROBERT MCCAFFERTY OF 3576 MONTEREY CIRCLE - MR. MCCAFFERTY BROUGHT UP RESOLUTION NO. 93-16. IT WAS FOR AN ENGINEERING CONSULTING AGREEMENT WITH CHAGRIN VALLEY LTD. HE LOOKED AT IT AND IT LOOKED LIKE THE CITY WAS PAYING MORE THAN $200,000 A YEAR. HE WONDERED HOW MUCH THE CITY PAID CHAGRIN VALLEY FOR A PART-TIME ENGINEER. ALSO, HE SAID WIITH THE EMERGENCY EXTENSION AGREEMENT WITH RTA FOR THE 251 FLYER IT SEEMED THE CITY WAS PAYING $60,000 A YEAR. HE ASKED WHY THE MEDINA TRANSIT AUTHORITY WANTED TO MAKE THIS AN ORPHAN. HE DID NOT THINK THE TAXPAYERS WANTED TO PAY AN ADDITIONAL $60,000 TO PAY FOR THIS. IF THE CITY DECIDED TO GIVE MEDINA COUNTY TRANSIT AUTHORITY THE CONTRACT THEY SHOULD TAKE THE 251 FLYER ALSO. HE STATED MEDINA TRANSIT WANTED THE INCOME FROM FARES, THE GOODS, THE INCOME FROM NOACA, THE FEDERAL MONEY, AND THE STATE MONEY. THIS WAS WHY THEY CAME TO THE CITY AND SAID THEY WANTED BTA. IT WAS ONE OF THE FEW LAST ASSETS THE CITY HAD AND THE CITY KEPT GIVING THE ASSETS AWAY. THEY ALSO WILL RECEIVE THE THREE BRAND NEW BUSES AND EVERYTHING ELSE INVOLVED. THEY NEED TO TAKE THE 251 FLYER ALSO.

READING OF LEGISLATION AND ACTION ON LEGISLATION:

3RD READING(S)

RES. NO. 76-16 - A resolution permitting the City Administration to sell, through public internet auctions, personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired for the Year 2017 **- 3rd Reading** (Committee-of-the-Whole, *Administration/Julie Murawski*):

RES. NO. 76-16 - Patricia Hanek moved to adopt, seconded by Brian Ousley. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mrs. Murawski noted that every year Council must adopt this piece of legislation in order for the Administration to be able to dispose of unused assets of the City through the Internet auction process. By adopting this piece of legislation it will be effective for the year 2017.

ORD. NO. 79-16 - An ordinance approving the Phase 2 detailed site plan for the South Lake Subdivision located in the southwest neighborhood of the Brunswick Town Center Special Planning District No. 2 - **3rd Reading** (Planning & Zoning Committee, *Administration/Matt Jones*):

ORD. NO. 79-16 - Brian Ousley moved to adopt, seconded by Patricia Hanek. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Jones explained this was to approve the detailed site plan for Phase 2 at South Lake. This plan followed the special planning district guidelines that were in place and it was in conformance with the preliminary subdivision plat that was previously approved by Planning Commission.

ORD. NO. 80-16 - An ordinance approving the Phase 2 Final Plat for the South Lake Subdivision located in the southwest neighborhood of the Brunswick Town Center Special Planning District No. 2 - **3rd Reading** (Planning & Zoning, *Administration/Matt Jones*):

ORD. NO. 80-16 - Brian Ousley moved to adopt, seconded by Patricia Hanek. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Jones stated this was for the plat itself that will be filed with the county.

2ND READING(S)

RES. NO. 83-16 - A resolution urging contributions to local food banks - **2nd Reading** (Committee-of-the-Whole, *Administration/Brian Ousley)*:

RES. NO. 83-16 - Brian Ousley moved this resolution to a third reading.

ORD. NO. 92-16 - An ordinance establishing Section 1440.27 of the City of Brunswick Codified Ordinances by providing for single-family and two-family residential rental property regulations - **2nd Reading** (Building & Building Code Committee, *Administration/Ken Fisher*):

ORD. NO. 92-16 - Anthony Capretta moved this ordinance to a third reading.

RES. NO. 93-16 - An emergency resolution authorizing the City Manager to enter into a municipal engineering consulting services agreement with Chagrin Valley Engineering, Ltd for the provision of professional municipal engineering services and designating Matthew M. Jones, P.E., as Consulting Municipal Engineer - **2nd Reading** (Committee-of-the-Whole, *Administration/Paul Barnett)*:

RES. NO. 93-16 - Patricia Hanek moved this resolution to a third reading.

1ST READING(S)

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)*:

RES. NO. 95-16 - Patricia Hanek moved to suspend the rules, seconded by Alex Johnson. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mrs. Murawski advised this will allow the City to pay for premiums on brand new items that the City purchases throughout the year. Council had already adopted legislation for liability insurance for this plan year. However it was very specific in the dollar amount and this will allow for the small ads and deletes that occurred for the rest of this year.

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

RES. NO. 96-16 - An emergency resolution extending the agreement between the Greater Regional Transit Authority and the City of Brunswick up to and including December 31, 2017 for the provision of transportation services known as the 251 Flyer (formerly the 451 Route) - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett)*:

RES. NO. 96-16 - Joseph Salzgeber moved to suspend the rules, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Barnett related this will allow for the continuation of the 251 Flyer. Funds for this come through the GCRTA which was funded through FTA.

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

RES. NO. 97-16 - An emergency resolution authoring the City Manager to enter into an agreement with Toshiba to perform upgrades to the City phone system in an amount not to exceed $60,000.00 - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Robert Marok*):

RES. NO. 97-16 - Joseph Salzgeber moved to suspend the rules, seconded by Alex Johnson. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Marok related this will allow the City to preform upgrades to the backend of all City buildings. The current phone system was about fifteen years old and was no longer serviceable. The City looked at the cost of replacement versus doing the in place upgrades. This agreement worked out to be one half of the cost of doing a full phone replacement.

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

CITY MANAGER'S REPORT: CHIEF DEFOREST REMINDED EVERYONE WITH WINTER UPON US PEOPLE WERE ENCOURAGED TO SLOW DOWN. THEY WERE A FATAL CRASH OVER THE WEEKEND ON LAUREL ROAD. THE THOUGHTS AND PRAYERS WENT OUT TO THE FAMILY. SPEED WAS PROBABLY A CONTRIBUTING FACTOR. AGAIN, WHEN THE ROADS BECAME SLICK PLEASE REMEMBER TO SLOW DOWN AND PAY ATTENTION. MAKE SURE THAT YOU GIVE THE PLOWS THE RIGHT OF WAY SO THAT THEY CAN REMOVE THE SNOW AND ICE FROM THE ROADWAY. HE MENTIONED THAT AT CITY HALL DONATIONS WERE TAKEN TO PASS ONTO THE BRUNSWICK FOOD PANTRY. PEOPLE WERE ENCOURAGED ESPECIALLY DURING THE WINTER MONTHS TO MAKE DONATIONS TO THE FOOD PANTRY. HE THANKED LOCAL ORGANIZATIONS, CHURCHES AND SCHOOL GROUPS THAT GAVE BACK TO THE COMMUNITY AND HELPED THOSE OUT IN TIME OF NEEDED. HE ALSO

ANNOUNCED THAT THE RELAY FOR LIFE CHILI COOK-OFF WAS ON JANUARY 14 AT THE RECREATION CENTER FROM 11:00 A.M. TO 2:00 P.M. LOCAL CHEFS WILL BE FEATURED THERE WITH THEIR BEST CHILI RECIPES AND THERE WILL BE SOME SURPRISES AS WELL. THIS WAS THE KICK -OFF FOR THIS YEAR'S RELAY FOR LIFE. THIS YEAR THE CITY'S CAPTAIN WAS JOHN PIEPSNY THE PARKS AND RECREATION DIRECTOR. HE THANKED MR. PIEPSNY FOR HIS INVOLVEMENT IN THIS INTIMATE WORK WITH THE AMERICAN CANCER SOCIETY.

ADMINISTRATIVE DEPARTMENTS:
MR. FISCHER INFORMED THE FIRST PRE-AUDIT CONFERENCE MEETING TOOK PLACE. MEMBERS THAT WERE PRESENT WERE THE AUDIT COMMITTEE, CITY OFFICIALS AND THE AUDITOR OF STATE'S OFFICE. IT WAS ANTICIPATED THAT THE AUDIT WILL BEGIN JANUARY 2017 FOR FISCAL YEAR 2016. ALSO, THE 2017 CITY MANAGER PROPOSAL WAS PRESENTED AND NOW CITY COUNCIL ADOPTED THE BUDGET WITH THE AUDIT COMMITTEE AND WENT THROUGH THEIR QUESTIONS AND ANSWERS. IT WAS A VERY GOOD SESSION.

MR. JONES NOTED THAT THE ROAD CONSTRUCTION SEASON WAS WRAPPED UP FOR THE YEAR. THEY WERE BEGINNING TO PLAN FOR NEXT YEAR'S CONCRETE AND ASPHALT PROGRAMS. IN ADDITION THEY WERE STARTING TO PLAN FOR NEXT YEAR'S OHIO PUBLIC WORKS COMMISSION'S FUNDED PROJECT WHICH WILL BE GRAFTON ROAD PHASE 4. THIS WILL BE FROM HADCOCK ROAD TO JUDY LANE, WHICH WAS WEST OF PEARL ROAD. THE DISTRICT 9 OHIO PUBLIC WORKS COMMISSION COMMITTEE RECOMMENDED THAT THIS PROJECT BE FUNDED BY THE COMMISSION. THE CITY LOOKED FORWARD TO HEARING FOR SURE ON THAT WITHIN THE NEXT MONTH OR SO. ADDITIONALLY, THE CITY WAS LOOKING FORWARD TO MOVING FORWARD FOR THE NORTH CARPENTER RECONSTRUCTION PROJECT. THIS WILL BE A DESIGN BUILD PROJECT ADMINISTERED BY ODOT. THE CONTRACT FOR THIS WILL BE AWARDED SOMETIME IN 2017. DUE TO IT BEING A DESIGN BUILD PROJECT IT WILL NOT BEGIN UNTIL 2018. IT WAS ANTICIPATED TO BE A TWO YEAR PROJECT.

HE ALSO WANTED TO BRIEFLY DISCUSS SOME OF THE SIGNALIZATION ISSUES ON RT. 303 BETWEEN NORTH CARPENTER ROAD AND I-71. THERE WAS AN INNER-CONNECT CABLE THAT CONNECTED THOSE SIGNALS FOR THE CENTRALIZED SYSTEM THAT CONTROL HOW THE SIGNALS WERE TIMED. UNFORTUNATELY DURING THE SLIP RAMP PROJECT THAT INNER-CONNECT CABLE HAD TO BE TAKEN OUT OF SERVICE. A MANUAL TIMING SEQUENCE HAD BEEN PUT IN ITS PLACE. THIS WAS NOT THE BEST WAY TO CONTROL THE AMOUNT OF TRAFFIC THAT WENT THROUGH THERE. THE GOOD NEWS WAS THAT INNER-CONNECT CABLE WAS REINSTALLED LAST WEEK. THE SIGNAL TIMING SHOULD BE GETTING BACK TO NORMAL. IT WILL BE MONITORED DURING THE NEXT COUPLE OF WEEKS.

MR. PIEPSNY SUGGESTED THIS WAS THE PERFECT TIME TO GIVE THE GIFT OF HEALTH THIS HOLIDAY SEASON. THE RECREATION CENTER WAS OFFERING 50% OFF ALL ANNUAL MEMBERSHIPS THROUGH DECEMBER 31, 2016. AS OF TODAY, THERE WERE ONLY THIRTEEN DAYS LEFT UNTIL CHRISTMAS. HE SUGGESTED HURRYING IN BEFORE IT WAS TOO LATE.

MR. OUSLEY ASKED WITH THE WORK GRANT FOR GRAFTON ROAD, IF IT DID COME AND CAME EARLY, WOULD IT BE POSSIBLE THAT THE PROJECT COULD START EARLIER THAN NORMAL. SOMETIMES THE PROJECTS COULD NOT BE STARTED UNTIL AFTER JULY BECAUSE THAT WAS WHEN THE MONEY CAME IN. HE WANTED TO KNOW IF THERE WAS ANY POSSIBILITY IF THAT COULD BE FUNDED UP AHEAD OF TIME TO START THE PROJECTS INSTEAD OF STARTING RIGHT BEFORE SCHOOL STARTED.

MR. FISCHER STATED THE DESIGN WORK AND THE ENGINEERING WORK COULD BE DONE ON 100% OF THE

CITY'S DOLLARS. THE CITY COULD GET REIMBURSED AFTER THE GRANT. HOWEVER, THE CONSTRUCTION COULD NOT BEGIN UNTIL AFTER JULY1 PROVIDED THE CITY RECEIVES THE GRANT.

ALSO, MR. JOHNSON COMPLEMENTED THE PARKS AND RECREATION DEPARTMENT FOR A WONDERFUL JOB IN LIGHT UP THE LAKE. THEY DID A GREAT JOB ON THE EVENTS AND A NUMBER OF FAMILIES HAD A GREAT TIME. HE APPRECIATED EVERYONE FOR THEIR HARD WORK.

OPEN FORUM:
JAN SOBELEWSKI OF 384 JUDITA DRIVE - MR. SOBELEWSKI CONGRATULATED CHIEF DEFOREST ON ACCEPTING THE FUTURE POSITION OF CITY MANAGER. HE HAD THE UTMOST CONFIDENCE IN HIM TO DO A FANTASTIC JOB. HE ALSO MENTIONED HE HAD A PROBLEM WITH HIS PROPERTY DIRECTLY WEST OF HIM. IT SEEMED LIKE IT WENT ON DEAF EARS AT LEAST TWICE. HOWEVER, HE CONTACTED COUNCIL-AT LARGE BRIAN OUSLEY AND HE HANDLED THE PROBLEM. MR. OUSLEY TURNED EVERYTHING OVER TO THE CITY ABOUT A TREE THAT CAME THROUGH HIS PROPERTY. HE ALSO TURNED IT TO A GENTLEMAN NAMED JESSE. JESSE ALSO FOLLOWED THROUGH. HE WAS HAPPY TO SAY THAT EVERYTHING HAS BEEN RESOLVED AND HE THANKED MR. OUSLEY.

DAN HOSTETLER OF 32 PUBLIC SQUARE, MEDINA - MR. HOSTETLER STATED HE WAS WITH THE MEDINA COUNTY CONVENTION AND VISITOR'S BUREAU AND SAT ON THE OHIO STATE UNIVERSITY EXTENSION SERVICE COMMUNITY DEVELOPMENT COMMITTEE. THE DEVELOPMENT COMMITTEE WAS PUTTING ON 11 CLASSES CALLED THE MEDINA COUNTY GOVERNMENT LEADERSHIP ACADEMY. IT WAS CLASSES THAT WERE RECOMMENDED FOR ANYONE WHO WOULD LIKE TO EXPLORE THE MECHANICS AND PHILOSOPHIES OF IMPACT GOVERNMENT. THIS WOULD BE ELECTED OFFICIALS, BOARD MEMBERS, SCHOOL AND NON-PROFIT TRUSTEES, ADMINISTRATORS, LAWYERS, AND HEALTH CARE PROVIDERS. THE COST FOR THE CLASSES WAS $275. SOME OF THE CLASSES WERE EFFECTIVE MEETING AND DECISION MAKING, ECONOMIC DEVELOPMENT WITHIN THE COUNTY, BUILDING SUSTAINABLE COMMUNITIES, LEADERSHIP AND CONFLICT DISPUTE RESOLUTION. THESE CLASSES WERE OFFERED AS IT WAS FELT AFTER TALKING TO A NUMBER OF COMMUNITY LEADERS THAT IT WOULD BE SOMETHING TO BE PROVIDED FOR EVERYONE ACROSS THE COUNTY. THE CLASSES STARTED ON JANUARY 19 AND RAN THROUGH MARCH 30, 2017. THEY TOOK PLACE AT 5:30 P.M. AND IT INCLUDED A LIGHT DINNER. THE CLASS TIME WAS FROM 6:00 TO 8:00 P.M. HE DISTRIBUTED FLYERS TO THE ADMINISTRATION AND COUNCIL.

PAT MCNAMARA OF 410 BANKSIDE DRIVE - MR. MCNAMARA STATED THAT HE WAS THE NOPEC REPRESENTATIVE FOR THE CITY OF BRUNSWICK. ON BEHALF OF NOPEC HE WANTED TO COME TO PERSONALLY THANK COUNCIL FOR APPROVING THE EMERGENCY RESOLUTION ON NOVEMBER 28 VOICING YOUR OPPOSITION TO ANY PROPOSAL BY STATE LEGISLATORS TO REGULATE ELECTRIC UTILITIES. HE INFORMED SINCE 1999 ELECTRIC UTILITIES HAVE BEEN DEREGULATED BY STATE STATUTE. SINCE THAT TIME SIGNIFICANT SAVINGS HAVE BEEN REALIZED BY THE CONSUMERS IN THE STATE OF OHIO. NOPEC HAS COMMISSIONED A WHITE PAPER THAT WAS RESEARCHED BY THE CLEVELAND STATE UNIVERSITY MAXINE GOODMAN LEVINE COLLEGE OF URBAN AFFAIRS TOGETHER WITH THE JOHN GLEN COLLEGE OF PUBLIC AFFAIRS AT OHIO STATE. THIS ANALYZED THE PROS AND CONS OF THE SAVINGS AND BENEFITS OF DEREGULATION. NOT SURPRISING, IT DETERMINED THAT DEREGULATION SAVED PEOPLE MONEY. QUITE FRANKLY, DEREGULATION OF ELECTRICITY IN THE STATE OF OHIO HAS SAVED OHIO CONSUMERS AN AVERAGE OF $3 BILLION OVER THE LAST FIVE YEARS. THIS WAS FROM THE YEARS 2010 THROUGH 2015. BRUNSWICK HAS BEEN A NOPEC MEMBER SINCE ITS INCEPTION IN THE YEAR 2000. NOPEC HAS REALIZED $5.4 MILLION IN CUMULATIVE SAVINGS. NOT ONLY WAS NOPEC THE CITY'S ADVOCATE ON BEHALF OF

SAVING CUSTOMER MONEY, THEY ALSO AWARDED POWERING OUR COMMUNITY GRANT MONEY IN THE AMOUNT OF $235,000. THIS ALLOWED THE RECREATION CENTER TO INSTALL NEW AIR CONDITIONING UNITS, NEW LIGHTING OVER THE POOLS AND NEW LIGHTING IN CITY HALL. THEY ALSO ADVOCATED ON THE CITIES BEHALF IN COLUMBUS. THEY TRIED TO OBTAIN AND GIVE BACK SOME OF THOSE DOLLARS TO THE COMMUNITIES. OHIO'S INVESTOR OWNED UTILITIES (IOU'S) HAS DECIDED TO PLEAD THEIR CASE BEFORE THE PUCO IN SUPPORT OF RATE HIKES OR PRICE SUPPORT. THIS MEANT THE BILLS WOULD GO UP. NOPEC SAW THIS AS POOR INVESTOR DECISIONS. THE DECOMMISSIONING OF THE PLANT ALONG THE OHIO RIVER AND THE NUCLEAR PLANT AT DAVID BESSIE CARRIED WITH IT LEGACY COST THAT WOULD BE SPREAD OUT OVER DECADES THAT THEY WANTED TO PASS ALONG TO OHIO CONSUMERS. IN ORDER TO DO THIS RATHER THAN REINVEST IN THEIR OWN COMPANY, THEY WANT TO PASS ALONG THESE COSTS TO THE CONSUMERS. THE PUCO AGREED WITH THESE THINGS. NOPEC HAS FOUGHT THIS CASE IN COLUMBUS FOR THE LAST 36 MONTHS. THEY WILL CONTINUE TO FIGHT ON BEHALF OF THE CITIES TO MAKE SURE THAT REREGULATION NEVER HAPPENED IN THE STATE OF OHIO. IF YOU AGREED WITH WHAT HE SAID TONIGHT, HE ENCOURAGED RESIDENTS TO REACH OUT TO THEIR STATE REPRESENTATIVES. UNLESS PEOPLE BECAME INVOLVED ON A GRASSROOTS LEVEL AND CALLED THEIR STATE REPRESENTATIVES IT WILL NEVER GET DONE. THEY HAVE HEARD RUMORS AS TO WHAT WAS NOPEC WILLING TO TOLERATE.

ON A PERSONAL NOTE, HE THANKED COUNCIL FOR THEIR CONSIDERATION IN HIS HUMBLE CANDIDACY FOR CITY MANAGER. HE CONGRATULATED CHIEF DEFOREST ON HIS NOMINATION. ALSO, FROM HIS FAMILY TO YOURS, HE WISHED EVERYONE A VERY MERRY CHRISTMAS AND A WONDERFUL AND PROSPEROUS NEW YEAR.

ROBERT MCCAFFERTY 3576 MONTEREY CIRCLE - MR. MCCAFFERTY STATED THAT MR. JONES MENTIONED SOMETHING THAT SOUNDED LIKE A $5 MILLION PROJECT COMING OR $3 MILLION FOR FIVE YEARS. WHAT THIS CAME OUT TO WAS 6.1 TIMES $5 MILLION OR $3 MILLION PLUS $75,000 WHICH WAS A GOOD PAY DAY. EVEN THOUGH IT WAS SPREAD OUT OVER TWO TO THREE YEARS OR FIVE YEARS HE WONDERED IF HE RECEIVED IT ALL UP FRONT OR SPREAD OUT OVER THE TIME PERIOD. HE WENT ON TO MENTION LEGAL EXCLUSIONS WERE REQUIRED TO DISPOSE OR GIVE AWAY CONTROL OF HUNDREDS OF THOUSANDS OF DOLLARS OF GOVERNMENT ASSETS. WITHIN THE FIVE YEAR MINIMUM REGULATION REQUIREMENT. THESE THREE NEW BTA BUSES HAVE BEEN ORDERED AND DELIVERED. HE DID NOT BELIEVE THEY TOOK A ROUND THROUGH THE CITIES ROADWAYS AND THE CITY WAS TALKING ABOUT GIVING THEM AWAY. HE ASKED THE LAW DIRECTOR IF HE HAS RENDERED AN OPINION THAT BRUNSWICK TAX PAYERS WILL NOT BE ON THE HOOK FOR REIMBURSEMENT OF FEDERAL AND STATE ENTITIES. THEY MAY WANT SOMETHING TO COVER THOSE BUSES. IF NOT, WHEN EVERYTHING HITS THE FAN WILL CRIMINAL CHARGES BE BROUGHT AGAINST THE INDIVIDUAL MEMBERS OF BRUNSWICK CITY COUNCIL AND THE CITY MANAGER/POLICE CHIEF. THIS WAS NOT SHOOTING FROM THE HIP. HE COMMENTED THAT THE SITTING VICE MAYOR UNILATERALLY REFUSED UPHOLDING BRUNSWICK CHARTER REQUIREMENTS TO ALLOW PUBLIC TO SPEAK FOR FIVE MINUTES AT HER COMMITTEE-OF-THE-WHOLE MEETING. HE COULDN'T BRING IT UP THEN, SO HE WAS BRINGING IT UP NOW. HE ASKED HOW THE FEDERAL AND STATE REPRESENTATIVES RESPOND WHEN CITY COUNCIL OR THE CITY MANAGER ASKED ABOUT THE ISSUE. HE ASKED AGAIN IF BRUNSWICK TAX PAYERS COULD BE HELD RESPONSIBLE FOR GIVING AWAY BRAND NEW BUSES OR DID NO ONE EVEN ASK THIS QUESTION.

CONTINUING, HE STATED CONCERNING GOVERNMENT ENTITIES THEY WERE THE U.S. HOUSE OF REPRESENTATIVES, THE TRANSPORTATION SUBCOMMITTEE, THE U.S. DEPARTMENT OF TRANSPORTATION, THE OHIO STATE HOUSE, NOACA, RTA AND MEDINA COUNTY TRANSIT AUTHORITY. HE WAS GLAD HE WAS

NOT INVOLVED IN SIGNING OVER THESE TAX PAYER ASSETS. HE ASKED IF BRUNSWICK CITY COUNCIL ALLOW CONTROL OF THE BUSES TO OPERATE OUTSIDE THE BRUNSWICK CITY LIMITS. BRUNSWICK CITY COUNCIL VOTED FOR THE TEMPORARY TURNING OVER THE BTA OPERATIONS TO MEDINA COUNTY TRANSIT AUTHORITY. DAYS LATER, THE MEDINA COUNTY COMMISSIONERS VOTED TO ALLOW THE REDUCTION OF HOURS FOR OPERATING THE MEDINA COUNTY TRANSIT SERVICES. THIS WAS BECAUSE THE MEDINA COUNTY TRANSIT AUTHORITY OPERATED IN THE RED. IF THE MEDINA COUNTY TRANSIT SERVICES WERE REDUCED THAN THE BRUNSWICK TRANSIT AUTHORITY WOULD NO LONGER EXIT. THEREFORE THE COUNTY COMMISSIONERS WOULD GET TO SAY WHETHER THEY HAVE TO CUT THE HOURS.

PERTAINING TO SPENDING THE $100,000 STORM WATER FUNDS, HE STATED THE CITY MANAGEMENT HELD SEPARATE ONE-ON-ONE MEETINGS WITH EACH WARD COUNCIL MEMBER. HE WONDERED WHY THESE MEETINGS WERE NOT IN COUNCIL RECORDS FOR PUBLIC INSPECTION. HE ASKED IF THIS WAS A MISREPRESENTATION OF FACTS BY THE NEWS MEDIA OR COMBINED. HE STATED IT APPEARED TO BE A VIOLATION OF CITY CHARTER VIA AN ILLEGAL ROUND ROBIN MEETING.

UNFINISHED BUSINESS: MR. OUSLEY MENTIONED RESOLUTION NO. 83-16 WAS MOVED TO ITS THIRD READING THIS EVENING WITH PASSAGE AT THE NEXT COUNCIL MEETING THE 19TH OF DECEMBER. THIS RESOLUTION URGED CONTRIBUTIONS TO LOCAL FOOD BANKS IN THE CITY. HE EXPRESSED THAT RESIDENTS ALWAYS DID A GREAT JOB OF THIS IN THE CITY PACKING THE FRONT LOBBY EVERY DAY. ON THE FIRST COUNCIL MEETING BACK ON JANUARY 9, 2017 HE ASKED FOR EVERYONE TO PACK CITY HALL AND THE CHAMBERS FOR THE LOCAL FOOD BANKS. HE THANKED EVERYONE FOR THEIR SUPPORT.

NEW BUSINESS: THERE WAS NONE.

ADJOURNMENT:
PATRICIA HANEK MOVED TO ADJOURN, SECONDED BY NICHOLAS HANEK. ROLL CALL - AYES - 7, BRIAN OUSLEY, ALEX JOHNSON, MICHAEL ABELLA JR., ANTHONY CAPRETTA, PATRICIA HANEK, NICHOLAS HANEK, JOSEPH SALZGEBER. NAYS - 0. MOTION CARRIED.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED AT 8:25 P.M.

Respectfully submitted,

Barbara J. Ortiz, CMC

Barbara J. Ortiz, CMC

Clerk of Council

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Mayor Ron Falconi

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Adopted

SERVICES, UTILITIES, TECHNOLOGY & CABLE COMMITTEE

December 12, 2016

IN ATTENDANCE: Chairman Joseph Salzgeber, Committee Member Brian Ousley, Committee Member Nicholas Hanek, Alex Johnson, Patricia Hanek, Anthony Capretta, Michael Abella Jr., Service Director Paul Barnett, Acting City Manager/Safety Director Chief Carl DeForest, Community & Economic Development Director Grant Aungst, Finance Director Todd Fischer, Parks & Recreation Director John Piepsny, Law Director Kenneth Fisher, Administrative Services Julie Murawski, Chief Building Official Cliff Calaway, Engineer Matt Jones, Information Technology/Security Officer Rob Marok, Council Clerk Barbara Ortiz, Rich Kassouf, Cindy Kintop, News Media.

The meeting convened at 6:23 p.m.

UPDATE ON LEAF PICK-UP PROGRAM:

Mr. Barnett advised the leaf pick up program has been completed and it went well. He advised there was evening overtime during the week; however there was no Saturday overtime.

UPDATE ON BTA MERGER:

Mr. Barnett advised legislation will be forthcoming as negotiations are finalized for a potential contract. Mike Salamone will be presenting to the County Commissioners tomorrow. The Administration is looking to finalize by the end of this year.

Mrs. Hanek interjected, in order to have passage by the end of the year; Council will have to schedule a Special Council meeting. She asked for Council's availability.

After a short discussion, Council scheduled a Special Council meeting for Tuesday, December 27, at 6:30 p.m.

Mr. Fisher advised they are waiting final word from the Commissioners; he mentioned having a telephone conference with the federal transit officials and a number of issues were addressed with them.

Mr. Barnett noted two pieces of legislation will be presented to Council, one is the transfer of assets the actual merger legislation and the other is for GCRTA to do a fund transfer for the existing funds coming to the City and the termination of the 1988 agreement that the City has with GCRTA.

REVIEW LEGISLATION:

RES. NO. 96-16 – An emergency resolution extending the agreement between the Greater Regional Transit Authority and the City of Brunswick up to and including December 31, 2017 for the provision of transportation services known as the 251 Flyer (formerly the 451 Route)

RES. NO. 97-16 – An emergency resolution authorizing the City Manager to enter into an agreement with Toshiba to perform upgrades to the City phone system in an amount not to exceed $60,000.00

Mr. Ousley moved both pieces of legislation to tonight's Council Agenda of December 12, 2016 as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Capretta asked if it was too late to do pothole repairs with the pothole killer.

In response Mr. Barnett advised patching can be done by the City crews.

Mr. Capretta advised there is a pothole at the corner of Gary and Dennis that needs fixed.

Mr. Barnette advised it will be taken care of tonight.

ADJOURNMENT:

Being no further business, Mr. Hanek moved to adjourn at 6:30 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

Joseph Salzgeber
Chairman

SAFETY & ENVIRONMENT COMMITTEE MEETING

December 5, 2016

IN ATTENDANCE: Chairman Nicholas Hanek, Committee Member Alex Johnson, Committee Member Anthony Capretta, Vice Mayor Patricia Hanek.

The meeting convened at 6:32 p.m.

REVIEW ANIMAL REGULATION ORDINANCES:

The committee reviewed proposed legislation establishing Section 618.28 regarding tethering of dogs and Section 618.29 regulations for leaving animals unattended in vehicles.

The committee reviewed the specifics of the legislation regarding both ordinances.

The committee discussed the need to amend the proposed legislation to increase the penalty for subsequent offenses as follows:

1. On a third offense within 12 months, the penalty would increase to a misdemeanor of the first degree.
2. If an animal was injured as a result of the offense, regardless of the number of offenses, it would be a misdemeanor of the first degree. This would apply to both the tethering and animals unattended in vehicles legislation.

Mr. Capretta moved both proposed pieces of legislation to the next Committee of the Whole agenda with the suggested amendments. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Capretta questioned who was working as a part time animal officer, if that position existed, and what the pay rate and specifics were about the position.

Mr. Johnson questioned whether any ordinances exist regarding exotic animals, and Mr. Capretta questioned if any ordinances exist regarding dog fighting and if the existing laws cover that issue.

Mr. Johnson suggested that the police department may want to put on a "hidden in plain sight" information meeting for the public.

The committee discussed the safety levy issue and recommended the same levy be placed on the May ballot.

Mr. Johnson moved this item to the Committee of the Whole agenda for additional discussion with the recommendation that the same levy be placed on the May ballot with possible ballot language revisions. Vote – 3 Ayes, 0 Nays.

ADJOURNMENT:

Being no further business, Mr. Capretta moved to adjourn at 6:58 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

Nicholas Hanek
Chairman

BUILDING AND BUILDING CODE COMMITTEE

December 12, 2016

IN ATTENDANCE: Chairman Anthony Capretta, Committee Member Brian Ousley, Committee Member Michael Abella Jr., Community & Economic Development Director Grant Aungst, Patricia Hanek, Nicholas Hanek, Acting City Manager/Safety Director Chief Carl DeForest, Finance Director Todd Fischer, Parks & Recreation Director John Piepsny, Law Director Kenneth Fisher, Administrative Services Julie Murawski, Service Director Paul Barnett, Engineer Matt Jones, Information Technology/Security Officer Rob Marok, Chief Building Official Cliff Calaway, Council Clerk Barbara Ortiz, News Media.

The meeting convened at 6:17 p.m.

UPDATE ON BUILDING & BUILDING CODES:

Mr. Aungst commented on legislation that the Planning & Zoning Committee looked at with regard to medical marijuana. There is a commercial industrial company in the community that was in the paper that stated they would like to specialize in Trans Dermal medical marijuana applications, they have a division in the State of Colorado that is currently doing that work with a great deal of security and apparatus rules and regulations that the state has in place with them.

The discussion in the Planning & Zoning committee meeting was to get a feel as to what was appropriate for this community. He advised the city cannot do anything until the state comes out with rules and regulations. He noted a number of communities are proposing moratoriums, which would be welcomed here as well.

Mr. Capretta noted the reason this discussion came up in this committee was he was approached by a resident in his ward about Brunswick Hills legislation, and he brought it to the attention of Mr. Aungst.

ADJOURNMENT:

Being no further business, Mr. Abella moved to adjourn at 6:21 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

Anthony P. Capretta

Anthony Capretta
Chairman

COMMITTEE OF THE WHOLE MEETING

November 28, 2016

IN ATTENDANCE: Vice Mayor Patricia Hanek, Brian Ousley, Nicholas Hanek, Alex Johnson, Michael Abella Jr., Anthony Capretta, Joseph Salzgeber, Acting City Manager/Safety Director Chief Carl DeForest, Law Director Kenneth Fisher, Community & Economic Development Director Grant Aungst, Information Technology/Security Officer Rob Marok, Service Director Paul Barnett, Finance Director Todd Fischer, Administrative Services Julie Murawski, Engineer Matt Jones, Mayor Ron Falconi, Clerk of Council Barbara Ortiz, News Media.

The meeting convened at 6:26 p.m.

REVIEW LEGISLATION:

RES. NO. 83-16 – A resolution urging contributions to local food banks

This is yearly legislation present by Mr. Ousley urging contributions to local food banks. Mr. Ousley noted the City has stood behind this since first being presented.

Mr. Capretta noted according to the news local food banks are the lowest in ten years.

Mr. Ousley moved this resolution to tonight's Council Agenda of November 28, 2016 for three readings. Vote – 7 Ayes, 0 Nays.

RES. NO. 87-16 – A resolution authorizing the City Manager to enter into an agreement with Comdoc Inc. for the lease, service and supply of copier equipment

Mr. Marok advised essentially this resolution will end the current lease agreement with Comdoc and a new lease will be instituted with new equipment. Three companies came forward with proposals and Comdoc was the best for overall costs with the lease and price per page. The total five year spend will be approximately $248,000.00, the current five year spend based on the lease was $335,000.00.

The Administration request this be passed with suspension of the rules; he noted since it is not being passed as an emergency the thirty days will be in effective.

Mr. Hanek moved this resolution to tonight's Council Agenda of November 28, 2016 with suspension of the rules. Vote – 7 Ayes, 0 Nays.

RES. NO. 93-16 – An <u>emergency</u> resolution authorizing the City Manager to enter into a municipal engineering consulting services agreement with Chagrin Valley Engineering Ltd for the provision of professional municipal engineering services and designating Matthew M. Jones, PE., as Consulting Municipal Engineer

This legislation will re-up the engineering contract with Chagrin Valley Engineering for the next two years. Other engineering costs were looked at and Mr. Barnett advised Chagrin Valley Engineering was the better deal. Chagrin Valley Engineering is paid three different ways; by percentage of contracts, a monthly retainer fee which is remaining the same as the previous contract, and for professional services which are paid by the hour; he mentioned the per hour rate was going up slightly and ranges between $70.00 to $100.00 per hour.

The request of the Administration is to continue continuity of the engineer that knows the history of what is going on.

Mr. Salzgeber moved this resolution to tonight's Council Agenda of November 28, 2016 as an emergency for three readings. Vote – 7 Ayes, 0 Nays.

RES. NO. 94-16 – An <u>emergency</u> resolution in opposition to any proposal by state legislators to re-regulate electrical utilities and to promote energy competition and consumer choice

Mrs. Hanek explained this resolution was in opposition to any proposal by state legislators to re-regulate the electrical utilities and to promote energy competition. The City is a member of NOPEC and has been since the year 2000. To oppose this will keep the rates low; the belief is if they re-regulate utility rates will increase.

Mr. Ousley moved this resolution to tonight's Council Agenda of November 28, 2016 as an emergency with suspension of the rules. Vote – 7 Ayes, 0 Nays.

DISCUSSION OF THE FUTURE OF RECYCLING, RESULTS OF THE MC-18 VOTE ON FLOW CONTROL AND WHAT IS NEXT:

Mr. Barnett advised MC-18 voted and were now disbanded. Mr. Barnett wanted to wait until the vote before talking about recycling and where the City will be going.

Mr. Barnett brought in a 96 gallon cart to show Council, he indicated a smaller cart was also available.

He advised there are two ways to meet EPA requirements as a solid waste authority; one way is to have twenty five percent recycling which currently the county does not meet, and the other way is having 90% availability for recycling for the citizens of Medina County. Mr. Barnett referred to a handout attached to these minutes which listed all the locations of recycle containers, he pointed out that the first twelve locations listed on the handout are in the City of Brunswick. He noted having these containers at the listed locations is what the county is doing to meet the EPA requirement of 90% availability.

Mr. Barnet talked about the MC-18 vote, he noted both the cities of Medina, and Wadsworth voted to continue status quo. Per the recommendations of City Council, Mr. Barnett voted to eliminate flow control; however, the vote had to have two of the three major cities vote to go against flow control.   Therefore for the next two years the City will be in status quo, and two years from now the county along with the policy committee will start formulating the next policy, at which time the topic of flow control will come up as to go with flow control or not.

Continuing, Mr. Barnett noted the conversation will not start for another two years, and it will take up to twenty four months to get a plan approved.

Mr. Barnett indicated the City has the option to go towards curbside recycling or use the drop locations for recycling, noting the City did not have to do anything right now.

Mr. Fisher was surprised the other two cities did not go along with the county recommendation.

There was some discussion about the way the other two cities voted, and Mr. Barnett explained the cost for the City of Medina would have been substantial; Brunswick and Wadsworth would have saved a little money. He also noted the County Commissioner voted after everyone else voted.

Mr. Barnett explained the City's current contract is set up to where the contractor does one round of pickup picking up everything. The current contract runs through March or April 2017, if the City goes towards a recycle program the contract would have to be rebid since another truck would have to pick up the recyclables.

Mr. Hanek thought it would be helpful if the discussion goes to the Service Committee to see a cost breakdown.

Mr. Barnett noted the biggest cost savings was going to be lower tipping fees, he noted the City's current hauler Republic Waste is based in Oberlin, the trucks leave Oberlin come to Brunswick pick up trash go to the central transfer station drop off the material which there is a cost to use the transfer station, then drives back to Oberlin; and their location is right next to a landfill which they own. They could save over an hour per day per truck if they could pick up the trash in Brunswick and take it to their own landfill in Oberlin which would be a big savings.

Mr. Hanek asked if during future discussions if there could be a cost breakdown in terms of flow control and a curbside recycle program. Mr. Hanek commented recycling is a good thing and it would be nice if the City did more recycling, additionally he thought it would be cheaper for the residents.

Mr. Barnett noted he will work up the numbers for what it will be if the City continues the same way, and also he will work up the numbers for a cart program, or the bag or bin program. He mentioned the bag or bin programs are about the same cost. For the cart program, Mr. Barnett advised the contractor has to get automated trucks due to the cost of the trucks the contractor amortizes the cost over the life of the contract which is usually five years with option years.

Mr. Fisher mentioned the recycle program can be priced out weekly and also bi-monthly.

Mr. Barnett advised he could work those numbers out however, he recommends against the bi-monthly pick up.

Mr. Abella asked if the City goes with the cart program if it had to be both trash and recyclables or if the carts can be for recycles only. He will talk to the residents to see what they want to do; he would like to see the numbers for an option of keeping the trash the way it is and just adding a recycle program.

Mr. Barnett advised it can be a recycle only program, he can look at that option as well, he did mention the cost of the carts are about one million dollars. He also mentioned there is an opt in recycle program, whereas if the resident wants to participate in the recycle program they would opt in. He mentioned the City of Akron has the opt in program, and approximately 65% of the residents participate.

Mr. Abella asked if Mr. Barnett could break it down with recycle only keeping the current plan, and also the cart program.

Mr. Salzgeber concurred with Mr. Hanek about bringing the discussion back to the Services Committee to look at the options, and possibly having a public presentation at some point.

Mr. Fischer brought up the limited billing software and he has concerns with getting into variable costs with different households with compliance and accuracy. From a financial point, these are issues that need to be discussed.

Mr. Barnett mentioned financial incentives were given to the people in Akron that recycle, and the rates were set accordingly.

Mr. Hanek noted from previous discussions it was noted in general the more recycling that took place the more favorable contract for the residents.

Mr. Barnett noted even with the purchase of the carts there is a bigger savings with the cart program. The carts are paid for over the life of the contract usually a five year contract and the carts are guaranteed for eleven years.

Mr. Fischer brought up the current billing process being simplistic and staffed with one billing person, everyone is billed one rate regardless of the amount of trash they put out. He noted changing the billing making track ability more complicated will make for a lot of financial questions.

Mr. Fischer asked if recyclables are part of flow control.

Mr. Barnett answered in the negative, there was recent change in the Ohio Revised Code, and you cannot flow control recyclables.

Concluding the discussion on recycling, Mr. Fischer wanted to make it clear that recyclables are not flow control and what the City is doing right now it should be measured as a price.

GENERAL DISCUSSION:

Mr. Barnett gave an update on the BTA; he noted Medina County drafted an agreement which was sent to the City and modified.

Mr. Fisher clarified the law department was working cooperatively with the Medina County Prosecutors Office which represent all the county agencies to come up with an agreement that address all the various issues.

Mr. Barnett advised the Administration has set up a conference call this week with GCRTA, FTA, and Medina to hash out the last of the comments. He noted FTA has an understanding of what Brunswick was trying to accomplish, the FTA wants to make sure that the federal monies that they have given to GCRTA are funneled to its proper use, which is funneled to Brunswick, and should be funneled to Medina County.

Mr. Barnett noted there is a pot of money that has been unspent with GCRTA and that money was supposed to be transferred over to Medina County, but Medina cannot use that pot of money. Brunswick continues to draw out of that pot of money until it is gone; so the City will continue to draw the money out for the 251 flyer route which will be funded for at least the next two years. He also mentioned the City of Brunswick share which is $45,000 will be funded annually out of the pot of money, and the subsidy which the City was going to provide for veterans under the age of 60 and not disabled will ride for free will be funded out of the pot of money. He noted for about 3.5 years the City will not have any new monies spent on it, but rather it will come out of the pot of money that was sitting there.

The 251 flyer contract is up the end of 2016, and it was his understanding the Council would like to continue the 251 flyer minimally through 2017. He pointed out the contract that the law director was drafting with Medina County is all of the contracts the City has in place, and Medina would have to abide by all of the contracts.

Mr. Fischer interjected the NOACA transitional expenses if the City incurs them will be taken out of that pot of money as well.

To elaborate on that Mr. Barnett noted NOACA provides the City professional services to help fill in all the forms that FTA requires each year.

Mr. Fischer elaborated on route 251 contract; stating no City dollars have been spent on the 251route. The City has been able through the GCRTA transit allocation dollars to pay for it. From a financial standpoint the fear is that with all the variables involved the City may have to come up with City dollars for route 251.

Mr. Barnett interjected that in the future he did not anticipate the county being willing to put in any of their dollars towards the 251 route.

In closing, Mr. Barnett announced the three new busses should be delivered on Monday.

EXECUTIVE SESSION:

Mr. Salzgeber moved to go into Executive Session to discuss the appointment, employment, dismissal, discipline, demotion, or compensation of a public employee and imminent litigation, seconded by Mr. Capretta. Roll Call – Ayes – 7, Mr. Hanek, Mr. Salzgeber, Mr. Abella, Mr. Capretta, Mr. Johnson, Mrs. Hanek, Mr. Ousley. Nays – 0. Motion Carried.

Mr. Salzgeber moved to adjourn out of Executive Session, seconded by Mr. Johnson. Roll Call – Ayes – 7, Mrs. Hanek, Mr. Hanek, Mr. Ousley, Mr. Johnson, Mr. Abella, Mr. Capretta, Mr. Salzgeber. Nays – 0. Motion Carried.

ADJOURNMENT:

There being no further business, Mr. Capretta moved to adjourn the Committee of the Whole meeting at 7:34 p.m. Vote – 7 Ayes, 0 Nays.

Respectfully submitted,

Valerie Zak

Valerie Zak
Assistant Clerk of Council

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE:	12/19/2016
TO:	Vice Mayor Patricia Hanek and Members of City Council
FROM:	Carl S. DeForest, Acting City Manager
COPY:	Mayor Ron Falconi
LEGISLATION:	**RES. NO. 83-16 -** A resolution urging contributions to local food banks - **3rd Reading** (Committee-of-the-Whole, *Administration/Brian Ousley)*
BACKGROUND:	The supply levels at local food banks are depleted after the holiday season and are typically at their lowest levels in January.
PURPOSE AND EXPLANATION:	To encourage donations to food banks after the holidays.
IMPLEMENTATION SCHEDULE:	Adopt after three readings.
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?
Adopt after three readings.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 83-16

BY: Committee-of-the-Whole

A RESOLUTION URGING CONTRIBUTIONS TO LOCAL FOOD BANKS.

WHEREAS: Local food banks play an important role in the community by assisting those in need; and

WHEREAS: The supply levels at local food banks are depleted after the holiday season and are typically at their lowest levels in January.

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

SECTION 1: This Council hereby urges contributions to local food banks to help alleviate shortages in supply levels.

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 ____________________

RULES SUSPENDED: AYES______ NAYS______

ADOPTED: ________________________________ AYES_____NAYS_____

ATTEST: ________________________________
Clerk of Council
Barbara J. Ortiz

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE:	12/19/2016
TO:	Vice Mayor Patricia Hanek and Members of City Council
FROM:	Carl S. DeForest, Acting City Manager Ken Fisher
COPY:	Mayor Ron Falconi
LEGISLATION:	**ORD. NO. 92-16 -** An ordinance establishing Section 1440.27 of the City of Brunswick Codified Ordinances by providing for single-family and two-family residential rental property regulations - **3rd Reading** (Building & Building Code Committee, *Administration/Ken Fisher*)
BACKGROUND:	The Building and Building Code Committee of Council has recommended that rental property be promulgated.
PURPOSE AND EXPLANATION:	Establish Section 1440.27 or the Codified Ordinances of the City of Brunswick for "Single-Family and Two-Family Residential Rental Property Regulations"
IMPLEMENTATION SCHEDULE:	Three Readings and to adopt on the third reading on December 19, 2016.
FINANCIAL INFORMATION:	
FINANCIAL SUMMARY:	Anticipated Building Dept revenues are anticipated. The expected revenues relate to the charged application fees stipulated in Section 1 (g). No increases in costs are currently proposed for this legislation.
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?
Three readings and adopt on December 19, 2016.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 92-16

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

AN ORDINANCE ESTABLISHING SECTION 1440.27 OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES BY PROVIDING FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL RENTAL PROPERTY REGULATIONS.

WHEREAS: The Building & Building Code Committee of Council has recommended that rental property regulations be promulgated as provided herein.

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

SECTION 1: That Section 1440.27 of the Codified Ordinances titled "Single-Family and Two-Family Residential Rental Property Regulations" is hereby established to read as follows:

(a) Findings, Purpose and Intent. The City of Brunswick acknowledges the overall general increase of single-family and two-family residential rental property in the City and the special features, characteristics, needs, issues, concerns and problems encountered in residential Zoning Districts that are not prevalent in other Zoning Districts. These concerns include, without limitation, the safety and tranquility of the residential neighborhood, which may be impaired by, among other things, the significant increase of vehicle parking at single-family and two-family residential rental properties. It is with these concerns in mind that the City hereby adopts these single-family and two-family residential rental property regulations in an effort to help ensure safe living conditions and the safety and tranquility of the residential neighborhood, as well as to avoid overcrowding in the residential Zoning Districts.

(b) Application. This Section shall apply to Singly Family Attached Dwellings, Single Family Dwellings and Two Family Dwellings, as defined in Codified Ordinance Section 1242.02.

(c) Permit Required.

(1) Except where the property owner resides in the dwelling unit, no property owner, renter, tenant or regular occupant of any dwelling unit shall rent, lease or regularly occupy such dwelling unit without first obtaining a rental permit from the Chief Building Official. A dwelling unit may be occupied by a family, which is defined for the purpose of this Section as persons related by blood, marriage, adoption or guardianship, or by not more than three unrelated persons. "Regular occupancy" shall mean the physical presence of a person in

the dwelling unit overnight for at least ten nights in a consecutive thirty day period.

(2) Any dwelling unit with a rentable third floor shall be required to obtain a rental permit as provided herein.

(A) Each third floor unit shall be limited to one tenant, have its own private bath complete with shower and/or tub, toilet and sink, and have direct access to the outside without traversing through any other unit. No culinary or cooking equipment shall be permitted within this area.

(d) Rental Permit Application.

(1) The application for a rental permit shall contain the following information and any additional information the Chief Building Official deems necessary:

(A) The name and signature of the owner of the property, including the property owner's mailing address, email address and telephone number.
(B) The name, email address and telephone number of the primary contact tenant.
(C) The name, email address, telephone number and age of each tenant.
(D) The fee as provided for in this Section.
(E) A copy of the proposed Rental Agreement, which shall contain specific language that the Rental Agreement shall not be effective until a valid rental permit has been issued as provided herein.

(2) Upon filing an application for a rental permit, the Chief Building Official shall inspect the dwelling unit to determine the following:

(A) That the dwelling unit is of adequate size and has an adequate number of sleeping rooms to accommodate the proposed number of tenants, renters or regular occupants, including that the dwelling unit meets the requirement of applicable law, including, without limitation, the requirements of these Codified Ordinances, the Ohio Building Code, Ohio Residential Code, Ohio Revised Code and Ohio Fire Code, as may be amended from time to time.
(B) That one off-street parking space per tenant will be available.
(C) That the dwelling unit does not contain any culinary facilities outside of the kitchen, including on any rentable third floor.
(D) That each unrelated tenant shall be provided with his or her own separate bedroom, which shall be approved by the Chief Building Official. Bedrooms must have a bathroom directly attached or abutting a hallway leading to a bathroom and shall be a minimum of 120 square feet in area with no dimension being less than eight feet. Bathrooms in basements or otherwise below grade are prohibited for a determination as to whether a room means the definition of a bedroom

as provided herein.

(E) That such dwelling unit is not and will not be used as a day care center, fraternity house, sorority house, residential cooperative, commune, dormitory, rooming house, boarding house, halfway house or equivalent occupancy.

(F) That the owner acknowledges responsibility for all maintenance, both exterior and interior, adhering to all applicable federal, state and local law.

(e) Rental Permit Duration. A rental permit shall be valid for the property for a two year period from the date of inspection. The property owner shall be required to notify the Chief Building Official, within thirty calendar days, whenever there is a change in the identity or number of tenants, renters or regular occupants, which change shall not invalidate the rental permit so long as the number of tenants, renters or regular occupants does not exceed the maximum permitted hereunder. Such notice shall include all information as required by Subsection (d)(1)(B), (C) and (E) herein.

No rental permit shall be transferrable and, in the event of change of ownership of the subject property, a new application for a rental permit must be submitted by the new property owner within thirty calendar days of the date of transfer of the subject property.

(f) Appeal and Special Application.

(1) An owner of a dwelling unit may make a written application to the Board of Zoning Appeals to appeal denial of a rental permit by the Chief Building Official or to request occupancy of more than three unrelated persons in a dwelling unit. In reviewing such application, the Board of Zoning Appeals shall consider the criteria contained in subsection (c) of this Section and any recommendations from the Chief Building Official, Chief of Police or Fire Chief. However, no provision of this Section shall be applied in circumstances where the application thereof would violate fair housing rights of the disabled as provided by applicable federal, state or local law.

(2) An applicant who has been denied a rental permit by a decision of the Board of Zoning Appeals may seek further appeal to the City Council by filing a notice of appeal with the Clerk of Council within thirty days of the date of such denial.

(g) Application Fee.

(1) Single Family Attached Dwelling/Single Family Dwelling - $300.00
(2) Two Family Dwelling (both units) - $400.00
(3) Two Family Dwelling (one unit) - $300.00
(4) Rentable Third Floor Unit – $100.00

Fees shall be paid at the time the application for a rental permit is filed with the City and for any renewal thereof. For every month, or portion thereof that the fee is not timely remitted, an additional fee of $200.00 shall be assessed to the property owner and no rental permit shall issue until all applicable fees have been paid in full.

(h) Revocation of Rental Permit; Notice to Show Cause. In addition to any other remedy or penalty otherwise provided in these Codified Ordinances, should the Chief Building Official have information or other reasonable cause to find that the holder of any rental permit or his or her tenants have been cited for failure to be in compliance in any respect with the conditions contained in this Section or in Chapters 452 and 678 of the Codified Ordinance on three separate occasions within the duration of the rental permit, the Chief Building Official shall issue upon the holder of the rental permit, by certified mail, return receipt requested, a notice to show cause to the Chief Building Official within five calendar days after receipt thereof as to why said rental permit should not be revoked due to violations as provided herein. The form of such notice to show cause shall be on a form prepared by the Chief Building Official. In determining whether a rental permit should be revoked, the Chief Building Official shall consider the following:

(1) Submission of inaccurate or misleading information in the application for the rental permit.
(2) Failure to timely notify the Chief Building Official of any change in the identity or number of tenants, renters or regular occupants or change of ownership of the subject property.
(3) Failure to correct violations discovered during inspection within the time specified in any Notice of Violation or three separate violations of Chapters 452 or 678 of the Codified Ordinances within the duration of the rental permit.
(4) Repeated complaints from adjacent residents that conditions exist which are detrimental to the safety and tranquility of the residential neighborhood, which complaints have been properly investigated by the Division of Police and verified to be factual.
(5) Evidence supplied by the permit holder that the subject property is not being rented to tenants, renters or regular occupants involved in prior violations of Section 678.05 of the Codified Ordinances.

Upon revocation of the rental permit by the Chief Building Official, the rental permit holder may appeal in accordance with Subsection (f) herein.

(i) Separate Offense. A separate offense shall be deemed committed each day during or on which a violation of any provision of this Section 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
Barb Ortiz

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE:	12/19/2016
TO:	Vice Mayor Patricia Hanek and Members of City Council
FROM:	Carl S. DeForest, Acting City Manager Paul Barnett
COPY:	Mayor Ron Falconi
LEGISLATION:	**RES. NO. 93-16 -** An emergency resolution authorizing the City Manager to enter into a municipal engineering consulting services agreement with Chagrin Valley Engineering, Ltd for the provision of professional municipal engineering services and designating Matthew M. Jones, P.E., as Consulting Municipal Engineer **- 3rd Reading** (Committee-of-the-Whole, *Administration/Paul Barnett)*
BACKGROUND:	Chagrin Valley Engineering currently holds this agreement which expires December 31, 2016 as per Resolution 37-15.
PURPOSE AND EXPLANATION:	The purpose of this action is acquire the services of a Professional Engineer to act as the Cities Consulting Municipal Engineer and to have under contract an engineering firm to provide professional support for all engineering functions.
IMPLEMENTATION SCHEDULE:	This agreement commences January 1, 2017.
FINANCIAL INFORMATION:	
FINANCIAL SUMMARY:	Since this contract refers to general costs and services......all parties involved must understand that additional requirements apply by state law and must be in place before work is initially approved and/or initiated. Costs for this contract are contingent upon 1) sufficient appropriations adopted and approved by Council and 2) must be certified and included in a properly executed purchase order. The budget and purchase order (encumbrance) laws are stipulated in the Ohio Revised Code Section 5705.
RECOMMENDED ACTION:	

One Reading	Yes
Two Readings	Yes
Three Readings	Yes
Emergency	Yes

Suspension of Rules No

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

It is requested that legislation is passed by emergency measure with suspension of the rules at the November 28 meeting with 3 readings to allow for the agreement to enter into by January 1, 2017.

ADDITIONAL INFORMATION:

PROPOSAL FOR THE PROVISION OF
MUNICIPAL ENGINEERING CONSULTING SERVICES
TO THE CITY OF BRUNSWICK, OHIO

This agreement is set between the City of Brunswick, Ohio (City) and Chagrin Valley Engineering, Ltd. (CVE), for the provision of Municipal Engineering Consulting Services.

Section 1. Chagrin Valley Engineering, Ltd. (CVE) with Matthew M. Jones P.E., an Associate of Chagrin Valley Engineering Ltd., duly licensed as a Professional Engineer, is hereby designated as the Consulting Municipal Engineer for the City of Brunswick, Ohio for a term beginning January 1, 2017 and ending December 31, 2018 at the pleasure of the City Manager, upon the terms, provisions and conditions thereafter set forth herein and ratified by the City Council.

Section 2. That said the Consulting Municipal Engineer in conjunction with Chagrin Valley Engineering, Ltd. shall furnish services to this City, as required by the City, through the City Council or its designee, including the following services covered by the compensation as described in Section 4 of this Agreement. Services involving the use of additional staff members shall be compensated as described with Section 3 of this agreement:

(A) Act as a technical consultant and advisor on engineering matters referred by the City Manager.

(B) Advise the City in matters relating to resident's problems pertaining to engineering as they may relate to public sewers, public water supplies, drainage patterns and building grades.

(C) Assist the City on municipal engineering matters. The Consulting Municipal Engineer shall also act as the Floodplain Administrator of the National Flood Insurance Program for the City of Brunswick.

(D) Attend Council meetings and other meetings as requested by the City Manager or City Council. The monthly retainer amount presented in Section 4 is based upon the regular attendance of the Consulting Municipal Engineer or a designated CVE staff member at Planning Commission meetings and City Council Work Session meetings. Attendance by a designated CVE staff member in place of the Municipal Consulting Engineer at meetings will not be billed beyond the annual retainer amount.

(E) Preparation of preliminary sketches and estimates, concerning the advisability of proceeding with public improvements such as pavement improvements, storm water collection, water distribution, or other infrastructure improvements contemplated by the City Manager.

(F) Performing such other duties as is normally required of Consulting Municipal Engineers not requiring the use of additional staff members such as field crews, etc.

Section 3. For services in connection with the construction of public improvements as described above, Chagrin Valley Engineering, Ltd., shall receive compensation as a percentage of the actual cost of construction of all improvements authorized by City Council and under its control. The percentages paid shall be as follows:

COST OF CONSTRUCTION	**FEE**
$ 0 - $150,000	Hourly
$ 150,001 - $250,000	$ 18,000 plus 8.7% of the amount over $150,001
$ 250,001 - $500,000	$ 25,000 plus 7.6% of the amount over $250,001
$ 500,001 - $1,000,000	$ 43,500 plus 6.7% of the amount over $500,001
$1,000,001 - $5,000,000	$ 75,000 plus 6.1% of the amount over $1,000,001

The fees provided in this subsection shall cover engineering services including complete detailed plans and specifications, preparation of monthly and final estimates for contractor's payments and providing an Engineer for construction management to administer the construction contract. The above schedule of fees does not cover various supplementary services. Supplemental services not included within the presented fee schedule are, but not limited to: wetland delineations, stream quality assessments, preparation and acquisition of U.S. Army Corps of Engineers / Ohio Environmental Protection Agency wetland or stream fill permits, property, boundary, or right-of-way surveys, topographic surveys, profile surveys, grade stakes for construction, inspection of construction, shop, mill, field, or laboratory inspection of materials, cost of test borings, or other subsurface exploration, traffic studies, or calculations of special assessments. These supplementary services may be provided by the Chagrin Valley Engineering, Ltd. on an hourly basis in accordance with the schedule of rates hereinafter set forth below or upon invoice submitted by the entity providing such supplemental services. Any such supplemental services performed by CVE cannot therefore be included in any municipal contract nor subject to an additional percentage of contracts nor be included in the cost of construction of any contract or this contract. The Engineer shall at all times notify the Service Director, in writing, of any supplementary services associated with a proposed public improvement at the time that a preliminary estimate, covered under Section 2 of this contract, is submitted for consideration or approval.

Chagrin Valley Engineering, Ltd. shall be entitled to progress payments in proportion to services performed on monthly basis. Upon authorization by City Council and until such time as bids are taken and contracts awarded, compensation shall be determined by the following percentages and the Engineer's estimated construction cost. As the work is constructed, Chagrin Valley Engineering, Ltd. shall receive additional compensation equal to the balance of the fee based upon a percentage of the certificates of payment to the contractor, provided said payment is authorized by City Council. As soon as the final certificate of payment to the contractor is issued, any adjustment shall be made so the total fee shall be a sum equal to the schedule percentage. The compensation for basic services shall be based upon the following percentages of the total fee attributable to various phases of the work:

1. Preliminary Report Phase 15%
2. Preliminary Design Phase 20%
3. Final Design Phase 45%
4. Bidding and Project Award Phase 10%
5. Contract Administration 10%

In the event proceedings for work are abandoned or postponed and then revived and actively pressed either by this or by a succeeding City Council within five (5) years of the date of said abandonment or postponement, Chagrin Valley Engineering, Ltd. shall credit against the total compensation the payment previously made hereunder, providing that Chagrin Valley Engineering, Ltd. is at that time employed by this or by a succeeding City Council to provide Municipal Engineering Consulting Services. In the event of the revival of a project within the time frame specified above, Chagrin Valley Engineering, Ltd. could, at its discretion, elect to negotiate additional fees with the City of Brunswick. Additional fees would address conditions that have incurred solely as a result of changes in existing conditions since the abandonment or postponement of the project, or design parameters that have been established by governmental review and approval subsequent to such delay.

Engineering charges for federally funded work must be in accordance with Federal Regulations and are set and approved as part of the funding procedure, and therefore are not part of this document.

HOURLY RATE SCHEDULE: For additional services for which the Engineer shall have been authorized to prepare material or work not let by Contract or for the performance of any of the following tasks:

- Special Surveys
- Preparation of Reports
- Preparation of Special Assessments
- Field Elevation Checks of Walks, Basements, Sewers, etc.
- Storm Water Management Inventory Assistance
- Storm Water Drainage: Plan / Calculation Review
- Erosion and Sediment Control: Plan Review / Site Inspections
- Sanitary “Tap-In” Reviews and Fee Determinations
- Residential / Commercial / Industrial Site Plan and or Subdivision Review
- Survey Plat Review
- Development / Implementation of Phase II Storm Water Management Program

Compensation shall be made on the basis of time spent by the Engineer or his employees and associates at the rates set forth in the following schedule of hourly rates, plus reimbursable expenses.

	2017 Hourly Rates	2018 Hourly Rates
Engineer - Partner	$92.00 per hour	$94.00 per hour
Engineer – Associate	$88.00 per hour	$90.00 per hour
Engineer	$82.00 per hour	$84.00 per hour
Contract Administrator	$67.00 per hour	$68.00 per hour
Storm Water Specialist	$74.00 per hour	$75.00 per hour
Professional Surveyor	$82.00 per hour	$83.00 per hour
Designer / Technician	$73.00 per hour	$74.00 per hour
Geographical Information System (GIS) Technician	$73.00 per hour	$74.00 per hour
Clerical	$34.00 per hour	$35.00 per hour
1 Man Survey Field Crew	$90.00 per hour	$91.00 per hour
2 Man Survey Field Crew	$116.00 per hour	$118.00 per hour
3 Man Survey Field Crew	$134.00 per hour	$136.00 per hour
Environmental Scientist	$83.00 per hour	$84.00 per hour
Inspector	$50.00 per hour	$51.00 per hour

Prints, Materials, Supplies and Services provided or performed by others at Cost.

Section 4. The Consulting Municipal Engineer and Chagrin Valley Engineering, Ltd., as appointed by the City Manager, shall receive as compensation for the services described in Section 2 hereof, the annual sum of $55,250.00, said sum shall be pro-rated on a per month basis and payable to Chagrin Valley Engineering, Ltd., on the last day of each month.

Section 5. The Chagrin Valley Engineering, Ltd. agrees that for the duration of this contract no member of Chagrin Valley Engineering, Ltd. or employee thereof, will accept any private engineering or surveying work that requires their review and/or approval unless such work is approved by the City Manager; however, work for Federal, State County or Regional Governments is not prohibited.

Section 6. Documents and Files: All engineering documents and project files created for the purposes serving the City of Brunswick shall be the property of the City of Brunswick.

Section 7. The contract provided herein with Chagrin Valley Engineering, Ltd. may be terminated by either party on thirty (30) days advance written notice to the other, provided that such determination shall not affect the duty of the Consulting Municipal Engineer or Chagrin Valley Engineering, Ltd., to render service, nor the obligation of the City to pay for such service rendered, before the effective date of termination.

____

Ryan E. Cummins P.E., Partner, Chagrin Valley Engineering, Ltd. Date

Accepted this _____ day of ____________, 2016 by the City of Brunswick, Ohio, pursuant to

Ordinance of Council No. ___________ adopted on _______________.

BY: ____

City of Brunswick, Ohio

Attest:

____

The legal form of the within instrument is hereby approved.

____________________________ ________________

Director of Law Date

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _________

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL ENGINEERING CONSULTING SERVICES AGREEMENT WITH CHAGRIN VALLEY ENGINEERING, LTD. FOR THE PROVISION OF PROFESSIONAL MUNICIPAL ENGINEERING SERVICES AND DESIGNATING MATTHEW M. JONES, P.E., AS CONSULTING MUNICIPAL ENGINEER.

WHEREAS: The City has received a proposal from Chagrin Valley Engineering, Ltd. for the provision of professional municipal engineering consulting services wherein Matthew M. Jones, P.E. has been designated at the Consulting Municipal Engineer; and

WHEREAS: The current Agreement with Chagrin Valley Engineering, Ltd. expires as of December 31, 2016.

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

SECTION 1: That the City Manager is authorized, upon approval of the Law Director, to enter into a Municipal Engineering Consulting Services Agreement with Chagrin Valley Engineering, Ltd., as attached hereto as Exhibit "A", for the provision of professional municipal engineering services upon such terms and conditions as provided therein.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Brunswick, and for the additional reason that this measure is necessary to ensure that there is no lapse in the provision of professional municipal engineering services required by the City. 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
Barbara J. Ortiz, CMC

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 93-16

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL ENGINEERING CONSULTING SERVICES AGREEMENT WITH CHAGRIN VALLEY ENGINEERING, LTD. FOR THE PROVISION OF PROFESSIONAL MUNICIPAL ENGINEERING SERVICES AND DESIGNATING MATTHEW M. JONES, P.E., AS CONSULTING MUNICIPAL ENGINEER.

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SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City of Brunswick, and for the additional reason that this measure is necessary to ensure that there is no lapse in the provision of professional municipal engineering services required by the City. 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
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE:	12/19/2016
TO:	Vice Mayor Patricia Hanek and Members of City Council
FROM:	Carl S. DeForest, Acting City Manager Todd Fischer
COPY:	Mayor Ron Falconi
LEGISLATION:	**RES. NO. 98-16** - An emergency resolution authorizing the City Manager to enter into a one year contract to engage the Audit Division of the Auditor of State's Office of Ohio to audit the City of Brunswick for the fiscal year ending December 31, 2016- **1st Reading** *(To be brought from Finance Committee, Todd Fischer)*
BACKGROUND:	The City is required to be audited annually per State Law. Pursuant to Ohio Revised Code Section 117.11 the Auditor of State's Office shall audit a public office each fiscal year; and if the City expends more than $750,000 in federal assistance in any given fiscal year on or after January 1, 2015, the City will be subject to a federal single audit under the A-133 Audit Standards. The federal single audit is an addition to the regular audit pursuant to Ohio Revised Code Section 117 and will require a contract modification, if necessary; and
PURPOSE AND EXPLANATION:	The City is required to be audited annually per State Law. Pursuant to Ohio Revised Code Section 117.11 the Auditor of State's Office shall audit a public office each fiscal year; and if the City expends more than $750,000 in federal assistance in any given fiscal year on or after January 1, 2015, the City will be subject to a federal single audit under the A-133 Audit Standards. The federal single audit is an addition to the regular audit pursuant to Ohio Revised Code Section 117 and will require a contract modification, if necessary; and
IMPLEMENTATION SCHEDULE:	Requesting Council's consideration of passage on December 8, 2016 The Auditor of State's Office conducted their pre-audit conference with the City's Audit Committee, Finance and the City Manager (Council also invited to the meeting) on December 8, 2016. At the meeting, the Auditor of State delivered their proposed letter of arrangement to the City of Brunswick. The following day, the Finance Director completed this proposal and submitted it for consideration. The Letter of arrangement should be entered into prior to the initiation of the 2016 audit which is anticipated to begin in mid-January 2017. The estimated costs (without a single audit) is anticipated not to exceed $$28,700.
FINANCIAL	

INFORMATION:

FINANCIAL SUMMARY:

The Audit annual cost not to exceed $28,700 with an option to modify the contract not to exceed an additional $5,000 to conduct a federal single audit under the A-133 Audit Standards if the City of Brunswick expends more than $750,000 in federal awards for the fiscal year end December 31, 2016.

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 Auditor of State's Office conducted their pre-audit conference with the City's Audit Committee, Finance and the City Manager (Council also invited to the meeting) on December 8, 2016. At the meeting, the Auditor of State delivered their proposed letter of arrangement to the City of Brunswick. The following day, the Finance Director completed this proposal and submitted it for consideration. The Letter of arrangement should be entered into prior to the initiation of the 2016 audit which is anticipated to begin in mid-January 2017.

ADDITIONAL INFORMATION:

None.

Dave Yost • Auditor of State

December 8, 2016

Todd Fischer
City of Brunswick
4095 Center Road
Brunswick, Ohio 44212

This letter of arrangement between the City of Brunswick (the City) and the Auditor of State describes the objective and scope of the services we will provide, the City's required involvement and assistance in support of our services, the related fee arrangements, and other terms and conditions designed to ensure that our professional services satisfy the City's audit requirements.

Summary of Services
We will audit the City's basic financial statements as of and for the year ended December 31, 2016. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. The objective of an audit is to express our opinion concerning whether the basic financial statements present fairly, in all material respects, the City's financial position, changes in financial position, required budgetary comparisons, and cash flows (where applicable), in conformity with U.S. generally accepted accounting principles.

We expect to deliver our report on or about June 30, 2017.

We will audit to form an opinion on the basic financial statements. We will also opine on whether supplementary information is fairly presented, in all material respects, in relation to the basic financial statements taken as a whole.

We will apply certain limited procedures to required supplementary information. However, we will not opine or provide any assurance on this information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any other assurance.

We also will read the other information included in the introductory and statistical sections of the Comprehensive Annual Financial Report (CAFR) and consider whether this information, including the manner of its presentation, is materially consistent with information appearing in the financial section. However, we will not express an opinion or any other assurance on the introductory or statistical sections of the CAFR.

Engagement Team
The engagement will be led by:

* Allen Allred, Assistant Chief Auditor, who will be responsible for assuring the overall quality, value, and timeliness of our services to you;

* Lindsey Young, Senior Audit Manager, who will be responsible for managing the delivery of our services to you; and

* Sharon Davidson, Audit Manager, who will be responsible for on-site administration of our services to you.

The Auditing Process

Our Responsibilities:

The *Summary of Services* above describes our responsibilities for the City's basic statements and other financial information.

We will conduct our audit in accordance with U.S. generally accepted auditing standards (GAAS) and the Comptroller General of the United States' standards for financial audits included in *Government Auditing Standards.* Those standards require that we plan and perform the audit to reasonably assure that the financial statements are free of material misstatement.

Because of inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatement may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS.

We may limit certain procedures to selective testing of data. Therefore we might not detect material error and fraud if it exists. It is not cost-efficient to design procedures to detect immaterial error or immaterial fraud. Also, because of the characteristics of fraud, including attempts at concealment through collusion and forgery, a properly designed and executed audit may not detect a material fraud.

We will communicate all instances where we believe fraud *may* exist to you. These would include instances where we:

- Have persuasive evidence that fraud occurred.
- Determined fraud risks exist and were unable to obtain convincing evidence to determine that fraud was unlikely.

Similarly, noncompliance may have occurred. However, our audit provides no assurance that noncompliance generally will be detected and only reasonable assurance that we will detect noncompliance directly and materially affecting the determination of financial statement amounts. We will inform you regarding material error or noncompliance that come to our attention.

If we find indications of abuse, we will expand our tests to determine its financial statement effect. *Government Auditing Standards* defines *abuse* as behavior which while not necessarily a legal violation, is behavior a prudent person would deem improper or deficient. Because this determination is subjective, *Government Auditing Standards* does not expect auditors to provide reasonable assurance of detecting abuse.

If for any reason we are unable to complete the audit or are unable to form an opinion, we may disclaim an opinion on your financial statements. In this unlikely event, we will communicate the reason for disclaiming an opinion to you, and to those charged with governance, in writing.

Your Responsibilities and Identification of the Applicable Reporting Framework:

We will audit assuming that management and those charged with governance acknowledge and understand they are responsible for:

1. Preparing the financial statements and other financial information, including related disclosures and selecting and applying accounting principles in accordance with accounting principles generally accepted in the United States of America.

2. Providing us with:
   a. Access to all information of which management is aware that is relevant to preparing and fairly presenting the financial statements such as records, documentation, and other

matters;
b. Additional information that we may request from management for the audit; and
c. Unrestricted access to persons within the City from whom we determine it necessary to obtain audit evidence.

3. Inform us of events occurring or facts discovered subsequent to the date of the financial statements, of which management may become aware, that may affect the financial statements.

4. Preparing supplementary information in accordance with the applicable criteria.

   a. Include our report on the supplementary information in any document that includes the supplementary information and that indicates that the auditor has reported on this supplementary information.

   b. Present the supplementary information with the audited financial statements or, if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by the City of the supplementary information and the auditor's report thereon.

5. Reporting fraud and noncompliance of which you are aware to us.

6. Making available to the auditor draft financial statements and any accompanying other information in time to allow the auditor to complete the audit in accordance with the proposed timeline.

7. Reviewing drafts of the audited financial statements, footnotes, any supplemental information, auditor's reports and any findings; and informing us of any edits you believe may be necessary.

8. Designing and implementing programs and controls to prevent and detect fraud.

You should not rely on our audit as your primary means of detecting fraud.

Compliance with Laws and Regulations

Our Responsibilities

As part of reasonably assuring whether the financial statements are free of material misstatement, we will test the City's compliance with certain provisions of laws, regulations, contracts, and grants if noncompliance might reasonably directly and materially affect the financial statements. However, our objective is not to opine on overall compliance with these provisions.

Your Responsibilities:

Management and those charged with governance are responsible for:

1. Being knowledgeable of, and complying with, laws, regulations, contracts, and grants applicable to the City.

2. Identifying for us other financial audits, attestation engagements, performance audits, internal audits, reports from regulators or other studies related to the City (if any), and the corrective actions taken to address these audits' significant findings and recommendations.

3. Tracking the status of prior audit findings.

4. Taking timely and appropriate steps to remedy fraud, noncompliance, violations of provisions of laws, regulations, contracts or grant agreements, or abuse we may report.

5. Providing your views and planned corrective action on audit findings we may report.

Internal Control

Our Responsibilities:
As a part of our audit, we will obtain an understanding of your City and its environment, including its internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses.

In assessing risk, we consider internal control relevant to the City's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of opining on the effectiveness of the City's internal control. However, we will communicate to you in writing any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.

Your Responsibilities:
Design, implement and maintain internal control relevant to compliance and the preparing and fairly presenting financial statements that are free from material misstatement, whether due to fraud or error. Appropriate supervisory reviews are necessary to reasonably assure that adopted policies and prescribed procedures are followed.

Your Responsibility for Service Organizations:
Service organizations are entities to which you have outsourced accounting functions. Service organizations process transactions reflected in your City's financial statements, and therefore fall within the scope of our audit. While service organizations are responsible for establishing and maintaining their internal control, you are responsible for being aware of the service organizations your City uses, and for establishing controls to monitor the service organization's performance. Because the complexity of service organization transaction processing can vary considerably, your monitoring activities can vary accordingly.

When transaction processing is complex and the volume of transactions is relatively high, obtaining and reviewing a service organization auditor's *Independent Service Auditor's Report on Management's Description of a Service Organization's System and the Suitability of the Design and Operating Effectiveness of Controls* Report (Type 2 Service Organization Control Report (SOC 1)) may be the most effective method of meeting your responsibility to monitor a service organization, and may also be the only efficient means by which we can obtain sufficient evidence regarding their internal controls. AT Section 801, *Reporting on Controls at a Service Organization* (SSAE No. 16) discusses the aforementioned report. (In some circumstances, we can accept a suitably-designed agreed-upon procedures report (AUP) in lieu of a SSAE No. 16 report.) Our staff can discuss SSAE No. 16 and possible monitoring controls you might use with you.

You are responsible for informing our staff of the service organizations your government uses, and for monitoring these service organizations' performance.

Service organizations of which we are aware are:
- Medicount, which processes your City's Fire/EMS billings.
- Medina County, which bills and collects property taxes on the City's behalf

Please confirm to us that, to the best of your knowledge, the above listing is complete.

Of the service organizations above, those for which we believe the complexity of processing and volume of transactions warrant a SSAE No. 16 (or AUP) report are:

- Medicount, which processes your City's Fire/EMS billings.

Without an acceptable SSAE No. 16 or AUP report for the above-listed organizations, generally accepted auditing standards may require us to qualify our opinion on your City's financial statements due to an insufficiency of audit evidence regarding service organization transactions included in your City's financial statements. You are responsible for communicating the need for a SSAE No. 16 or AUP report to these service organizations.

Representations from Management

Your Responsibilities

Upon concluding our engagement, management and, when appropriate, those charged with governance will provide to us written representations about the audit that, among other things, will confirm, to the best of their knowledge and belief:

- Management's responsibility for preparing the financial statements in conformity with generally accepted accounting principles.
- The availability of original financial records and related data, the completeness and availability of all minutes of the legislative or other bodies and committee meetings;
- Management's responsibility for the City's compliance with laws and regulations;
- The identification and disclosure to the auditor of all laws, regulations, and provisions of contracts and grant agreements directly and materially affecting the determination of financial statement amounts and;
- The absence of fraud involving management or employees with significant roles in internal control.

Additionally, we will request representations, as applicable, regarding:

- The inclusion of all components, and the disclosure of all joint ventures and other related organizations;
- The proper classification of funds, net position and fund balances;
- The proper approval of reserves of fund equity;
- Compliance with laws, regulations, and provisions of contracts and grant agreements, including budget laws or ordinances; compliance with any tax or debt limits, and any debt covenants;
- Representations relative to GASB-required supplementary information;
- The identification of all federal assistance programs, and compliance with grant requirements.
- Events occurring subsequent to the fiscal year end requiring adjustment to or disclosure in the financial statements.

Management is responsible for adjusting the financial statements to correct misstatements we may detect during our audit and for affirming to us in the representation letter that the effects of any uncorrected misstatements we aggregate during our engagement and pertaining to the latest period the statements present are immaterial, both individually and in the aggregate, to the opinion units. (*Financial statements* include the related footnotes and required and other supplemental information).

Communication

Our Responsibilities

As part of this engagement the Auditor of State will communicate certain additional matters (if applicable) to the appropriate members of management and to those charged with governance. These matters include:

- The initial selection of and changes in significant accounting policies and their application;
- The process management uses to formulate particularly sensitive accounting estimates and the basis for their conclusions regarding the reasonableness of those estimates;
- Audit adjustments, whether posted or waived;
- Any disagreements with management, whether or not satisfactorily resolved, about matters that individually or in the aggregate could be significant to the financial statements or our opinion;
- Our views about matters that were the subject of management's consultation with other accountants about auditing and accounting matters;
- Major issues that were discussed with management related to retaining our services, including, among other matters, any discussions regarding the application of accounting principles and auditing standards; and
- Serious difficulties we encountered in dealing with management during the audit.

We will present those charged with governance our Summary of Unadjusted Differences (if any) at the conclusion of our audit.

Terms and Conditions Supporting Fee

As a result of our planning process, the City and the Auditor of State have agreed to an approach designed to meet the City's objectives for an agreed-upon fee, subject to the following conditions.

Our Responsibilities:

In providing our services, we will consult with the City regarding matters of accounting, financial reporting or other significant business issues. Accordingly, our fee includes estimated time necessary for this consultation. Circumstances may require the Auditor of State to confirm balances with your financial institution resulting in additional nominal charges which will not require an amendment to this agreement. However, should a matter require research, consultation or audit work beyond this estimate, the Auditor of State and the City will agree to an appropriate revision in services and fee. These revisions will also be set forth in the form of the attached *Amendment to Letter of Arrangement.*

Your Responsibilities:

The City will provide in a timely manner all financial records and related information to us, an initial list of which has been furnished to you, including timely communication of all significant accounting and financial reporting matters, as well as working space and clerical assistance as mutually agreed upon and as is normal and reasonable in the circumstances. When and if for any reason the City is unable to provide these schedules, information and assistance, the Auditor of State and the City will mutually revise the fee to reflect additional services, if any, we require to achieve these objectives. These revisions will be set forth in the form of the attached *Amendment to Letter of Arrangement.*

Confidential Information:

You should make every attempt to minimize or eliminate the transmission of personal information to the Auditor of State (AOS). All documents you provide to the AOS in connection with our services including financial records and reports, payroll records, employee rosters, health and medical records, tax records, etc. should be redacted of any personal information. Personal information includes social security numbers, date of birth, drivers' license numbers or financial institution account numbers associated with an individual. The public office should redact all personal information from electronic records before they are transmitted to the AOS. This information should be fully blacked out in all paper documents prior to sending to the AOS. If personal information cannot be redacted from any records or documents; the public office must identify these records to the AOS.

If redacting this personal information compromises the audit or the ability to prepare financial statements, the public office and the AOS will consider these exceptions on a case-by-case basis. Additionally, if redacting this information creates a hardship on the public office in terms of resources, recordkeeping or other issues, the public office and the AOS may collaborate on alternative methods of providing the public office's data to the AOS without compromising the personal information of individuals served by the public office. The AOS is willing to work with the public office and it is our intent to greatly reduce the amount of personal information submitted to the AOS for audit or financial statement preparation purposes. It is important that the public office review internal policies to find ways to eliminate as much personal information from financial records as possible by substituting non-personal information (i.e., change social security numbers to employee identification numbers).

Fee
Except for any changes in fees and expenses which may result from the circumstances described above, we expect our fees and expenses for our audit services will not exceed $28,700.

Pursuant to Ohio Rev. Code Section 117.13, you may charge all of this audit's cost to the general fund or you may allocate the cost among the general fund and other eligible funds in accordance with Auditor of State Bulletin 2009-011.

Reporting
We will issue a written report upon completing our audit of your financial statements. We will address our report to those charged with governance. We cannot assure you that we will issue an unmodified opinion. Circumstances may arise in which it is necessary for us to modify our opinion, add an emphasis-of-matter paragraph(s), or withdraw from the engagement.

Upon completing our audit, we will also issue a written report in accordance with *Government Auditing Standards* on internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters.

Access to Our Reports and Working Papers

AU-C 905—*Alert That Restricts the Use of the Auditor's Written Communication* requires our reports to disclose the following:

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Required by Government Auditing Standards:

This report describes only the scope of our tests of internal control over financial reporting and on compliance and other matters and the results of these tests, and does not opine on the effectiveness of the City's internal control over financial reporting or on compliance or other matters. This report is an integral part of an audit performed under *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance. Accordingly, this report is not suitable for any other purpose.

AU-C 905 requires us to include this restrictive language in our reports due to concerns that other readers may not fully understand the purpose of the report, the nature of the procedures applied in its preparation, the basis or assumptions used in its preparation, the extent to which the procedures performed are generally known or understood, and the potential for the report to be misunderstood, when taken out of the context for which it was intended.

However, under Revised Code Section 117.26, an audit report becomes a public record under Section 149.43, Revised Code, when we file copies of the report with the public officers enumerated in the Revised Code. When we file the reports, our working papers become available to the public upon request, subject to information protected for criminal investigations, by attorney-client privilege or by local, state or federal law. AU-C 905 does not affect public access to our reports or working papers.

Under generally accepted auditing standards, we must retain working papers for five years after the release date of our opinion. However, AOS policy requires we retain working papers for seven years or longer, as needed.

Peer Review Report
As required by *Government Auditing Standards*, we have attached a copy of our most recent external quality control review report (Peer Review). Audit organizations can receive a rating of *pass, pass with deficiency(ies), or fail.* The Auditor of State received a peer review rating of pass.

Please sign and return this letter to indicate your acknowledgement of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities. If you have any questions, please call Lindsey Young at 800-626-2297.

Very truly yours,

Dave Yost
Auditor of State of Ohio

Allen K. Allred
Allen K. Allred
2016.12.07 14:23:35 -05'00'

Allen Allred, Assistant Chief Auditor

Attachment

cc: Ron Falconi, Mayor
Patricia Hanek, Council Chair Committee of the Whole

ACCEPTED BY ____________________ DATE ____________________

TITLE ____________________

SAMPLE
AMENDMENT #___ TO LETTER OF ARRANGEMENT

[Date]

[ENGAGEMENT LETTER ADDRESSEE]

Dear _____:

The letter of arrangement dated ________ between the Auditor of State and the City is hereby amended to reflect the following:

Description of / Causes for Amendment	Estimated Fee Effect
1	
2	
3	
4	
Total this amendment	$0.00
Previous fee estimate	
Revised fee estimate	$0.00

Please sign the copy of this letter in the space provided and return it to us. If you should have any questions, please call _________at ______.

Very truly yours,

Dave Yost
Auditor of State of Ohio

(Name), Chief Auditor

cc: [Engagement Letter cc's]

ACCEPTED BY ____________________ DATE ____________________

TITLE ____________________

National State
Auditors Association
An Affiliate of NASACT

NSAA

Headquarters Office
449 Lewis Hargett Circle, Suite 290
Lexington, KY 40503-3590
P (859) 276-1147, F (859) 278-0607
www.nasact.org

Washington Office
The Hall of the States
444 N. Capitol Street, NW, Suite 234
Washington, DC 20001
P (202) 624-5451, F (202) 624-5473

PEER REVIEW REPORT
April 3, 2015

The Honorable David Yost, Ohio Auditor of State
Office of Auditor of State
88 E. Broad Street, 5th Floor
Columbus, Ohio 43215

Dear Auditor of State:

We have reviewed the system of quality control of the Ohio Auditor of State (the office) in effect for the period March 1, 2014 through February 28, 2015. A system of quality control encompasses the office's organizational structure and the policies adopted and procedures established to provide it with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The design of the system and compliance with it are the responsibility of the office. Our responsibility is to express an opinion on the design of the system and the office's compliance with the system based on our review.

We conducted our review in accordance with the policies and procedures for external peer reviews established by the National State Auditors Association (NSAA). In performing our review, we obtained an understanding of the office's system of quality control for engagements conducted in accordance with professional standards. In addition, we tested compliance with the office's quality control policies and procedures to the extent we considered appropriate. These tests covered the application of the office's policies and procedures on selected engagements. The engagements selected represented a reasonable cross-section of the office's engagements conducted in accordance with professional standards. We believe that the procedures we performed provide a reasonable basis for our opinion.

Our review was based on selective tests; therefore it would not necessarily disclose all design matters in the system of quality control or all compliance matters with the system. Also, there are inherent limitations in the effectiveness of any system of quality control; therefore, noncompliance with the system of quality control may occur and not be detected. Projection of any evaluation of a system of quality control to future periods is subject to the risk that the system of quality control may become inadequate because of changes in conditions, or because the degree of compliance with the policies or procedures may deteriorate.

In our opinion, the system of quality control of Ohio Auditor of State in effect for the period March 1, 2014 through February 28, 2015 has been suitably designed and was complied with during the period to provide the audit organization with reasonable assurance of performing and reporting in conformity with *Government Auditing Standards* in all material respects. Audit organizations can receive a rating of *pass*, *pass with deficiency(ies)*, or *fail*. The Ohio Auditor of State has received a peer review rating of *pass*.

Keith Dommer, CPA
Team Leader
National State Auditors Association
External Peer Review Team

Kathleen A. Davies, CPA-PA
Concurring Reviewer
National State Auditors Association
External Peer Review Team

CITY OF BRUNSWICK, OHIO
RESOLUTION NUMBER 98-16

By: Mrs. Hanek, Mr. Johnson and Mr. Salzgeber

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE YEAR CONTRACT TO ENGAGE THE AUDIT DIVISION OF THE AUDITOR OF STATE'S OFFICE OF OHIO TO AUDIT THE CITY OF BRUNSWICK FOR THE FISCAL YEAR ENDING, DECEMBER 31, 2016

WHEREAS: Pursuant to Ohio Revised Code Section 117.11 the Auditor of State's Office shall audit a public office each fiscal year; and

WHEREAS: If the City expends more than $750,000 in federal assistance in any given fiscal year on or after January 1, 2015, the City will be subject to a federal single audit under the A-133 Audit Standards. The federal single audit is an addition to the regular audit pursuant to Ohio Revised Code Section 117 and will require a contract modification, if necessary; and

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the City Manager is hereby authorized to enter into a one year agreement to engage the Audit Division of the Auditor of State's Office of Ohio to audit the basic financial statements of the City for the fiscal year ending December 31, 2016 for an annual cost not to exceed $28,700 with an option to modify the contract not to exceed an additional $5,000 to conduct a federal single audit under the A-133 Audit Standards if the City of Brunswick expends more than $750,000 in federal awards for the fiscal year end December 31, 2016.

SECTION 2: This Resolution 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 additional reason to comply with Ohio Revised Code Section 117. 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

CITY OF BRUNSWICK, OHIO
RESOLUTION NUMBER 98-16

ATTEST: ______________________________

Clerk of Council
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE:	12/19/2016
TO:	Vice Mayor Patricia Hanek and Members of City Council
FROM:	Carl S. DeForest, Acting City Manager Todd Fischer
COPY:	Mayor Ron Falconi
LEGISLATION:	**RES. NO. 99-16** - An <u>emergency</u> resolution requesting an advance release of property tax revenue funds from the Medina County Treasurer collected for the benefit of the City of Brunswick - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)
BACKGROUND:	Each year the City of Brunswick requests an advance release of the maximum amount allowed by law of property taxes collected by the Treasurer. This request is for the 2017 collection year.
PURPOSE AND EXPLANATION:	To allow the City to maximize the interest to be earned on available monies and improve the cash flows of the City. If the City did not execute this legislation then Medina County would be able to reap the interest and cash flow benefits from this "available" City money.
IMPLEMENTATION SCHEDULE:	Emergency and Suspension of the rules on 1st reading -December 19, 2016
FINANCIAL INFORMATION:	
FINANCIAL SUMMARY:	The total financial impact of this legislation is determined by a few variables that cannot be measured at this time. However, the impact of this legislation is positive for the City of Brunswick as it will allow for the City to obtain financial resources earlier than what it would be if it was not passed. This legislation merely changes the timing of when property tax money is received thus allowing for better interest earning potential and improving cash flows. The actual amount of each advancement of property taxes received and the actual interest rates available when the advancements are received cannot be measured or determined at the time this legislation is presented.
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?

Recommendation for passage as an emergency with suspension of the rules on December 19, 2016 to allow for timely filing of paperwork with Medina County Auditor's Office. The emergency and suspension of the rules is deemed necessary in order for the City to be prepared and allow it to receive its property tax revenues in advance of the semi-annual settlement and maximize its interest revenue potential. The needed paperwork will be distributed by the Medina County Auditor's Office sometime in the next several weeks and must be filed shortly thereafter along with this Resolution to receive the property taxes in advance of the normal settlement times defined by law.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NUMBER 99-16

By: Mrs. Hanek, Mr. Johnson and Mr. Salzgeber

AN EMERGENCY RESOLUTION REQUESTING AN ADVANCED RELEASE OF PROPERTY TAX REVENUE FUNDS FROM THE MEDINA COUNTY TREASURER COLLECTED FOR THE BENEFIT OF THE CITY OF BRUNSWICK

WHEREAS: The City Council of the City of Brunswick wishes to receive advance release of property tax revenues collected by the Medina Country Treasurer for the benefit of the City of Brunswick.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: That the City of Brunswick hereby requests advance release payment of the maximum amount allowed by law from the taxes collected for the benefit of said City credited to the General, Police Pension (Police Fund), and Road Levy Funds of said City, said release payment to be made from prior years, but not collected until 2017 on any and all levies pertaining to the City of Brunswick.

SECTION 2: That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of the Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is necessary to provide for the City of Brunswick, the necessary funds for the operation of the City; wherefore, this Resolution shall be in full force and effect immediately after its passage by the required number of votes; otherwise, the earliest time permitted by law.

PASSED: _1st Reading ___

CITY OF BRUNSWICK, OHIO
RESOLUTION NUMBER _99-16

RULES SUSPENDED: AYES _NAYS

ADOPTED: ______________________________ AYES _NAYS

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

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE:	12/19/2016
TO:	Vice Mayor Patricia Hanek and Members of City Council
FROM:	Carl S. DeForest, Acting City Manager
COPY:	Mayor Ron Falconi
LEGISLATION:	**ORD. NO. 100-16 -** An ordinance establishing Section 618.29 of the City of Brunswick Codified Ordinances by providing regulations for leaving animals unattended in vehicles - **1st Reading** (Safety and Environment Committee, *Administration/Ken Fisher*)
BACKGROUND:	Establish Section 618.29 of Codified Ordinances by providing regulations for leaving animals unattended in vehicles.
PURPOSE AND EXPLANATION:	
IMPLEMENTATION SCHEDULE:	Adopt upon third reading.
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?
Recommended for three readings.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 100-16

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

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 establishedto read as follows:

618.29 LEAVING ANIMALS UNATTENDED IN VEHICLES

(a) No animal shallbe left unattended in an enclosed portion of a vehicle except under all the following conditions:
(1) No animal maybe 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 isnot younger than six months of age; and
(4) Adequate water is provided to the animal.

(b) This section does not apply to any animalleft unattended in an enclosed portion of a vehicle whereinappropriate temperature controls are in actual use.

(c) Whoever violates or fails to comply with any provisions of thissection is guilty of the following and shallbe 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, ifthe animal was injured, a misdemeanor of the first degree.

SECTION 2: That this Ordinance shall takeeffect 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