

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda

SEPTEMBER 23, 2024

6:40 PM

**or Immediately Following
Services, Utilities, Technology & Cable Committee**

1. Discussion Items
 - (a) Council Rule Revision - Packet Distribution
2. Motion Items
3. Review Legislation
 - (a) **ORD. NO. 83-2024** - An ordinance authorizing the City Manager to forward a petition for detachment to the Medina County Commissioner's Office for the purpose of adjusting the City boundary lines to include an annexation into the City of Brunswick of PPNs 001-02A-21-008 and 001-02A-21-009. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Dennis Nevar*)
4. General Discussion
5. Executive Session
 - (a) Motion to go into Executive Session to discuss the subject of pending or imminent court action
6. Adjournment

- l. The reports of Administrative Officials;
 - m. Open Forum;
 - n. Unfinished Business;
 - o. New Business; and
 - p. Adjournment.
4. Agenda: The Clerk of Council shall put into the possession of the Mayor and each member of Council, not less than seventy-two (72) hours in advance of any Regular Meeting, written copies of the agenda for that meeting, as well as reports and ordinances/resolutions included in said agenda. Any addition thereafter to such materials, intended for consideration at the meeting, shall be accepted only with the approval of three-fourths of the members of Council present.
5. Preparation and Review of Minutes: The Clerk of Council shall prepare written copies of the minutes of the last previous Regular and/or Special and/or Committee-of-the-Whole Meeting of Council and distribute them to Council for its review not less than seventy-two (72) hours prior to the next Regular Meeting.
6. Roll Call of Council: Every member shall be in his/her seat at the time of roll call; otherwise, he/she shall not be recorded as present except upon special order of Council.
 - a. Excusing Council Members From Meetings: In order to be excused from any Council Meeting, the Council Member must contact the Council Clerk in advance of the meeting and provide a reason to be excused. The Council Clerk shall type this excuse and provide it to all Council Members in advance of the meeting that is to be missed. If the Council Clerk is unavailable, the member seeking excuse shall contact the Vice Mayor/President or Vice Mayor Pro Tem. Council shall thereafter decide by motion whether to excuse such member from the meeting.
7. Duty To Vote: Every member present shall vote aye, nay, abstain, or pass on all questions upon the call of the ayes and nays, unless excused by the Presiding Officer. No Council person shall be permitted to change his/her vote as recorded after the roll call has been verified and the result declared by the Clerk of Council.
8. Right Of Floor: When any member is about to address the Council, he/she should respectfully address himself/herself to the Presiding Officer, and when recognized by such Officer, confine himself/herself to the question under

to conduct interviews of all individuals who submit a timely application, with written notice of the Special Meeting to be mailed via Regular First Class U.S. mail to each applicant.

C. **Conduct of Interviews:** Interviews shall be limited to fifteen (15) minutes unless a majority of Council deems a different limitation necessary or advisable. Council may adjourn to Executive Session to conduct all interviews and discussions.

D. **Voting:** All voting shall occur in a public session.

III. CLERK OF COUNCIL (Charter Section 3.08)

A. **Selection of Clerk and Council Employees:** Council shall choose a Clerk and other officers and employees, including without limitation any Assistant Clerk(s), as it may deem necessary and fix their compensation.

B. **Responsibilities of the Clerk and Council Employees:** Without limiting the scope and nature of such duties, the Clerk's duties shall include the following:

1. Keeping the record of the Council and its committees, and a proper file of all papers and documents which are part of the transactions and meetings of the Council, and of its committees, and all orders of Council and its committee;
2. Complying with the duties of the Clerk specifically set forth in the Rules of Council, the Charter, and those otherwise required by law;
3. Filing and indexing all ordinances and resolutions of Council;
4. Keeping a record of roll calls in regard to all Council legislation and committee activity and making sure that Council's public records are available to the public during regular business hours at City Hall;
5. Preparing Council's and Council Committees' Agendas, Addenda and Public Hearing notices, records, and other papers;
6. Preparing legislation packets for distribution to Council members no later than 72 hours in advance of regular Council Meetings and before the Committee-of-the-Whole Meeting on the third Monday of each month;
7. Performing tasks for other City Departments, but only with the prior approval of the majority of Council;

IV. COUNCIL COMMITTEES

A. Committee-of-the-Whole

1. Scheduling: Regular Committee-of-the-Whole Meetings shall occur every **second (2nd)** and **fourth (4th) Monday** of each month, prior to the regular Council meeting, unless canceled or rescheduled. Special Committee-of-the-Whole meetings may be held on the call of the Vice-Mayor/President of Council, or of three or more members of Council. At least twenty-four (24) hour notice in writing of such special Committee-of-the-Whole meeting shall be given, served personally on each member of Council, or left at his/her usual place of residence. Such notice shall state the subject(s) to be considered at the meeting and no other subjects shall be considered, except for general discussion. The Clerk of Council shall notify the press of special Committee-of-the-Whole meetings. The attendance at any special Committee-of-the-Whole meeting shall be considered a waiver of notice, and if five (5) of the members elected to Council are present, the meeting may proceed as a duly called special Committee-of-the-Whole meeting provided that all absent members were given proper notice thereof.
2. Agenda: The Vice Mayor/President shall be responsible for assembling the agenda for Committee-of-the-Whole meetings, but all Council members may suggest items for inclusion thereon. The agenda shall be prepared at least seventy-two (72) hours in advance of the meeting and promptly distributed to Council members, listing the items for consideration including support documentation.
3. Presiding Officer: The Vice-Mayor/President shall be the Presiding Officer of the Committee-of-the-Whole. At the organizational meeting of Council, referenced in Section 3.10 of the Charter, the Vice-Mayor/President shall designate a member of Council as Vice Mayor Pro Tempore, to act in his/her absence.
4. Quorum: A majority of the members of Council, (four (4) members), shall constitute a quorum for purposes of Committee-of-the-Whole meetings.
5. Approval of Unbid Expenditures: The Committee-of-the-Whole may, upon the assent of a majority of the members present at a duly noticed Committee-of-the-Whole meeting, approve any non-emergency City expenditures not in excess of that amount authorized to be spent by the limitations of general State Law, except as may otherwise be provided by the Charter or ordinance of Council, which are exempt from the bidding requirements under Charter Section 7.09(b)(2). Such expenditures may be presented for this consideration

VIII. MISCELLANEOUS

- A. **Amendments to Rules of Council:** The foregoing rules may be amended or new rules adopted by a vote of majority of the members elected to Council, in the manner provided by law, and, unless stated otherwise herein, may be temporarily suspended for no longer than one (1) meeting by the vote of five (5) members of Council.
- B. **Robert's Rules of Order:** In the absence of a controlling provision within the Charter or these Council Rules, the most current version of Robert's Rules of Order shall control.
- C. **Gift Expenditures for Council Members:** No expenditure shall be made from Council funds for any gifts for any Council Member, or any other person, unless approved in advance by the assent of four (4) or more Council Members. All proposals for the purchase of such a gift shall be presented first to the Vice Mayor/President for review and presentation thereafter to the Committee of the Whole for consideration.
- D. **Harassment Policy for Council Members:** Council Members shall comply with all Harassment Policies in effect for City Employees, as contained in the Employee Handbook, as same may be amended from time to time. Council Members shall provide written confirmation of receipt of all applicable Harassment Policies on an annual basis or upon any amendment thereto.
- E. **Electronic Mail Policy:** Upon assumption of office (or immediately in the event a Member presently holds office), all Members of Council shall be issued an official City electronic mail address (the "Official Email Address"), which shall be solely utilized for official City business. Use of personal and/or non-official electronic mail addresses for official City business shall be strictly prohibited. All electronic mail received into the Official Email Address shall be preserved and maintained in accordance with applicable Record Retention Policies/Schedules, as same may be amended from time to time. Subject to any applicable legal exceptions, all received electronic mail that relates to official City business (whether to the Official Email Address or otherwise) is subject to potential disclosure pursuant to Ohio Public Records Law, as same may be amended from time to time.
- F. **Performance Review:** Council will conduct a performance review of the City Manager and Clerk of Council on an annual basis.

PROPOSED LEGISLATION



DATE: 9/23/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Dennis Nevar

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 83-2024** - An ordinance authorizing the City Manager to forward a petition for detachment to the Medina County Commissioner's Office for the purpose of adjusting the City boundary lines to include an annexation into the City of Brunswick of PPNs 001-02A-21-008 and 001-02A-21-009. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Dennis Nevar*)

BACKGROUND: A Petition for Annexation of certain territory in Brunswick Hills Township was duly filed by a property owner located in the territory of Brunswick Hills (PPNs 001-02A-21-008 and 001-02A-21-009); The Petition was considered by the Board of County Commissioners of Medina County.

The Board of County Commissioners certified the transcript of this proceeding in connection with the annexation, map, and Petition to the Clerk of Council. The appropriate time frames have elapsed in accordance with the provisions of the Ohio Revised Code Section 709.04;

The City of Brunswick passed legislation accepting the proposed annexation per Resolution No. 69-2024 adopted on September 9, 2024.

PURPOSE AND EXPLANATION: The City wishes to petition the Medina County Commissioners Office for detachment to adjust the City boundary lines to include this annexation into the City of Brunswick.

IMPLEMENTATION SCHEDULE: 3 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?

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 83-2024

BY: Committee-of-the-Whole

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO FORWARD A PETITION FOR DETACHMENT TO THE MEDINA COUNTY COMMISSIONER'S OFFICE FOR THE PURPOSE OF ADJUSTING THE CITY BOUNDARY LINES TO INCLUDE AN ANNEXATION INTO THE CITY OF BRUNSWICK OF PPNs 001-02A-21-008 AND 001-02A-21-009.

WHEREAS: A Petition for Annexation of certain territory in Brunswick Hills Township was duly filed by a property owner located in the territory of Brunswick Hills (PPNs 001-02A-21-008 and 001-02A-21-009);

WHEREAS: Said Petition was duly considered by the Board of County Commissioners of Medina County;

WHEREAS: The Board of County Commissioners certified the transcript of this proceeding in connection with said annexation with the map and Petition required in connection therewith to the Clerk of Council;

WHEREAS: The appropriate time frames have elapsed in accordance with the provisions of the Ohio Revised Code Section 709.04;

WHEREAS: The City of Brunswick passed legislation accepting the proposed annexation per Resolution No. 69-2024 adopted on September 9, 2024;

WHEREAS: The City wishes to petition the Medina County Commissioners Office for detachment for the purposes of adjusting the City boundary lines to include this annexation into the City of Brunswick; and

WHEREAS: The Petition is being filed to comply with all relevant provisions of Ohio Revised Code Chapters 503 and 709.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: The City Manager is authorized to forward a Petition for detachment to the Medina County Commissioner's Office for the purpose of adjusting the City boundary lines to include this annexation into the City of Brunswick pursuant to all relevant provisions of Ohio Revised Code Chapters 503 and 709. A copy of said Petition is attached hereto as Exhibit "A".

SECTION 2: The annexation to be included in the boundary adjustment is contained in Resolution No. 69-2024. A copy of said Resolution is attached hereto as Exhibit "B".

SECTION 3: Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____

AYES _____

NAYS _____

ATTEST: _____

Clerk of Council

Laura E. Timura, CMC

PETITION FOR BOUNDARY LINE ADJUSTMENT
Ohio Revised Code Section 503.07

TO: BOARD OF COUNTY COMMISSIONERS
MEDINA COUNTY, OHIO
144 NORTH BROADWAY
MEDINA, OHIO 44256

1. The undersigned is the City Manager for the City of Brunswick and has been authorized by the Brunswick City Council to forward this Petition to the Board of County Commissioners for the purpose of adjusting the boundary lines of the City of Brunswick and Brunswick Hills Township to reflect an annexation of real property to the City of Brunswick in accordance with Ohio Revised Code Chapters 503 and 709.
- 2) A copy of Ordinance No. ____-2024 authorizing the City Manager to forward this Petition to the Board of County Commissioners is attached hereto as Exhibit "1" and incorporated herein by reference.
- 3) The annexation of the subject property is as detailed in Resolution No. 69-2024, as attached hereto as Exhibit "2" and incorporated herein by reference.
- 4) A copy of a map of the City of Brunswick indicating the annexation and change in boundary lines is attached hereto as Exhibit "3" and incorporated herein by reference.
- 5) Ohio Revised Code Section 503.07 states that:

“When the limits of a municipal corporation do not comprise the whole of the township in which it is situated, or if by change of the limits of such corporation include territory lying in more than one township, the legislative authority of such municipal corporation, by a vote of the majority of the members of such legislative authority, may petition the board of county commissioners for a change of township lines in order to make them identical, in whole or in part, with the limits of the municipal corporation, or to erect a new township out of the portion of such township included within the limits of such municipal corporation. The board, on presentation of such petition, with the proceedings of the legislative authority authenticated, at a regular or adjourned session, shall upon the petition of a city change the boundaries of the township or erect such new township, and may upon the petition of a village change the boundaries of the township or erect such new township.”
- 6) Ohio Revised Code Section 503.07 required the Board of County Commissioners to change the boundary lines upon the petition of the City.

WHEREFORE, the undersigned respectfully requests that this Board change the boundary lines of the City of Brunswick and Brunswick Hills Township to reflect the annexation detailed herein.

Carl S. DeForest, City Manager

STATE OF OHIO)
) SS:
COUNTY OF MEDINA)

SWORN TO BEFORE ME and subscribed in my presence this ____ day of _____, 2024.

NOTARY PUBLIC

