BRUNSWICK CITY
COMMITTEE-OF-THE-WHOLE

Agenda
JANUARY 23, 2017
6:35 PM

1. Discussion Items

   (a) **ORD. NO. 6-17 -** An ordinance establishing Section 1440.27 of the City of Brunswick Codified Ordinances by providing for Residential Rental Dwelling Unit Regulations (For Discussion Only)

2. Motion Items

   (a) Motion to enter into 2017 Performance License and First Addendum with SESAC LLC.

3. Review Legislation

   (a) **RES. NO. 7-17 -** An emergency resolution declaring the necessity of an election on the question of approving the passage of an ordinance to amend Sections 880.005, 880.01 and 880.04 of the Codified Ordinances of the City of Brunswick, Ohio, in order to provide for a temporary sixty-five one hundredths percent(0.65%) municipal income tax increase during the period from January 1, 2018 through December 31, 2022 to provide funds for the purpose of maintaining staffing levels for the Safety Forces of the City - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

   (b) **ORD. NO. 8-17 -** An ordinance amending Sections 880.005, 880.01 and 880.04 of the Codified Ordinances of the City of Brunswick, Ohio in order to provide for a temporary sixty-five one hundredths percent (0.65%) municipal income tax increase during the period from January 1, 2018 through December 31, 2022 to provide funds for the purpose of maintaining staffing levels for the Safety Forces in the City - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

4. General Discussion

5. Executive Session

   (a) Motion to go into an Executive Session for the purpose to discuss the sale of property and the compensation of public employees.

6. Adjournment

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 6-17

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

AN ORDINANCE ESTABLISHING SECTION 1440.27 OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES BY PROVIDING FOR RESIDENTIAL RENTAL DWELLING UNIT 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 "Residential Rental Dwelling Unit Regulations" is hereby established to read as follows:

(a) Residential Rental Dwelling Unit Certificate and Registration. After the effective date of this Section, it shall be unlawful for the owner, agent, or person in charge of any multi-family apartment structure or single, duplex, triplex or other residential rental dwelling unit to rent, lease, or permit any residential rental dwelling unit within said structure to be occupied, without a current and valid Rental Dwelling Unit Certificate issued by the Chief Building Official of the City for such residential rental dwelling unit.

The owners of real property containing any residential rental dwelling unit shall comply with the requirements of Ohio Revised Code Chapter 5323, as may be amended from time to time, and upon filing the required information with the Medina County Auditor, cause a time/date stamped copy of same to be filed with the Chief Building Official of the City.

(b) Application and Issuance of Rental Dwelling Unit Certificate. Application for a Rental Dwelling Unit Certificate shall be made every other year to the Chief Building Official on forms provided by the City for each residential rental dwelling unit. Said Application shall be accompanied by fees as set forth in this section.

Applications to renew a Rental Dwelling Unit Certificate shall be filed with the Chief Building Official not less than thirty calendar days prior to the expiration thereof.

Upon receipt of an Application for a Rental Dwelling Unit Certificate, the Chief Building Official shall coordinate with the applicant to schedule an inspection of the residential rental dwelling unit to determine compliance with the Building and Housing Code. If the residential rental dwelling unit if found to be in compliance with the Building and Housing Code, a Rental Dwelling Unit Certificate shall be issued for such residential rental dwelling unit for a period of two years.

If upon inspection of the residential rental dwelling unit it is determined that a violation of the Building and Housing Code exists, notice of such violation shall be made to applicant. The owner or agent shall obtain proper permits as required by the Building and Housing Code to correct the noted violations. No Rental Dwelling Unit Certificate shall issue until an inspection of the residential rental dwelling unit has been completed, noted violations have been corrected and the repairs have inspected and approved by the Chief Building Official.

(c) Existing Occupancies. Within thirty days of the effective date of this Section, the owner or agent of any residential rental dwelling unit shall submit to the Chief Building Official an Application for a Rental Dwelling Unit Certificate for each residential rental dwelling unit. Residential rental dwelling units occupied at the time of the effective date of this Section may continue to be occupied until such time as an inspection has been made by the Chief Building Official, after which all residential rental dwelling units shall comply with all of the provisions of this Section.

(d) Fees.

(1) Apartments.
Inspection = $20.00 per residential rental dwelling unit
Inspection = $20.00 for building exterior and grounds
Reinspection = $10.00 per residential rental dwelling unit
Reinspection = $20.00 for building exterior and grounds

(2) All other residential rental dwelling units.
Inspection = $50.00 per residential rental dwelling unit
Inspection = $10.00 for building exterior and grounds
Reinspection = $20.00 per residential rental dwelling unit
Reinspection - $10.00 for building exterior and grounds

(e) Officer With Authority. It shall be the duty and responsibility of the Chief Building Official, or his/her duly designated representative, to enforce the provisions of this Section.

(f) Inspection. In order to safeguard the safety, health and welfare of the public, the Chief Building Official is authorized to gain consensual entry to any structure or premises, or any part thereof, in which an Application for a Rental Dwelling Unit Certificate has been received for a residential rental dwelling unit, at any reasonable time for the purpose of making the inspections required by this Section.

If any owner, agent, occupant, or other person in charge of a structure or premises subject to this Section refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this Section is sought, the Chief Building Official shall be permitted to seek a warrant for administrative inspection in a court of competent jurisdiction. Such warrant for administrative inspection shall allow for the inspection of the subject structure or premises, and any parts thereof, and shall be so limited in scope.

Nothing herein shall be construed to limit the authority of the Chief Building Official to gain access to any structure or premises in emergency circumstances or as otherwise provided by applicable law.

Every occupant of a structure or premises containing residential rental dwelling units shall give the owner, agent or person in charge thereof, access to any part of such structure or premises at reasonable times for the purpose of making inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this Section.

(g) Notice of Violations. Where a violation of the Building and Housing Code or this Section is found to exist, the owner shall be provided with written notice specifying the nature of such violation, what must be done to correct such violation and a reasonable time period to correct or abate such violation. Notice shall be provided to the owner by certified mail, return receipt requested, at the tax mailing address contained in the records of the Medina County Auditor. In the event notice cannot be delivered, notice shall be considered served upon publication in a newspaper of general circulation in the City once a week for two consecutive weeks.

(h) Correction of Violations. The correction of any violation as required by the Building and Housing Code or this Section shall be completed in accordance with the applicable procedures and provisions of the Building and Housing Code.

(i) Failure to Comply. Whenever the owner of a residential rental dwelling unit fails, neglects, or refuses to comply with any notice of the Chief Building Official within the time period reasonably specified therein, said owner shall be considered in violation of this Section and the Chief Building Official shall proceed at law to compel compliance and to prosecute such violation.

(j) Penalty. Any person or entity who violates any provision of this Section shall be guilty of a misdemeanor of the third degree.

SECTION 2: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading__________________________
2nd Reading__________________________
3rd Reading__________________________
ADOPTED: __________________ AYES ____________ NAYS ____________

ATTEST: ____________________________
Clerk of Council
Barb Ortiz

THE CITY OF BRUNSWICK

PROPOSED MOTION

DATE: 01/23/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

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

COPY: Mayor Ron Falconi

MOTION: Motion to enter into 2017 Performance License and First Addendum with SESAC LLC.

BACKGROUND: This motion will allow the City Manager to enter into a Performance License and first addendum with SESAC, LLC. to allow the City of Brunswick to publicly perform live or recorded music at City owned facilities.

PURPOSE AND EXPLANATION: This is an annual Performance License that we enter into, along with the first addendum, to allow the City to play music at City owned facilities.

IMPLEMENTATION SCHEDULE: The payment schedule usually is released the second week of January. At that point, we bring the motion to City Council for approval by motion.

FINANCIAL INFORMATION: - - Recreation Center Fund #131 - 131-0830-55239 - -

FINANCIAL SUMMARY: For our City population of roughly 36,000 we pay the rate of $793 for the population between 25,000 to 50,000 for 2017.

RECOMMENDED ACTION: It would be the recommendation to allow the City Manager to enter into the Performance License and first addendum with SESAC, LLC. to allow music to be played at all City facilities.

ADDITIONAL INFORMATION:

SESAC PERFORMANCE LICENSE for MUNICIPALITIES

Agreement made in New York by and between SESAC LLC ("SESAC"), a Delaware limited liability company, with offices at 35 Music Square East, Nashville, TN 37203 and

____("LICENSEE")
(Legal Name of Entity)

(Billing Address) ____

(City, State, ZIP) ____

Telephone: ____________________ Fax: ____________________ E-mail: __________________________

SESAC and LICENSEE hereby mutually agree as follows:

1. GRANT OF RIGHTS: Effective as of **January 1, 2017** (the "Effective Date") SESAC grants to LICENSEE the non-exclusive right and license to publicly perform live or recorded non-dramatic renditions of the musical compositions, the performance rights to which SESAC controls and/or is empowered to license (the "Compositions") solely on and in connection with the following:

Name **City of Brunswick**
Location **Brunswick, OH** (the “Municipality”)

As used herein, “Municipality” shall include those locations owned, operated, and/or leased by LICENSEE which are used as governmental offices or for related purposes; those locations at which events are held under LICENSEE’s sole control and attended by LICENSEE’s employees, their families, social acquaintances, citizens, and other members of the public; and those areas owned, operated, and/or leased by LICENSEE which are under LICENSEE’s sole control.

2. LIMITATIONS OF RIGHTS: The Rights granted pursuant to Paragraph 1 above shall specifically exclude:

A. the right to perform, broadcast, televise or otherwise transmit the Compositions to any location (unless and to the extent otherwise expressly permitted in Schedule "A");

B. the right to grant the Rights to any third party;

C. "Grand Rights" in and to the Compositions ("Grand Rights" include, but are not limited to, the right to perform in whole or in part, dramatico-musical and dramatic works in a dramatic setting);

D. performances of the Compositions (i) which are part of a background music service originating from any location including the Municipality, for which SESAC performance license fees are otherwise paid, regardless of the means by which such performances are transmitted on or to the Municipality, and/or (ii) by coin-operated phonorecord players (“jukeboxes”), as defined in 17 U.S.C. § 116.

E. This license shall specifically exclude concerts. “Concerts” are those performances by an entertainer, group, or performer for which an admission or other fee is charged and which are not solely promoted by LICENSEE.

F. This license shall specifically exclude “Sporting events.” “Sporting events” are professional, semi-professional, major or minor league athletic competitions.

G. This license shall specifically exclude Colleges and/or Universities.

3. TERM OF LICENSE:

A. The term of the Agreement shall be for an initial period that commences upon the Effective Date and continues for a period of one (1) year (the "Initial Period"). Thereafter, the Agreement shall automatically continue in full force and effect for successive additional periods of one (1) year ("Renewal Period(s)"). SESAC and /or LICENSEE shall have the right to terminate this Agreement as of the last day of the Initial Period or as of the last day of any Renewal Period(s) upon giving written notice to the other party by certified mail, return receipt requested, at least thirty (30) days prior to the commencement of any Renewal Period(s). The Initial Period and Renewal Period(s) are sometimes collectively referred to herein as the "Term."

B. Notwithstanding anything to the contrary contained herein, SESAC shall have the right to terminate this Agreement upon thirty (30) days written notice by reason of any law, rule, decree, or other enactment having the force of law, by any authority, whether federal, state, local, territorial or otherwise, which shall result in substantial interference in SESAC's operation or any substantial increase in the cost of conducting its business.

4. LICENSE FEE:

A. As consideration for the Rights granted herein, LICENSEE shall pay to SESAC the annual "License Fee" then in effect in accordance with the "Fee Schedule" set forth in Schedule "A" attached hereto.

B. In the event that SESAC is determined by the taxing authority or courts of any state, territory, or possession in which LICENSEE conducts its operation to be liable for the payment of a gross receipts, sales, use, business use or other tax which is based on the amount of SESAC's receipts from LICENSEE, then LICENSEE shall reimburse SESAC, within thirty (30) days of notification therefor, for LICENSEE's pro rata share of any such tax derived from receipts received from LICENSEE, unless by constitution or statute, LICENSEE is exempt from any such tax whether applied directly or indirectly to LICENSEE.

C. SESAC shall have the right to impose a late payment charge of one and one-half percent (1.5%) per month for any License Fee payment that is more than thirty (30) days past due. In the event that SESAC incurs any costs or fees in connection with the collection of any amounts past due to SESAC hereunder, including without limitation reasonable attorney's fees, then LICENSEE shall be responsible for paying such amounts to SESAC unless by constitution or statute, LICENSEE is exempt from any such charge whether applied directly or indirectly to LICENSEE.

D. Effective January 1 of each calendar year the License Fee Schedule may be increased by an amount (rounded to the nearest dollar) equivalent to the percent increase in the Consumer Price Index – All Urban Consumer (CPI-U) as published by the Bureau of Labor Statistics, U.S. Department of Labor, between the most recent October and the preceding October or five percent (5%), whichever amount is greater.

5. MISCELLANEOUS:

A. In the event LICENSEE fails to pay the License Fee when due or is otherwise in default of any other provision of this Agreement, then SESAC shall have the right to terminate this Agreement in addition to pursuing any and all other rights and/or remedies available if LICENSEE has not cured such breach within thirty (30) days following SESAC's written notice of such default.

B. SESAC shall have the right to withdraw from the scope of this License, upon written notice, the right to perform any musical composition licensed hereunder as to which any action has been threatened, instituted, or a claim made that SESAC does not have the right to license the performance rights in such composition.

C. This Agreement shall be binding upon and inure to the benefit of SESAC's and LICENSEE's legal representatives, successors, and assigns, but no assignment shall relieve SESAC or LICENSEE of their obligation under this Agreement.

D. This Agreement supersedes and cancels all prior negotiations and understandings between SESAC and LICENSEE in connection with the Municipality. No modification of this Agreement shall be valid or binding unless in writing and executed by SESAC and LICENSEE. If any part of this Agreement shall be determined to be invalid or unenforceable by a court of competent jurisdiction or by any other legally constituted body having the jurisdiction to make such determination, the remainder of this Agreement shall remain in full force and effect. No waiver of any breach of this Agreement shall be deemed a waiver of any preceding, continuing or succeeding breach of the same, or any other provision of this Agreement.

IN WITNESS THEREOF, the parties have caused this Agreement to be duly signed as of ____________________.
Please insert today's date

LICENSEE	**SESAC LLC**
BY: ________________________________ (please sign here)	BY: ________________________________
________________________________ (Type or print name)	
TITLE: ________________________________	TITLE: ________________________________

Please mail signed license to:

SESAC
35 Music Square East
Nashville, TN 37203

Schedule "A"
MUNICIPALITY - 2017

I. Municipality. "Municipality," as used in the SESAC Performance License effective **January 1, 2017** (the "Agreement") to which this Schedule "A" is attached, shall be defined as the following Municipality:

Name **City of Brunswick**
Location **Brunswick, OH** (the "Municipality")

II. Fee Schedule/License Fee.

A. The annual License Fee shall be based upon the "Population" of the Municipality as noted below:

"Population"		License Fee for calendar year 2017
25,000	or less	$ 397
25,001	- 50,000	$ 793
50,001	- 100,000	$ 1,292
100,001	- 150,000	$ 1,882
150,001	- 250,000	$2,574
250,001	- 500,000	$3,365
500,001	And over	$4,259 + $397 for each additional 100,000 population

Population: **36,000**

This license will authorize **audio and/or audio/visual musical performances** (radio, records, tapes, compact discs, videocassettes, laser discs, television, and similar media), and **live musical performances**. This license will also authorize performances via **music on hold** systems operated by LICENSEE.

B. As used herein, "Population" shall mean the total population of the Municipality as of the most recent United States Census.

C. LICENSEE shall pay the License Fee to SESAC upon execution of this Agreement, with license fees due and payable in advance. The initial License Fee payment shall be a pro-rated amount calculated using the then current License Fee rate(s) from the Effective Date through the end of the current billing period. Subsequent payments shall be made annually in one (1) payment on or before the first day of January, for the billing period of January 1 through December 31 of each calendar year of the Term.

D. Upon execution of this Agreement, LICENSEE shall provide SESAC with a report detailing the Population as of the Effective Date. Thereafter, on or before October 1 of each calendar year, in the event that a change in the Population results in a change in fee category, LICENSEE shall submit an updated report of the Population. License fees will be adjusted effective the following January 1. SESAC retains the right to obtain these figures through United States Census Data and make appropriate adjustments to the License Fee.

E. Notwithstanding anything to the contrary contained in this Agreement, upon written notice to LICENSEE, SESAC shall have the right to adjust the rates set forth in the Fee Schedule. In the event that LICENSEE's License Fee increases as a result of such adjustment to the Fee Schedule, LICENSEE shall have the right to terminate this Agreement as of the date such increase is to take effect. LICENSEE must give SESAC written notice of such termination by certified mail, return receipt requested, not later than thirty (30) days after written notice of such increase is sent to LICENSEE by certified mail. This paragraph shall not apply to paragraph 4.D of the Agreement.

III. This Schedule is incorporated and made part of the Agreement. Unless otherwise indicated, all capitalized terms in this Schedule "A" shall have the same meaning as set forth in the Agreement.

Please do not detach, must accompany license
Please mail completed license to: SESAC, 35 Music Sq. E., Nashville, TN 37203

FIRST ADDENDUM TO SESAC PERFORMANCE LICENSE FOR MUNICIPALITIES

THIS FIRST ADDENDUM is entered into this ___ day of ___________________, 2017, by and between SESAC, LLC, with a business address at 55 Music Square East, Nashville, Tennessee 37203 and the City of Brunswick, Ohio (the "City"), with a business address of 4095 Center Road, Brunswick, Ohio 44212.

WHEREAS, the City is desirous of entering into the Performance License for Municipalities with SESAC, LLC, subject to the terms of this First Addendum.

NOW, THEREFORE, in consideration of the mutual promises, covenants and obligations contained herein, SESAC, LLC and the City hereby agree as follows:

1. Section 3(A) of the Performance License for Municipalities shall be amended to read as follows:

   "The term of the Agreement shall be for an initial period that commences upon the Effective Date and continues for a period of one (1) year. LICENSEE shall have the right to terminate this Agreement at any time upon giving thirty (30) days written notice to SESAC by certified mail, return receipt requested."

2. Section 3(B) of the Performance License for Municipalities shall be amended to read as follows:

   "Notwithstanding anything to the contrary contained herein, SESAC shall have the right to terminate this Agreement upon thirty (30) days written notice by reason of any law, rule, decree, or other enactment having the force of law, by any authority, whether federal, state, local, territorial or otherwise, which shall result in substantial interference in SESAC's operation or any substantial increase in the cost of conducting business. In such event, the City shall be entitled to immediate refund of its License Fee on a pro-rata basis."

3. Section 4(D) of the Performance License for Municipalities shall be deleted in its entirety.

4. The terms and provisions of the Performance License for Municipalities shall remain in full force and effect except as otherwise modified by this First Addendum.

IN WITNESS WHEREOF, the undersigned have caused this First Addendum to be executed as of the date indicated below.

SESAC, LLC	City of Brunswick, Ohio
___________________________________	___________________________________
	Carl S. DeForest, Acting City Manager
By:_______________________________	
Title:_____________________________	
Date:______________________________	Date:_______________________________

The legal form and correctness of the within instrument are hereby approved.

____
Kenneth J. Fisher, Director of Law

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 01/23/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 7-17 -** An emergency resolution declaring the necessity of an election on the question of approving the passage of an ordinance to amend Sections 880.005, 880.01 and 880.04 of the Codified Ordinances of the City of Brunswick, Ohio, in order to provide for a temporary sixty-five one hundredths percent(0.65%) municipal income tax increase during the period from January 1, 2018 through December 31, 2022 to provide funds for the purpose of maintaining staffing levels for the Safety Forces of the City - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: On January 26, 2009, Ord. No. 4-09 was adopted upon recommendation of the Mayor's Ad Hoc Finance Committee, increasing the income tax by 0.5% from 1.35% to 1.85% for a period of four years commencing Jan. 1, 2010 for the purpose of maintaining staffing levels of the Safety Forces and submitting such income tax increase question to the electors of the City at the May 5, 2009 Primary Election. The electors approved the 0.5% income tax increase for the purpose of maintaining staffing levels for the Safety Forces.

The electors approved a continuation of the 0.5% income tax increase for the purpose of maintaining staffing levels for the Safety Forces at the November 6, 2012 General Election through December 31, 2017.

PURPOSE AND EXPLANATION: Based on discussions, Council has determined that it is necessary to increase the municipal income tax by sixty-five one hundredths percent (0.65%) for the purpose of maintain staffing levels for the Safety Forces of the City for five years commencing January 1, 2018 through December 31, 2022.

IMPLEMENTATION SCHEDULE: If the levy is approved by the electors at the May 2, 2017 Primary Election, the companion Ord. No. 8-17 would require final consideration and approval of Council in order to amend the appropriate sections of the Codified Ordinances, in order to implement the approved levy and provide the funds necessary for the purpose of maintain staffing levels for the Safety Forces. Ordinance 8-17 will be introduced and provided two readings prior to the election so that it can be considered implemented in a timely fashion if the levy is approved.

FINANCIAL INFORMATION:

FINANCIAL

SUMMARY:

RECOMMENDED ACTION:

One Reading	Yes
Two Readings	No
Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

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

It is recommended to adopt this resolution as an emergency with suspension of the rules as it is necessary for timely submission to the Medina County Board of Elections for inclusion on the May 2, 2017 Ballot.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 7-17

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTIONS 880.005, 880.01 AND 880.04 OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK, OHIO, IN ORDER TO PROVIDE FOR A TEMPORARY SIXTY-FIVE ONE-HUNDREDTHS PERCENT (0.65%) MUNICIPAL INCOME TAX INCREASE DURING THE PERIOD FROM JANUARY 1, 2018 THROUGH DECEMBER 31, 2022 TO PROVIDE FUNDS FOR THE PURPOSE OF MAINTAINING STAFFING LEVELS FOR THE SAFETY FORCES OF THE CITY.

WHEREAS: On January 26, 2009, Ordinance No. 4-09 was passed by this Council, upon recommendation of the Mayor’s Ad Hoc Finance Committee, to increase the municipal income tax rate from 1.35% to 1.85% for a period of four (4) years commencing January 1, 2010, for the purpose of maintaining staffing levels for the Safety Forces of the City and, as required by law, the question of the passage of that Ordinance was submitted to the electors of the for their approval; and

WHEREAS: At an election on May 5, 2009, the voters of the City approved the passage of Ordinance No. 4-09 providing for that municipal income tax rate increase effective January 1, 2010; and

WHEREAS: At an election on November 6, 2012, the voters of the City approved the passage of Ordinance No. 60-12 providing for a continuation of the 0.50% municipal income tax rate increase for the purpose of maintaining staffing levels for the Safety Forces of the City through December 31, 2017; and

WHEREAS: This Council finds it necessary that an ordinance be approved to increase the municipal income tax rate by sixty-five one-hundredths percent (0.65%) for the purpose of maintaining staffing levels for the Safety Forces of the City for a period of five (5) years commencing January 1, 2018 and ending December 31, 2022, and such an ordinance (Ordinance No. 8-17) has been introduced and given an initial reading; and

WHEREAS: Because the provisions of Chapter 718 of the Ohio Revised Code require that the passage of such an ordinance receive the approval of the electors of the City, this Council has determined to submit to the question of the passage of Ordinance No. 8-17 to the electors of the City at an election on May 2, 2017.

THIS COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1. This Council hereby authorizes and directs the submission to the electors of the City of Brunswick, Ohio, at an election to be held at the usual places of voting in the City on Tuesday, May 2, 2017, between the hours of 6:30 a.m. and 7:30 p.m. of that day, of the question of approving the passage of Ordinance No. 8-17 to amend Sections 880.005, 880.01 and 880.04 of the Codified Ordinances of the City of Brunswick, Ohio, in order to provide for the levying of a temporary sixty-five one-hundredths percent (0.65%) municipal income tax for a period commencing on January 1, 2018 and ending December 31, 2022, to provide funds for the purpose of maintaining staffing levels for the Safety Forces of the City, which temporary sixty-five one-hundredths percent (0.65%) municipal income tax shall be in addition to the City's one percent (1.0%) and thirty-five one-hundredths percent (0.35%) municipal income taxes that are in effect for a continuing period of time.

SECTION 2. The proposed Ordinance to be submitted to the electors of the City for their approval hereunder shall be as follows:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 8-17

BY:

AN ORDINANCE AMENDING SECTIONS 880.005, 880.01 AND 880.04 OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK, OHIO, IN ORDER TO PROVIDE FOR A TEMPORARY SIXTY-FIVE ONE-HUNDREDTHS PERCENT (0.65%) MUNICIPAL INCOME TAX INCREASE DURING THE PERIOD FROM JANUARY 1, 2018 THROUGH DECEMBER 31, 2022 TO PROVIDE FUNDS FOR THE PURPOSE OF MAINTAINING STAFFING LEVELS FOR THE SAFETY FORCES OF THE CITY.

THIS COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1. Section 880.005 of the Codified Ordinances of the City of Brunswick, Ohio is hereby amended to read as follows:

"880.005 PURPOSES

(a) To provide funds for the purposes of general municipal operations, maintenance, acquisition of new equipment, extension and enlargement of municipal services and facilities and capital improvements of the City, there is hereby levied a tax on municipal taxable income at a rate of one percent (1.00%).

(b) To provide funds for the purpose of operating and expanding the Safety Forces of the City, there is hereby levied an additional tax effective January 1, 1996 on municipal taxable income at a rate of thirty-five one-hundredths percent (0.35%).

(c) During the period from January 1, 2018 through December 31, 2022, to provide funds for the purpose of maintaining staffing levels for the Safety Forces of the City, there is also hereby levied a tax on municipal taxable income at a rate of sixty-five one-hundredths percent (0.65%).

(d) Those taxes shall be imposed for the foregoing purposes, levied on an annual basis on the income of every person residing in or earning or receiving income in the City of Brunswick and measured by the person's municipal taxable income.

(e) The taxes levied under this Chapter 880 shall be levied in accordance with the provisions and limitations set forth in Chapter 718 of the Ohio Revised Code to the fullest extent required for the City to continue to levy those taxes. The required provisions and limitations of Chapter 718 of the Ohio Revised Code are hereby incorporated into this Chapter 880, and those required provisions or limitations of Chapter 718 of the Ohio Revised Code shall control to the extent there is a conflict between a provision or limitation of this Chapter 880 and an express provision or limitation of Chapter 718 of the Ohio Revised Code."

SECTION 2. Section 880.01 of the Codified Ordinances of the City of Brunswick, Ohio is hereby amended to read as follows:

"880.01 ALLOCATION OF REVENUES

The funds collected under the provisions of this Chapter 880 shall be credited to the General Fund and applied for the following purposes and in the following order:

(a) Administration. Such part thereof as shall be necessary to defray all costs of collecting all income taxes levied and the cost of administering and enforcing the provisions of this Chapter shall be appropriated by Council for that purpose.

(b) Allocation of Thirty-Five One-Hundredths Percent (0.35%) Tax Increase. The funds resulting from the additional 0.35% income tax rate, as provided in Ordinance No. 89-95, passed by City Council on July 24, 1995, and approved by the electors of the City at an election on November 7, 1995, shall be allocated and transferred to the Police Fund and/or the Fire Fund and appropriated for the purpose of operating and expanding the Safety Forces of the City.

(c) Allocation of Sixty-Five One-Hundredths Percent (0.65%) Tax Increase. During the period from January 1, 2018 through December 31, 2022, the funds resulting from the additional 0.65% income tax rate, as provided in Ordinance No. 8-17 and approved by the electors of the City at an election on May 2, 2017, and passed thereafter by the City Council, shall be allocated and transferred to the Police Fund and/or the Fire Fund and appropriated for the purpose of maintaining staffing levels for the Safety Forces of the City.

(d) The funds resulting from the 1.00% income tax rate, as described in Section 880.005, shall be available for appropriation and allocation, as deemed necessary by the Council of the City of Brunswick, for the following purposes: general municipal operations, maintenance, acquisition of new equipment, extension and enlargement of Municipal services and facilities and capital improvements of the City.

(e) The Council shall, from time to time, pass Ordinances providing for the allocations required and permitted in this Section, which shall be on file with the Clerk of Council."

SECTION 3. Section 880.04 of the Codified Ordinances of the City of Brunswick is hereby amended to read as follows:

"880.04 IMPOSITION OF TAX.

Consistent with the provisions of Section 880.005 and subject to the provisions of Section 880.15, there shall be imposed upon the municipal taxable income of all residents, nonresidents, and taxpayers that are not individuals an annual income tax as follows: (1) for the period commencing January 1, 2018 and ending December 31, 2022, an annual tax for the purposes specified in Section 880.005 at the rate of 2.00% per year; and (2) thereafter, unless a separate Ordinance providing for a different rate or rates is approved by the voters of the City and this Council or otherwise passed in accordance with law, an annual tax for the purposes specified in the first two paragraphs of Section 880.005 at the rate of 1.35% per year. The City income tax imposed by this Section does not apply to the income of any individual who is under the age of eighteen. The determination of whether an individual is a resident or a nonresident shall be made in accordance with Section 718.012 of the Ohio Revised Code. To the extent the municipal taxable income of a nonresident or a taxpayer that is not an individual is comprised of net profits, such municipal taxable income shall be apportioned or sitused to the City in accordance with Section 718.02 of the Ohio Revised Code. For any taxable year beginning on or after January 1, 2016, a taxpayer that is a member of an affiliated group of corporations may elect, in accordance with Ohio Revised Code Section 718.06, to file with the City a consolidated municipal income tax return and determine its City income tax in accordance with such filing. For purposes of determining municipal taxable income for any taxable year beginning on or after January 1, 2016, an individual shall be exempt from City income tax to the extent such individual satisfies each of the following: (1) is a dependent for federal income tax purposes of a resident; (2) is enrolled at a post-secondary institution of higher learning located outside the City and lives outside the City while enrolled at such an institution; and (3) earns or receives qualifying wages while living outside the City from an employer not located in the City. Any such individual that satisfies the requirements of the immediately preceding sentence is, however, subject to the annual City income tax return filing requirements set forth in Section 880.06."

SECTION 4. Effective January 1, 2018, Sections 880.005, 880.01 and 880.04 of the Codified Ordinances of the City of Brunswick, Ohio, as they have heretofore existed, are hereby repealed. Provided, however, that no provision of this Ordinance, including the repeal of Sections 880.005, 880.01 and 880.04 of the Codified Ordinances of the City of Brunswick, Ohio, as they have heretofore existed, shall in any way affect any rights or obligations of the City, any taxpayer, or any other person, official or entity, with respect to the one and eighty-five one-hundredths percent municipal income tax assessed by Chapter 880 of the Codified Ordinances of the City of Brunswick, Ohio, as it has heretofore existed and shall remain in effect until January 1, 2018.

SECTION 5. The Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and all deliberations of this Council and of any of its committees that resulted in such formal action were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That this Ordinance shall take effect and be in force from and after January 1, 2018.

PASSED: 1st Reading ________________

2nd Reading ________________

3rd Reading ________________

ADOPTED: ___________________ AYES ______ NAYS ______

ATTEST: ____________________
Clerk of Council
Barbara J. Ortiz"

SECTION 3. It is the desire of this Council that the ballot language presented to the electors of the City of Brunswick shall be in substantially the following form:

> A majority affirmative vote is necessary for passage.
>
> Shall the Ordinance (Ordinance No. 8-17) providing for a sixty-five one-hundredths percent (0.65%) levy on income for a five (5) year period commencing on January 1, 2018 and ending December 31, 2022, to replace the existing five-tenths percent (0.5%) levy expiring on December 31, 2017, for the purpose of maintaining staffing levels for the Safety Forces of the City, which levy shall be in addition to the City's one percent (1.00%) and thirty-five one-hundredths percent (0.35%) levies on income that are in effect for a continuing period of time, be passed?

		FOR THE INCOME TAX
		AGAINST THE INCOME TAX

SECTION 4. The Clerk of Council be and is hereby directed to file a certified copy of this Resolution with the Board of Elections no later than February 1, 2017.

SECTION 5. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken, and all deliberations of this Council and of any of its committees that resulted in such formal actions were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. 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, and for the additional reason that its immediate effectiveness is necessary to enable the City to timely submit same to the Medina County Board of Elections in order that the question of the question of the passage of Ordinance No. 8-17 may be submitted to the electors of the City at an election on May 2, 2017. Therefore, the same shall be in full force and effect from and after its adoption by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading__________________________

Rules Suspended: AYES ___________ NAYS ___________

ADOPTED: _________________ AYES ___________ NAYS ___________

ATTEST: ________________________

Clerk of Council
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE:	01/23/2017
TO:	Vice Mayor Patricia Hanek and Members of City Council
FROM:	Carl S. DeForest, Acting City Manager
COPY:	Mayor Ron Falconi
LEGISLATION:	**ORD. NO. 8-17 -** An ordinance amending Sections 880.005, 880.01 and 880.04 of the Codified Ordinances of the City of Brunswick, Ohio in order to provide for a temporary sixty-five one hundredths percent (0.65%) municipal income tax increase during the period from January 1, 2018 through December 31, 2022 to provide funds for the purpose of maintaining staffing levels for the Safety Forces in the City - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)
BACKGROUND:	On Jan. 26, 2009, Ord. No. 4-09 was adopted increasing the municipal income tax by 0.5% from 1.35% to 1.85% for a period of four years commencing on Jan. 1, 2010, for the purpose of maintaining staffing levels for the Safety Forces of the City and submitting such income tax increase question to the electors of the City at the May 5, 2009 Primary Election. The electors approved a continuation of the 0.5% income tax increase for the purpose of maintaining staffing levels for the Safety Forces of the City at the November 6, 2012 General Election through December 31, 2017.
PURPOSE AND EXPLANATION:	
IMPLEMENTATION SCHEDULE:	It is recommended this ordinance be approved if the proposed levy is approved by the electors at the May 2, 2017 Primary Election.
FINANCIAL INFORMATION:	
FINANCIAL SUMMARY:	
RECOMMENDED ACTION:	

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	No

Suspension of Rules No

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

This companion Ordinance will be introduced and provided two readings prior to the May 2, 2017 Primary Election so that it can be considered and implemented in a timely fashion following the election if the levy is approved

ADDITIONAL INFORMATION: Third reading and consideration of this Ordinance cannot occur until after the May 2, 2017 Primary Election and only then if the electors approve the proposed levy.

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 8-17

BY: Committee-of-the-Whole

AN ORDINANCE AMENDING SECTIONS 880.005, 880.01 AND 880.04 OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK, OHIO, IN ORDER TO PROVIDE FOR A TEMPORARY SIXTY-FIVE ONE-HUNDREDTHS PERCENT (0.65%) MUNICIPAL INCOME TAX INCREASE DURING THE PERIOD FROM JANUARY 1, 2018 THROUGH DECEMBER 31, 2022 TO PROVIDE FUNDS FOR THE PURPOSE OF MAINTAINING STAFFING LEVELS FOR THE SAFETY FORCES OF THE CITY.

THIS COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1. Section 880.005 of the Codified Ordinances of the City of Brunswick, Ohio is hereby amended to read as follows:

"880.005 PURPOSES

(a) To provide funds for the purposes of general municipal operations, maintenance, acquisition of new equipment, extension and enlargement of municipal services and facilities and capital improvements of the City, there is hereby levied a tax on municipal taxable income at a rate of one percent (1.00%).

(b) To provide funds for the purpose of operating and expanding the Safety Forces of the City, there is hereby levied an additional tax effective January 1, 1996 on municipal taxable income at a rate of thirty-five one-hundredths percent (0.35%).

(c) During the period from January 1, 2018 through December 31, 2022, to provide funds for the purpose of maintaining staffing levels for the Safety Forces of the City, there is also hereby levied a tax on municipal taxable income at a rate of sixty-five one-hundredths percent (0.65%).

(d) Those taxes shall be imposed for the foregoing purposes, levied on an annual basis on the income of every person residing in or earning or receiving income in the City of Brunswick and measured by the person's municipal taxable income.

(e) The taxes levied under this Chapter 880 shall be levied in accordance with the provisions and limitations set forth in Chapter 718 of the Ohio Revised Code to the fullest extent required for the City to continue to levy those taxes. The required provisions and limitations of Chapter 718 of the Ohio Revised Code are hereby incorporated into this Chapter 880, and those required provisions or limitations of Chapter 718 of the Ohio Revised Code shall control to the extent there is a conflict between a provision or limitation of this Chapter 880 and an express provision or limitation of Chapter 718 of the Ohio Revised Code."

SECTION 2. Section 880.01 of the Codified Ordinances of the City of Brunswick, Ohio is hereby amended to read as follows:

"880.01 ALLOCATION OF REVENUES

The funds collected under the provisions of this Chapter 880 shall be credited to the General Fund and applied for the following purposes and in the following order:

(a) Administration. Such part thereof as shall be necessary to defray all costs of collecting all income taxes levied and the cost of administering and enforcing the provisions of this Chapter shall be appropriated by Council for that purpose.

(b) Allocation of Thirty-Five One-Hundredths Percent (0.35%) Tax Increase. The funds resulting from the additional 0.35% income tax rate, as provided in Ordinance No. 89-95, passed by City Council on July 24, 1995, and approved by the electors of the City at an election on November 7, 1995, shall be allocated and transferred to the Police Fund and/or the Fire Fund and appropriated for the purpose of operating and expanding the Safety Forces of the City.

(c) Allocation of Sixty-Five One-Hundredths Percent (0.65%) Tax Increase. During the period from January 1, 2018 through December 31, 2022, the funds resulting from the additional 0.65% income tax rate, as provided in Ordinance No. 8-17 and approved by the electors of the City at an election on May 2, 2017, and passed thereafter by the City Council, shall be allocated and transferred to the Police Fund and/or the Fire Fund and appropriated for the purpose of maintaining staffing levels for the Safety Forces of the City.

(d) The funds resulting from the 1.00% income tax rate, as described in Section 880.005, shall be available for appropriation and allocation, as deemed necessary by the Council of the City of Brunswick, for the following purposes: general municipal operations, maintenance, acquisition of new equipment, extension and enlargement of Municipal services and facilities and capital improvements of the City.

(e) The Council shall, from time to time, pass Ordinances providing for the allocations required and permitted in this Section, which shall be on file with the Clerk of Council."

SECTION 3. Section 880.04 of the Codified Ordinances of the City of Brunswick is hereby amended to read as follows:

"880.04 IMPOSITION OF TAX.

Consistent with the provisions of Section 880.005 and subject to the provisions of Section 880.15, there shall be imposed upon the municipal taxable income of all residents, nonresidents, and taxpayers that are not individuals an annual income tax as follows: (1) for the period commencing January 1, 2018 and ending

December 31, 2022, an annual tax for the purposes specified in Section 880.005 at the rate of 2.00% per year; and (2) thereafter, unless a separate Ordinance providing for a different rate or rates is approved by the voters of the City and this Council or otherwise passed in accordance with law, an annual tax for the purposes specified in the first two paragraphs of Section 880.005 at the rate of 1.35% per year. The City income tax imposed by this Section does not apply to the income of any individual who is under the age of eighteen. The determination of whether an individual is a resident or a nonresident shall be made in accordance with Section 718.012 of the Ohio Revised Code. To the extent the municipal taxable income of a nonresident or a taxpayer that is not an individual is comprised of net profits, such municipal taxable income shall be apportioned or sitused to the City in accordance with Section 718.02 of the Ohio Revised Code. For any taxable year beginning on or after January 1, 2016, a taxpayer that is a member of an affiliated group of corporations may elect, in accordance with Ohio Revised Code Section 718.06, to file with the City a consolidated municipal income tax return and determine its City income tax in accordance with such filing. For purposes of determining municipal taxable income for any taxable year beginning on or after January 1, 2016, an individual shall be exempt from City income tax to the extent such individual satisfies each of the following: (1) is a dependent for federal income tax purposes of a resident; (2) is enrolled at a post-secondary institution of higher learning located outside the City and lives outside the City while enrolled at such an institution; and (3) earns or receives qualifying wages while living outside the City from an employer not located in the City. Any such individual that satisfies the requirements of the immediately preceding sentence is, however, subject to the annual City income tax return filing requirements set forth in Section 880.06."

SECTION 4. Effective January 1, 2018, Sections 880.005, 880.01 and 880.04 of the Codified Ordinances of the City of Brunswick, Ohio, as they have heretofore existed, are hereby repealed. Provided, however, that no provision of this Ordinance, including the repeal of Sections 880.005, 880.01 and 880.04 of the Codified Ordinances of the City of Brunswick, Ohio, as they have heretofore existed, shall in any way affect any rights or obligations of the City, any taxpayer, or any other person, official or entity, with respect to the one and eighty-five one-hundredths percent municipal income tax assessed by Chapter 880 of the Codified Ordinances of the City of Brunswick, Ohio, as it has heretofore existed and shall remain in effect until January 1, 2018.

SECTION 5. The Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and all deliberations of this Council and of any of its committees that resulted in such formal action were held, in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That this Ordinance shall take effect and be in force from and after January 1, 2018.

PASSED: 1st Reading ________________

2nd Reading ________________

3rd Reading ________________

ADOPTED: ___________________ AYES ______ NAYS ______

ATTEST: ____________________
Clerk of Council
Barbara J. Ortiz