BRUNSWICK CITY COUNCIL AGENDA

Brian Ousley At-Large	Alex Johnson At-Large	Michael Abella Jr. Ward 1	Kenneth Fisher Law Director	Carl S. DeForest 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

FEBRUARY 13, 2017

1. Prayer and Pledge of Allegiance

2. Roll Call of Members

3. Correspondence

4. Approval of regular Council Meeting Minutes dated January 23, 2017.

   (a) Council Meeting Minutes dated January 23, 2017.

5. Mayor's Report:

   (a) Mayor's Court Financial Report for the month ending January 2017 will be posted on the website and added to the minutes for the record;

   (b) Recognition of the Brunswick Plaza Barber Shop upon their 60th Anniversary;

   (c) Mayor's recommendation to appoint Anastasia Birosh to the Council on Aging /Office for Older Adults.

   (d) Mayor's Update

6. Clerk of Council's Report

7. Council Committee Reports:

   Economic Development.....Mr. Johnson

   (41) Economic Development Committee Meeting Minutes dated January 11, 2017

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

   Finance Committee.....Mrs. Hanek

   Safety & Environment.....Mr. Hanek

   (42) Safety & Environment Committee Meeting Minutes dated January 10, 2017

   (43) Safety & Environment Committee Meeting Minutes dated January 23, 2017

   Planning & Zoning Committee.....Mr. Ousley

   (44) Planning & Zoning Committee Meeting Minutes dated January 19, 2017

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

   (45) Parks & Rec Committee Meeting Minutes dated January 16, 2017

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

8. Other Boards and Commissions

   (a) Committee of the Whole Meeting Minutes dated January 9, 2017, and

   (b) Committee of the Whole Meeting Minutes dated January 23, 2017

9. Petitions from the Public on Legislation

10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

RES. NO. 2-17 - A Resolution authorizing the City Manager to enter into agreements with approved contract administrators and suppliers for the provision of natural gas - **3rd Reading** (Committee-of-the-Whole, *Administration/Paul Barnett*)

ORD. NO. 3-17 - An Ordinance establishing the position of full-time Information Technology Assistant in the Division of Information and Public Communications - **3rd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Rob Marok*)

ORD. NO. 4-17 - An Ordinance establishing the pay range of full-time Information Technology Assistant in the Division of Information and Public Communications - **3rd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Rob Marok*)

b. 2nd Reading(s)

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 - **2nd Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

RES. NO. 9-17 - An emergency Resolution authorizing the City Manager to purchase three (3) Ford Police Interceptor Utility Vehicles from Statewide Ford for the Division of Police in a total amount not to exceed $112,050.00 - **2nd Reading** (Safety & Environment Committee, *Administration/Chief DeForest*)

ORD. NO 10-17 - An ordinance establishing Section 618.28 of the City of Brunswick Codified Ordinances by providing regulations for the tethering of dogs - **2nd Reading** (Safety & Environment Committee, *Administration/Ken Fisher*)

c. 1st Reading(s)

ORD. NO. 11-17 - An ordinance establishing Chapter 862 of the Codified Ordinances of the City of Brunswick relative to Fair Housing - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

RES. NO. 12-17 - An emergency resolution authorizing the Ohio Department of Transportation to reconstruct a portion of North Carpenter Road located in the City of Brunswick - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

RES. NO. 13-17 - A Resolution authorizing the City Manager to enter into a grant agreement with Engelke Construction Solutions, LLC - **1st Reading** (To be brought from Economic Development, *Administration/Grant Aungst*)

ORD. NO. 14-17 - An emergency Ordinance to transfer and advance funds **- 1st Reading** (Finance Committee, *Administration/Todd Fischer*)

ORD. NO. 15-17 - An emergency Ordinance amending Ordinance #84-16 to include amendments to the appropriations budget for the year ending December 31, 2017 as incorporated in Exhibit A attached hereto**- 1st Reading** (Finance Committee, *Administration/Todd Fischer*)

11. City Manager's Report

12. Administrative Departments

13. Open Forum

14. Unfinished Business

15. New Business

16. Adjournment

CITY OF BRUNSWICK, OHIO

MINUTES OF COUNCIL

MONDAY, JANUARY 23, 2017

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 JANUARY 9, 2017.
PATRICIA HANEK MOVED TO APPROVE THE COUNCIL MEETING MINUTES DATED JANUARY 9, 2017, 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:

Recognition of Donut Land - 45th Anniversary in the City of Brunswick;

Mayor Falconi presented a proclamation to Donut Land upon their 45th Anniversary in the City of Brunswick.

Motion to approve the Mayor's recommendation to appoint William Hanek to the Juvenile Diversion Board;

Joseph Salzgeber moved to approve the Mayor's recommendation to appoint William Hanek to the Juvenile Diversion Board, seconded by Alex Johnson. Roll Call - Ayes - 5, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Joseph Salzgeber. Abstain -2 – Patricia Hanek and Nicholas Hanek. Nays - 0. Motion Carried.

Motion to approve the Mayor's recommendation to appoint Bradley E. Saeger to the Planning Commission;

Anthony Capretta moved to approve the Mayor's recommendation to appoint Bradley E. Saeger to the Planning Commission, 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.

CLERK OF COUNCIL'S REPORT: MRS. ORTIZ REMINDED EVERYONE THAT THE CITY WAS STILL LOOKING FOR TWO PEOPLE WHO WOULD BE INTERESTED IN WORKING WITH THE OFFICE FOR OLDER ADULTS IN MEDINA.

IN ADDITION, THERE WERE TWO OPENINGS FOR THE BUILDING BOARD CODE OF APPEALS.

COUNCIL COMMITTEE REPORTS:

Economic Development.....Mr. Johnson:

Alex Johnson had no formal report this evening.

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

Joseph Salzgeber moved to approve the formal report dated January 9, 2017 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 had no formal report tonight.

Safety & Environment.....Mr. Hanek:

Nicholas Hanek had no formal report this evening.

Planning & Zoning Committee.....Mr. Ousley:

Brian Ousley moved to approve the formal reports dated December 15, 2016 and January 9, 2017 as written, 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.

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

Michael Abella Jr. had no formal report tonight.

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

Anthony Capretta moved to approve the formal report dated January 9, 2017 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 MEETING MINUTES DATED DECEMBER 27, 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 STATED HE WAS HERE TO MONITOR THE PASSAGE FOR THE REGISTRATION OF RENTAL PROPERTY.

ROBERT MULRYAN OF 2133 ETTA BLVD. - MR. MULRYAN WAS HERE TONIGHT TO SEEK A LEGAL OPINION ON THE ANIMAL ORDINANCE. HE HAD AN ADOPTED DOG WHO WAS SEVEN YEARS OLD. HE TAKES HIS DOG WITH HIM EVERY WHERE HE WENT. HE WAS INTERESTED IN AN OPINION RELATED TO THE ENCLOSED PORTION OF A VEHICLE. AFTER HAVING READ THE LEGISLATION HE HAD TWO QUESTIONS. IF THE WINDOWS WERE OPEN DID IT REMOVE THE ENCLOSED STATUS? THE SECOND QUESTION WAS IF THE WINDOWS WERE OPEN AS AN APPROPRIATE TEMPERATURE CONTROL DID THIS REMOVE THE ENCLOSED STATUS.

MR. FISHER STATED THAT IN HIS INTERPRETATION THE ENCLOSED MEANT THAT THE WINDOWS WERE CLOSED. IF THE WINDOW WAS OPEN CLEARLY THE VEHICLES WAS NOT ENCLOSED AND YOU WOULD BE WITHIN YOUR RIGHTS. IT WAS A LEGITIMATE QUESTION. MR. HANEK HAS WORKED VERY HARD WITH HIS COMMITTEE ON THIS ORDINANCE. AGAIN, IF THE WINDOWS WERE OPEN THE VEHICLE WAS NOT ENCLOSED.

READING OF LEGISLATION AND ACTION ON LEGISLATION:

3RD READING(S)

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 - **3rd Reading** (Safety and Environment Committee, *Administration/Ken Fisher*):

ORD. NO. 100-16 - Nicholas Hanek moved to adopt, seconded by Anthony Capretta. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Fisher noted that this ordinance established a new Section 618.29 of the Codified Ordinances of the City of Brunswick by providing regulations of tethering of dogs as requested by the Safety and Environment Committee of City Council and discussed openly on many occasions.

2ND READING(S)

RES. NO. 2-17 - A Resolution authorizing the City Manager to enter into agreements with approved contract administrators and suppliers for the provision of natural gas - **2nd Reading** (Committee-of-the-Whole, *Administration/Paul Barnett*):

RES. NO. 2-17 - Patricia Hanek moved this resolution to a third reading.

ORD. NO. 3-17 - An Ordinance establishing the position of full-time Information Technology Assistant in the Division of Information and Public Communications - **2nd Reading** (Services, Utilities, Technology & Cable

Committee, *Administration/Rob Marok*):

ORD. NO. 3-17 - Joseph Salzgeber moved this ordinance to a third reading.

ORD. NO. 4-17 - An Ordinance establishing the pay range of full-time Information Technology Assistant in the Division of Information and Public Communications - **2nd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Rob Marok*):

ORD. NO. 4-17 - Mr. Salzgeber moved this ordinance to a third reading.

1ST READING(S)

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*):

RES. NO. 7-17 - Patricia Hanek moved to suspend the rules, 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.

Mr. Fisher explained that this resolution declared the necessity of an election to provide for a 0.65% municipal income tax increase for a period of five years from January 1, 2018 through December 31, 2022 for funding for the purpose of maintaining staffing levels for the safety forces of the City The current 0.5% municipal income tax levy for safety forces expired as of this coming December 31, 2017. If adopted, the total municipal income tax rate would be 2% as of January 1, 2018. This was assuming that it went on the ballot for May 2 and passed by the majority of the electorate. This must be adopted as an emergency with the suspension of the rules to allow for certification to the Medina County Board of Elections by this coming February 1, 2017 for inclusion on the May 2, 2017 election ballot.

Joseph Salzgeber clarified that this would replace an existing tax. Instead of renewing, it would be replaced with this slight change.

Patricia Hanek 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.

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*):

ORD. NO. 8-17 - Patricia Hanek moved this ordinance to a second reading.

RES. NO. 9-17 - An emergency Resolution authorizing the City Manager to purchase three (3) Ford Police Interceptor Utility Vehicles from Statewide Ford for the Division of Police in a total amount not to exceed $112,050.00 - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Chief DeForest*):

RES. NO. 9-17 – Nicholas Hanek moved this resolution to a second reading.

ORD. NO 10-17 - An ordinance establishing Section 618.28 of the City of Brunswick Codified Ordinances by providing regulations for the tethering of dogs - **1st Reading** (Safety & Environment Committee, *Administration/Ken Fisher*):

ORD. NO. 10-17 - Nicholas Hanek moved this ordinance to a second reading.

CITY MANAGER'S REPORT: CHIEF DEFOREST REMINDED MEMBERS OF THE COMMUNITY TO VISIT THE CITY'S WEBSITE AT WWW.BRUNSWICK.OH.US. AT THE WEBSITE ON THE POLICE PAGE THERE WAS INFORMATION ON CRIME PREVENTION. IT INCLUDED THE LATEST SCAMS. THE DIVISION OF POLICE WOULD LIKE TO REMIND PEOPLE THAT THE FEDERAL TRADE COMMISSION HAS A WEBSITE TO HELP PEOPLE WITH IDENTITY THEFT ISSUES. THIS WAS WWW.IDENTITYTHEF.GOV. IT DESCRIBED A ONE STEP RESOURCE FOR ID THEFT VICTIMS. THE SITE WILL ALSO ASK QUESTIONS PARTICULAR TO YOUR SITUATION AND CREATE A RECOVERY PLAN FOR YOU. IT WOULD ALSO GIVE YOU WHAT TO LOOK FOR IN SCAMS AND INFORMATION REGARDING POSSIBLE IDENTITY THEFT SCAMS IN SITUATIONS.

HE ALSO MENTIONED SOLICITORS. IF PEOPLE WERE GOING DOOR TO DOOR AND ASKING YOU FOR MONEY FOR A PURCHASE OF SOME TYPE THEY NEED A SOLICITOR'S PERMIT. THOSE PERMITS WERE ISSUED THROUGH THE CITY MANAGER'S OFFICE. THEY KEPT AN ACTIVE LIST OF PERMITS THAT HAVE BEEN LISTED ON THE WEBSITE. IF RESIDENTS HAD ANY QUESTIONS, THEY COULD CALL THE DIVISION OF POLICE OR THE CITY MANAGER'S OFFICE. IF YOU DO NOT WANT SOLICITORS COMING TO YOUR DOOR, YOU CAN COME TO CITY HALL AND A GET A NO SOLICITING SIGN WHICH WAS PROVIDED AT NO COST.

CONTINUING, HE THANKED THE ATTENDEES AND VENDORS FROM THE SENIOR FAIR LAST WEEK. THIS WAS SET UP BY THE OFFICE FOR OLDER ADULTS OUT OF MEDINA COUNTY. HE REMINDED EVERYONE THAT AARP WILL PROVIDE TAX PREPARATION SERVICES TO RESIDENTS OF THE CITY OF BRUNSWICK AT NO COST. THERE WERE NO WALK-INS AVAILABLE. THEY MUST CALL THE OFFICE FOR OLDER ADULTS AT 330-723-9514 TO MAKE AN APPOINTMENT. APPOINTMENTS WERE ON TUESDAYS AND THURSDAYS BEGINNING IN THE MONTH OF FEBRUARY. THEY WILL BE HELD AT THE BRUNSWICK AREA TELEVISION STUDIO LOCATED AT 4274 MANHATTAN CIRCLE. ALSO AT THE RELAY FOR LIFE CHILI COOK-OFF THERE WERE NINETEEN COOKERS ON JANUARY 14, 2017. OUT OF THE NINETEEN COOKERS THERE WERE SEVEN MEMBERS FROM THE CITY ADMINISTRATION INCLUDING COUNCILMAN SALZGEBER. THERE WERE MORE THAN 200 MEMBERS OF THE COMMUNITY WHO ATTENDED AND THERE WAS APPROXIMATELY $1,200 RAISED FOR THE FIGHT AGAINST CANCER.

ADMINISTRATIVE DEPARTMENTS: CHIEF BAIRD REPORTED THAT THE FIRE DEPARTMENT HAD A RECORD NUMBER OF EMERGENCY RESPONSES THIS YEAR. MANY OF THOSE WERE RESPONSES FOR HEROIN OVERDOSES WHICH HAS BECOME AN EPIDEMIC NOT ONLY IN OUR COUNTY BUT NATIONWIDE. HE WANTED TO TALK ABOUT IT QUICKLY. IF YOU KNOW ANYONE OR HAVE FAMILY MEMBERS THAT HAVE BEEN VICTIMS OR COULD BE VICTIMS OF THIS THERE WAS A LOT OF TALK ABOUT BEING ABLE TO GET NARCAN. THIS SEEMED TO BE PUSHED AS TO SOLVE THE PROBLEMS. IT WAS WHAT THE FIRE DEPARTMENT

USED, BUT IT WAS NOT ALWAYS EFFECTIVE WITH THE DRUGS THAT WERE OUT THERE NOW. IF YOU A FAMILY MEMBER THAT YOU SUSPECT HAS DONE HEROINE IT WAS IMPERATIVE THAT YOU CALL 911 AND GET THE PARAMEDICS OUT THERE. IF THE NARCAN WHICH WAS THE FIRST LINE DRUG DID NOT WORK THEY WILL NEED A LOT OF SUPPORT FROM PARAMEDICS. AGAIN, HE MADE IT CLEAR THAT NARCAN WAS NOT AN ANSWER, CALL 911 TO GET A PARAMEDIC OUT THERE TO TEND TO THE OVERDOSE VICTIM. ALSO, THEY HAD A TREMENDOUS AMOUNT OF COLD AND FLU CALLS. HE WANTED TO LET EVERYONE KNOW THAT THE BEST METHOD TO PREVENT THE COLD AND THE FLU WAS TO GET A FLU SHOT. ALSO, WASH YOUR HANDS, DON'T SHAKE HANDS AND AVOID CONTACT. MOST PEOPLE THINK THAT COLDS WERE TRANSFERRED BY AIR AND THEY WERE ACTUALLY TRANSFERRED BY HAND TO HAND CONTACT. HE STRESSED TO KEEP YOUR HANDS WASHED.

IN ADDITION, HE WISHED TO TALK ABOUT THE TAX INITIATIVE THAT YOU HEARD WILL BE GOING ON THE BALLOT ON MAY 2, 2017. IT WAS FOR THE FIRE AND POLICE DEPARTMENT STAFFING. ALL OF THE MONEY FROM THE .65% WILL GO TO THE FIRE AND POLICE DEPARTMENTS. AT THE END OF DECEMBER THIS YEAR (2017) $4 MILLION DOLLARS WILL FALL OFF OF THE CITY'S TAX PAYROLL. IT WAS NOT AN OPTION. THAT .5% TAX WILL FALL OFF THE TAX PAYROLL. THE .65% REPLACED THE $4 MILLION AND ADDED ABOUT $1.8 MILLION ANNUALLY TO HELP SUSTAIN THE FIRE AND POLICE DEPARTMENT THROUGH THE NEXT FIVE YEARS. IT WAS AN INCREASE BUT IT WAS NOT A TRUE .65% INCREASE, IT WAS .15% INCREASE BECAUSE THE .5% THAT WAS THERE NOW WILL GO AWAY. THE CITIZENS HAVE BEEN FANTASTIC ABOUT SUPPORTING THE FIRE AND POLICE DEPARTMENTS IN THE PAST. IT WAS GREATLY APPRECIATED. THEY WANTED TO EDUCATE EVERYONE THAT WHEN THEY WENT TO THE POLLS IN MAY THEY HAD THE FACTS TO MAKE A DECISION.

MR. FISCHER STATED THE FINANCE DEPARTMENT HAS BEEN BUSY. THE AUDIT FOR 2016 BEGAN LAST WEEK. THEY WILL BE HERE FOR A COUPLE OF MONTHS AND THEN THEY WILL COMPLETE EVERYTHING. THE ANNUAL REPORT WILL BE OUT THERE FOR THE PUBLIC TO REVIEW. CURRENTLY THEY WERE ALSO COMPILING THE 2016 STATEMENTS AT THE SAME TIME THEY WERE BEING AUDITED. THEY HAVE MAILED OUT THE REFUSE BILLS AND THEY REMAIN AT A REDUCED LEVEL FROM WHAT THE REGULAR REFUSE RATES WERE AND HAVE BEEN SO SINCE JANUARY 2015 AS A RESULT OF THE TIPPING FEES REMAINING LOW. THEY ALSO HAVE QUITE A FEW CHANGES IN THE STATE LAW ON INCOME TAX. THEY HAVE A NEW HELPFUL GUIDE ON THE WEBSITE. THEY WERE WORKING AND ALMOST FINALIZING SOME EXTRA WORK SHEETS THAT WILL BE ATTACHED TO THE TAX FORM. THIS WAS IN THE EVENT YOU HAD MULTIPLE ENTITIES AND CONSOLIDATE TO HAVE NET OPERATING LOSSES ASSOCIATED WITH THOSE. THEY HAVE DEVELOPED SCHEDULE A WHICH WAS ATTACHED TO THE TAX FORM TO HELP YOU. HE WISHED TO RECOGNIZE THE CHIEF TAX MANAGER AND THE ASSISTANT FINANCE DIRECTOR AS THEY COMPILED AND CREATED THE SCHEDULE. IT WAS NOW BEING USED BY NUMEROUS CITIES IN THE STATE OF OHIO. HE ALSO WANTED TO LET THE PUBLIC KNOW THAT THEY HAD QUITE A FEW FIRST MERIT FINANCIAL SERVICES GOING ON. THOSE WILL BE TRANSITIONING TO HUNTINGTON. THIS WILL BE A BIG PROJECT FOR THE FINANCE DEPARTMENT IN 2017 YEAR. IT WILL PROBABLY TAKE UP TO A YEAR TO COMPLETE ALL THIS. IN ADDITION, HE WISHED TO RECOGNIZE DIANE PLOTZ AS SHE WAS RETIRING EFFECTIVE FEBRUARY 10, 2017. HE NEVER WORKED WITH ANYONE WITH AS MUCH SENSE OF RESPONSIBILITY AND WORK ETHIC THAT SHE DISPLAYED. AS AN EXAMPLE, SHE WENT TO VISIT HER SON ON THE WEST COAST AND HER FLIGHT WAS CANCELED. SHE WAS THE ONLY PERSON THAT ACTUALLY KNEW THE PAYROLL SYSTEM IN AND OUT. SHE WAS ABLE TO GET A CONNECTING FLIGHT TO DETROIT, RENTED A CAR AND DROVE TO THE CITY TO DO PAYROLL THE NEXT MORNING. THE DEPARTMENT WILL MISS HER DEARLY AND HE WANTED TO RECOGNIZE HER FOR ALL HER GREAT EFFORTS WHILE SHE HAS BEEN WITH THE CITY.

MR. AUNGST HAD THE PLEASURE OF ATTENDING THE OPEN HOUSE OF HARBOR WOODS. IT WAS NOW OPEN AND DID HAVE RESIDENTS IN ATTENDANCE. IT WAS VERY NICE TO SEE SUCH A NICE TURNOUT OF APPROXIMATELY 125 PEOPLE VIEWING THE PROPERTY. THEY WERE WELCOMED INTO THE COMMUNITY. HE ALSO NOTED THAT WE ALSO HAD A SMALL BUSINESS DEVELOPMENT CENTER LOCATED AT LORAIN COUNTY COMMUNITY COLLEGE WHICH WAS AT MIDPOINT. BRUNSWICK WAS THRILLED TO HAVE THEM HERE. IT WAS UNIQUE AND AN HONOR TO HAVE THEM IN THE COMMUNITY. ALSO, THIS LAST YEAR THERE WERE 102 HOUSING STARTS. IT HELPED GREW THE ECONOMY WHEN PEOPLE TOOK HOME OWNERSHIP SO SERIOUSLY. BRUNSWICK WELCOMED ALL THOSE FAMILIES INTO THE COMMUNITY AND WISHED THEM WELL.

MR. PIEPSNY ANNOUNCED THE ANNUAL DADDY DAUGHTER DANCE WILL BE ON SATURDAY, FEBRUARY 18 FROM 6:30 TO 10:00 P.M. AT THE RECREATION CENTER. THE COST WAS $15.00 PER PERSON. ANYONE CONSIDERING SIGNING UP FOR THIS THEY SHOULD DO SO AS QUICK AS POSSIBLE AS THIS EVENT SOLD OUT ANNUALLY EVERY YEAR. ONCE IT WAS SOLD OUT THERE WERE NO MORE ADDITIONAL SEATS.

OPEN FORUM JEAN FEITL OF 3474 AUVERGNE OVAL - MS. FEITL HAD A QUESTION ABOUT THE RENTAL REGISTRATION ORDINANCE NO. 92-16. SHE THOUGHT IT WAS GOING TO BE TABLED AND SHE ASKED IF SHE MISSED IT ON THE AGENDA.

MR. FISHER CLARIFIED THAT IT WILL BE TABLED UNDER UNFINISHED BUSINESS ON TONIGHT'S AGENDA.

MS. FEITL ADVISED THAT SHE WANTED TO MAKE SURE IT WAS TABLED. SHE ALSO NOTED THAT RESIDENTS RECEIVED THE CITY MANAGER'S BULLETIN WITH THE TRASH BILLS. IT SAID THAT THE CITY WOULD REQUIRE W-2'S, 1099 FORM AND 1040 FORMS FROM ALL RESIDENTS FOR THE 2016 TAX SEASON. SHE NOTED THAT HER MOM WAS UPSET AND SHE CALLED THE TAX OFFICE. THE TAX CLERK SHE SPOKE WITH SAID IT WAS BECAUSE THEY WERE CONCERNED ABOUT FRAUD WITHIN THE CITY SO THEY WILL BE AUDITING EVERYONE. HER CONCERN WAS THAT THEY CALLED THEIR TAX ACCOUNTANT AND HE SAID THAT IT WAS HIGHLY UNLIKELY FOR CITIES TO REQUEST THAT INFORMATION. SHE WAS CONCERNED ABOUT THE NUMBER OF PAGES THE CITY WILL HANDLE AS THEY WILL MANUALLY LOOKING AT THEM OR DO DATA ENTRY WHICH WILL REQUIRE EXTRA WORK. IF THE CITY WAS LOOKING FOR FRAUD SHE DID NOT KNOW IF THAT WAS THE BEST PLACE TO START BY AUDITING EVERY RESIDENT IN THE CITY.

CONTINUING, SHE SAID ALSO BROUGHT UP ABOUT THE RENTAL REGISTRY MEETINGS ABOUT SECTION 880 AND SHE WONDERED HOW MANY PEOPLE WERE ON THAT RENTAL REGISTRY WITH THE TAX DEPARTMENT.

MR. FISHER ADVISED THIS WAS UNDER THE TAX CODE AND NO ONE HAD ACCESS TO THAT INFORMATION. HE WOULD INSTRUCT AT THIS POINT TO THE FINANCE DIRECTOR FOR THE SAKE OF MAINTAINING PROPRIETARY NATURE OF THE INFORMATION NOT TO ANSWER AT THIS POINT.

SHE STATED SHE WAS JUST CURIOUS AS THERE WAS SIXTEEN LARGE APARTMENT COMPLEXES AND THREE NEW ONES BEING BUILT. THERE WAS A SIGNIFICANT AMOUNT OF APARTMENT COMPLEXES. FROM THE TOP OF HER HEAD SHE STATED IT WOULD BE APPROXIMATELY 3,500. SHE WONDERED IF THOSE 3,500 WERE ON THE REGISTRY OR HOW DID THE CITY NOTIFY THOSE PEOPLE. SHE WONDERED IF THIS WAS A GOOD PLACE TO PUT MANPOWER TO MAKE SURE EVERYONE WAS PAYING TAXES RATHER THAN AUDITING

THE PEOPLE WHO CURRENTLY PAYING TAXES. FOR AN EXAMPLE, HER 1099 FORMS THE CITY WANTED WERE NOT EVEN TAXABLE BY THE CITY. SHE WOULD LIKE TO MAKE SURE THAT THE CITY'S EFFORTS WERE GOING IN A GOOD DIRECTION AND WOULD HAVE SOME TYPE OF PAY BACK FOR THE MONEY AND NOT JUST THROWING MONEY AWAY. THE REASON SHE SAID THIS WAS BECAUSE IN LOOKING AT THE RENTAL REGISTRY WHICH TRIED INSPECTING ALL THOSE UNITS SHE DID NOT THING THE FEES WOULD COVER THOSE EXPENSES. SHE WOULD VENTURE TO SAY THAT IT WOULD COST THE CITY $100,000 A YEAR TO BE ABLE TO DO THOSE INSPECTIONS. IT WOULD NOT CHANGE THE OUTLOOK OF THE CRIME IN THE RENTALS. SHE NOTED WHETHER OR NOT THERE WERE WORKING SMOKE DETECTORS WOULD NOT ELIMINATE CRIME IN THOSE AREAS. THERE WERE TWO HOMES THAT HAD NO SIDINGS FOR A LONG TIME. THE ZONING DEPARTMENT TOLD HER THAT THERE WERE NO TEETH IN THE LAWS TO PURSUE THIS PROBLEM. SHE WOULD RATHER SEE SOME OF THE LAWS BEEFED UP RATHER THAN DIGGING AT NEEDLES IN HAYSTACKS TO BE ABLE TO GET THOSE PEOPLE TO FINISH IT. ONE OF THE HOMES WAS A FIRE FROM MORE THAN FIVE YEARS AGO. SHE KNEW THAT MR. ROCHA SHARED AN EXAMPLE OF AN ORDINANCE THAT THEY PLANNED OUT TO FOLLOW UP ON THE OUTDOOR MAINTENANCE OF PROPERTIES. SHE WAS CONCERNED THAT THE CITY NEEDED TO BE LOOKING AT WHAT IS THE PROBLEM, WHAT IS FEASIBLE FOR THE SOLUTION AND IF WE WERE USING OUR LIMITED RESOURCES IN THE BEST WAY TO DO OUR BEST TO ELIMINATE OR ADDRESS THE PROBLEM.

UNFINISHED BUSINESS:
IT WAS NOTED THAT AT THIS TIME, MR. CAPRETTA HAD TO LEAVE THE MEETING.

MRS. HANEK MOVED TO WITHDRAW ORDINANCE 92-16, SECONDED BY MR. JOHNSON. ROLL CALL -AYES - 6, PATRICIA HANEK, JOSEPH SALZGEBER, BRIAN OUSLEY, NICHOLAS HANEK, MICHAEL ABELLA JR., AND ALEX JOHNSON. NAYS - 0. MOTION CARRIED.

MR. SALZGEBER NOTED THAT IT WAS A PLEASURE TO PARTICIPATE IN THE CHILE COOK-OFF ON SATURDAY, JANUARY 14, 2017. HIS WARD 3 FIRE ALARM CHILI DID WITH THE KID'S CHOICE AWARD.

NEW BUSINESS : MRS. HANEK BROUGHT UP THE CONSIDERATION OF THE NEW LIQUOR PERMOT TO DAVID BONGIOVANNI LOCATED AT 1067 PEARL ROAD.

CHIEF DEFOREST ADVISED AS THE POLICE CHIEF AND CITY MANAGER HE WOULD RECOMMEND THAT COUNCIL PASSED A MOTION TO THIS PERMIT REQUEST. THIS LOCATION AT 1067 PEARL ROAD WAS OMG TEEN DANCE CLUB. THEY WERE ISSUED A CONDITIONAL ZONING CERTIFICATE ON SEPTEMBER 1, 2016 AS A TEEN CLUB. THEY SERVED TEENAGERS FROM THE AGE OF 14 TO 17 AND DO NOT ALLOW ADULTS INTO THE PLACE. IT SEEMED ILLEGAL TO SERVE ALCOHOL IN THAT ENVIRONMENT. HE RECOMMENDED THAT CITY COUNCIL PASSED A MOTION IN OBJECTION TO THIS PERMIT REQUEST.

MRS. HANEK MOVED TO OBJECT TO THE LIQUOR PERMIT REQUEST BY MR. BONGIOVANNI AND ASK FOR A LOCAL HEARING AT THE COUNTY SEAT, SECONDED BY MR. HANEK. ROLL CALL - AYES - 6, NICHOLAS HANEK, JOSEPH SALZGEBER, MICHAEL ABELLA JR., ALEX JOHNSON, PATRICIA HANEK AND BRIAN OUSLEY. NAYS - 0. MOTION CARRIED.

COUNCIL HAD NO OBJECTIONS TO THE LIQUOR PERMIT REQUEST TO SCENE 75 ENTERTAINMENT CENTER.

ADJOURNMENT: PATRICIA HANEK MOVED TO ADJOURN, SECONDED BY ALEX JOHNSON. ROLL CALL - AYES - 6, BRIAN OUSLEY, ALEX JOHNSON, MICHAEL ABELLA JR., PATRICIA HANEK, NICHOLAS HANEK, JOSEPH SALZGEBER. NAYS - 0. MOTION CARRIED.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED AT 8:07 P.M.

Respectfully submitted,

Barbara J. Ortiz, CMC

Barbara J. Ortiz, CMC

Clerk of Council

_____

Mayor Ron Falconi

_____

Adopted

APPLICATION FOR
BOARDS AND COMMISSIONS

NAME Anastasia Birosh PHONE mobile only 216.255.4410

STREET 1482 Harvard Dr. CELL 216-255-4410

Years of Residency 11 Registered Brunswick Voter: YES X NO

POSITIONED DESIRED: Adv. Council on Aging EMAIL abirosh@gmail.com

EDUCATION		DEGREE	YEAR GRADUATED
HIGH SCHOOL	Lexington Sr. High School	Yes	1983
COLLEGE	Kent State University	BA	1989
SPECIAL TRAINING	Rochester Inst of Tech & Univ of Akron	No	N/A

CURRENT EMPLOYMENT – not currently employed, but do temp for TRN

Company	Address	Title	Dates
The Reserves Network (temp)	3917 Center Rd.		9/16-present

RELEVANT PAST EMPLOYMENT

Company	Address	Title	Dates
GOJO Industries, Inc.	One Gojo Plaza, Suite 500, Akron	LTC Marketing Asst.	'11-'13
NCHE	26915 Westwood Rd., Suite B-2 Westlake	Dir. Conf & Marketing	'02-'05

RELEVANT PROFESSIONAL ASSOCIATIONS, COMMUNITY SERVICE, OR SOCIAL AFFILIATIONS

No professional experience, but loads of personal experience watching my parents age – hearing & listening to their frustrations about losing their habits of independence, like driving.

REFERENCES (other than relation):

	NAME	ADDRESS	PHONE
1.	Mary Kovack	1015 Countryside Dr., Medina, OH 44256	330-350-0588
2.	Vince Carl	16068	
3.	Patricia Hanek	4196 Shenandoah Pkwy., Brunswick, OH 44212	330-225-0698

QUALIFICATIONS AND DESIRE FOR SERVING: (Attach sheet if needed*)

I am a former Project Learn tutor & believe that there is a direct connection between continuing education and healthy aging. My desire to serve stems from assisting both my parents (now deceased) as they aged.

ATTACH RESUME IF DESIRED.

Signature: Anastasia Birosh Date: 2-2-17

*Attaching a cover letter or resume describing particular experience or qualifications bearing on the position sought is recommended, but not required. (AA, EEOC)

Anastasia Birosh
1482 Harvard Drive, Brunswick, Ohio 44212
216.255.4410 | abirosh@gmail.com
www.linkedin.com/in/abirosh

February 2, 2017

Mr. Ron Falcone
Mayor of Brunswick
City of Brunswick Municipal Center
4095 Center Rd.
Brunswick, OH 44212

Dear Mayor Falcone,

I am extremely interested in filling one of the existing vacancies on the Medina County Advisory Council on Aging and Disabilities. The mission of the Medina County Office for Older Adults (MCOOA) is "to enable older adults as well as adults with disabilities throughout the county to live independently". My interest in serving on the council comes from a very personal place.

I have witnessed first-hand how both my father's and mother's loss of independence impacted their self-esteem. For my father, the toughest thing for him to give up was driving. He suffered from Inclusion Body Myositis, a rare disorder only affecting 200,000 people on a yearly basis in the U.S. for about 10 years prior to giving up driving. My parents lived in Lexington, Ohio a very small village just south of Mansfield, so driving was necessary. Fortunately, my brother was living with my parents at that time and could shuttle them to doctors' visits, and to the grocery. It really impacted my mother as she would only venture out when my father drove.

After my father's death in 2009, my mom was isolated even more. I urged her to get involved with the Lexington Senior Civic Center – even providing her with names and numbers of the folks there – but she refused. What I do remember is how delighted she was whenever I drove the 1 ½ hours down there to visit. She would always want me to take her to Wayne's Country Market, her favorite place to grocery shop. It was a small store (10 times smaller than big box places) that she could easily navigate. My mother died in 2014, but I know that she appreciated my help in settling my father's affairs – helping her understand the money portion of things, and teaching her how to write a check.

We all must age, it's a fact of living. My hope is to improve the lives of seniors in this area – they can be a wonderful untapped resource of history and knowledge.

Sincerely,

Anastasia Birosh

ECONOMIC DEVELOPMENT

January 11, 2017

IN ATTENDANCE: Chairman Alex Johnson, Committee Member Patricia Hanek, Economic Development Director Grant Aungst, Brian Ousley.

The meeting convened at 6:31 p.m.

Mrs. Hanek moved to excuse Mr. Abella for just cause. Vote – 2 Ayes, 0 Nays.

GENERAL DISCUSSION:

In speaking with the Development Company that owns the building and property where K Mart sits, Mr. Aungst was informed by them that they have potential redevelopment long term in that area, however until K Mart who is the anchor tenant makes a decision it will remain as is. He mentioned Sears holdings have been doing some radical things, however they have said the K Mart in Brunswick was not closing, however should that take place they have plans and contingencies for redeveloping the entire area.

Mr. Aungst mentioned other retail stores that are also struggling and closing stores. Mr. Aungst commented that Brunswick was in a healthy position not being heavily dependent on retail like our neighbors to the north and south.

Mr. Aungst announced Luna's is a new restaurant that opened on Pearl Road; they are a small local chain.

Mr. Aungst brought up the Stark Enterprise development on Center Road, so not to have such a steep incline going in and out they began to dig and found there were major soil issues and quick sand issues on that property. Correcting the soil issues is going to be in the neighborhood of an additional $300,000 for that development.

Recently the Administration was advised that Hickory Hills Apartments will not be rebuilding the apartment that burned down.

Mrs. Hanek had a conversation with someone on BZA, and they were under the impression they were going to rebuild.

Mr. Aungst stated the Administration was just informed today that they would not be moving forward on the project.

Continuing, Mr. Aungst advised the Community Reinvestment meeting is upcoming in February, Medina County Economic Development Corp runs the meeting and the CRA' s for Brunswick are reviewed.

The property that the City put up for sale near St. Ambrose is moving along.

Plans were received and will be on Planning Commissions agenda for a potential sit down restaurant at Laurel Square it will be a new build.

Mr. Aungst mentioned a company the City has been working with that was looking to potentially move into the Industrial Park. The discussions have been for a payroll incentive program, he stated the

company looks solid, and at some point if the committee or Council wanted to go into executive session he could discuss this at greater detail.

In conclusion, Mr. Aungst noted there was one other company closing on property in the south industrial park, they will be building a new facility consisting of approximately nine acres of development it will be office space and for the product they sell which is heavy equipment.

Mr. Johnson mentioned Scene 75 put up their sign, and he asked how that was coming along.

To which Mr. Aungst advised it was going well, they are planning on opening the end of March or beginning of April. Scene 75 is a family entertainment center, with a restaurant and bar which is separate from the entertainment area, they have undercover police and security, and they are very involved within the communities where they are already established and they have given every indication they would do the same here.

EXECUTIVE SESSION:

Mrs. Hanek moved to go into Executive Session for the purpose to discuss Economic Development Assistance. Roll Call – Ayes – 2 – Mrs. Hanek, Mr. Johnson. Nays - 0. Motion Carried.

Mrs. Hanek moved to adjourn out of Executive Session at 7:17 p.m. Roll Call – Ayes – 2, Mrs. Hanek, Mr. Johnson. Nays – 0. Motion Carried.

ADJOURNMENT:

Being no further business, Mrs. Hanek moved to adjourn the Economic Development Committee Meeting at 7:17 p.m. Vote – 2 Ayes, 0 Nays.

Respectfully submitted,

Alex Johnson
Chairman

SAFETY & ENVIRONMENT COMMITTEE MEETING

January 10, 2017

IN ATTENDANCE: Chairman Nicholas Hanek, Committee Member Alex Johnson, Committee Member Anthony Capretta, Acting City Manager/Safety Director Chief Carl DeForest, Chief Jim Baird.

The meeting convened at 6:41 p.m.

GENERAL DISCUSSION:

Chief DeForest presented the committee with a handout with breakdown information on the request to purchase three Ford Police Interceptor Utility vehicles for 2017 with a total cost of $112,050.00 for the Division of Police. He noted the division was going away from the Dodge Chargers. The oldest vehicle being replaced is a 2011 Crown Victoria with 94,000 miles however with idle miles it is equivalent to 252,525 miles, and maintenance cost for that vehicle was $7,284.00. Also, two Dodge Charges are being replaced one is a 2012 however maintenance costs were almost $12,500.00 on that vehicle.

Also, Chief DeForest mentioned reducing the fleet by one, the K-9 unit that has been on loan from Brunswick Hills will be given back to them, and it will be swapped out with one of the division's current vehicles and put into rotation as a K-9 vehicle.

The request this evening is for a motion for the law department to draft legislation for the next Committee of the Whole meeting, for the purchase of three 2017 police vehicles through Statewide Ford at a total cost of $112,050.00. The request is for three readings with emergency on the third reading to get the vehicles ordered quickly. Chief DeForest noted it takes between 8to 10 months to get the vehicles in after they are ordered.

Mr. Johnson moved for the Administration to draft legislation for the Committee of the Whole meeting of January 23, for three 2017 Police vehicles. Vote – 3 Ayes, 0 Nays.

Mr. Hanek noted the next item for discussion is the upcoming safety levy.

Chief DeForest handed out precinct information with regard to how the votes came out from the last election; he thought the information would be helpful in developing strategies. He also mentioned several members of the community expressed their willingness to go door to door.

The committee discussed strategies for the upcoming safety levy; going door to door was determined to be the best strategy along with involvement of all of Council, police officers, firefighters, and willing volunteers. Chief DeForest mentioned how there was a door to door campaign for the original safety levy.

Chief DeForest advised Millie Manning has volunteered to be the designated treasurer again for the committee, however due to work responsibilities Mr. McNamara is not able to chair the committee, and it was noted by Chief DeForest there is no obligation to designate a chairman, a treasurer is the only one that has to be designated.

Chief DeForest expressed the importance of passage in May and the difference it will make in the next decade within the community.

Mr. Johnson thought it would be advantageous to have all of Council's names put on the literature, and Chief DeForest noted that was done on the advertisement in the *Post* during the last campaign.

Mr. Hanek wanted to know when the legislation was going to be presented.

In response Chief DeForest advised legislation will be presented for the January 23 meeting. The law director, finance director, and bond counsel were involved in writing the language to get the best product. Chief DeForest noted the wording will be slightly different than the last one.

Mr. Hanek thought it might be beneficial to have someone in charge of the campaign that has knowledge on how to target the voters, Mr. Hanek and Mr. Salzgeber were willing to co-chair the committee.

There was some discussion as to what other issues might be on the May ballot.

Mr. Hanek mentioned the possibility of televising the next Safety Committee meeting as a safety levy informational session.

Chief DeForest mentioned in previous years under the Bob Zienkowski administration live interaction meetings were held to engage the community where the community called in with questions.

The committee also suggested meetings at senior facilities, with school officials, and PTO's to engage the community. It was noted the biggest factor is going to be voter turnout.

Mr. Hanek noted after Council sees the legislation on January 23 they can talk more about campaign meetings. He noted it was important to let people know Council is in support of it.

Mr. Capretta asked Chief Baird for an update on the fire department.

Chief Baird advised the fleet was good and the fire stations are as they have been, both stations have been upgraded as far as the quality of the space, but there was no money or room to add on to station #2.

Mr. Capretta mentioned he spoke with Congressman Jim Renaci, and he said to let him know about funding needs, or he may have ideas for funding.

Chief Baird stated it would not be federal funding they do not fund bricks and mortar and they do not give to cities. Occasionally state government will fund bricks and mortar, but that is usually for townships or very rural areas. He has never seen funding for bricks and mortar for cities.

Mr. Capretta asked if there were any upcoming retirements in the next couple of years. In response Chief Baird noted there might be one possibly two, but that was two years out. Chief Baird indicated that Council has always seen fit to support replacement of any people that retire, so the force continues to be the same size.

Mr. Capretta asked about equipment for the police department and fire department and if the departments were on schedule for replacements.

Chief Baird noted the Fire Department will have to replace a squad in the next two years, and there is a plan in place for that, other than that their rolling stock was in good shape, because of grants received the department got new cardiac monitors in 2015. Both stations have air handling systems in place; the bay heaters are being replaced this week, the pumper truck and ladder truck are on the five year plan to refurbish. He noted the local communication system was good, Assistant Chief Barber received a grant a couple of years ago to upgrade the dispatch center, and the radios were also in good shape. However he mentioned the countywide communications system was fragile; but noted that was the responsibility of the Sheriff not the City.

Chief DeForest mentioned in the coming months the Police Department will be coming to Council to increase the number of hours they dispatch for Hinckley. He explained that Hinckley will be losing their public service answering station, due to a state mandate. Also, Chief DeForest advised he was coordinating a test for Police Chief for either late March or early April, as well as a Sergeant test, he noted the Lieutenant test was already in place. Chief DeForest indicated prior to leaving his positon in the Police Department he will name a replacement for Police Chief, and that person will then promote a Lieutenant and Sergeant, which will create a vacancy for a new hire and a patrol exam.

Mr. Hanek brought up the proposed tethering ordinance. There was a question about the sixty minute time limit for tethering a dog; and he asked if the committee had any problems with that, and the committee did not.

Mr. Johnson moved ordinance establishing Section 618.28 establishing regulations for tethering of dogs to the next Council Agenda of January 23, for three readings. Vote – 3 Ayes, 0 Nays.

Mr. Hanek mentioned there was a shift over in the Prosecutors Office, and the incoming Prosecutor mentioned an amnesty program for heroin users; he asked Chief DeForest if anyone was contacted about that, Chief DeForest was not aware of anyone being contacted; however he noted there was a statewide program similar to a first offenders program.

Mr. Capretta asked Chief DeForest about the problems at the Medina Creative Housing house off Miner Drive, last year there were complaints about people living in the garage. He asked if that was taken care of.

Chief DeForest noted the Building Department checked into it and there was evidence someone was staying there, contact was made with Ms. DePasquale-Haggerty of Medina Creative Housing and the issue was taken care of.

Mr. Capretta also asked about property on Miller Drive, and Chief DeForest noted the law department would be addressing that.

Mr. Johnson brought up the rental property ordinance and how that was going to affect home health care properties in the City, he thought they were state funded but still owned by property owners, and he wanted to know how the rental property ordinance was going to work with that.

Chief DeForest noted that was something to talk to the law department on.

Mr. Hanek also mentioned those types homes may have a separate designation and not be considered a rental property.

Mr. Capretta wanted to know what was going on with the Lucky Penny, and Chief DeForest noted the City was working with the Prosecutors Office.

Mr. Hanek commented without having a master plan this type of establishment may not have been contemplated, he mentioned conditional uses in C-G for things that did not exist the last time the City had a master plan.

Mr. Johnson asked about getting a master plan, and Chief DeForest noted there is a master plan however it is old and the City can either update it or start over. However Chief DeForest thought it was imperative to pass the safety levy first.

ADJOURNMENT:

Being no further business Mr. Capretta moved to adjourn at 7:24 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

Nicholas Hanek
Chairman

SAFETY & ENVIRONMENT COMMITTEE MEETING

January 23, 2017

IN ATTENDANCE: Chairman Nicholas Hanek, Committee Member Alex Johnson, Committee Member Anthony Capretta, Patricia Hanek, Brian Ousley, Michael Abella Jr., Joseph Salzgeber, Acting City Manager/Safety Director Chief Carl DeForest, Finance Director Todd Fischer, Chief Jim Baird, Parks & Recreation Director John Piepsny, Community & Economic Development Director Grant Aungst, Law Director Kenneth Fisher, Engineer Matt Jones, Cable Manager Jeff Neidert, Council Clerk Barbara Ortiz, Cindy Kintop, News Media.

The meeting convened at 6:30 p.m.

REVIEW LEGISLATION:

RES. NO. 9-17 – An emergency resolution authorizing the City Manager to purchase three (3) Ford Police Utility Vehicles from Statewide Ford for the Division of Police in a total amount not to exceed $112,050.00

Chief DeForest advised this legislation authorizes the purchase of three 2017 Ford Interceptor Utility Vehicles from Statewide Ford. Three of the oldest or high mileage vehicles are being replaced one is a 2011 Crown Victoria and the other two are 2012 Dodge Chargers.

The maintenance cost vary from $7,300 up to $12,500 for one of the two 2012 Dodge Chargers. Chief DeForest noted with idle miles and road miles the vehicles vary in mileage from 209,522 up to 252,525 miles. The money is in the Police Department capital budget as approved by City Council for the 2017budget.

The three vehicles being replaced will be sold on e–bay.

Mr. Capretta moved this resolution to tonight's Council Agenda of January 23, 2017 as an emergency for three readings. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mr. Capretta moved to adjourn at 6:35 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

Nicholas Hanek
Chairman

PLANNING AND ZONING COMMITTEE

January 19, 2017

IN ATTENDANCE: Chairman Brian Ousley, Committee Member Patricia Hanek, Committee Member Nicholas Hanek, Community & Economic Development Director Grant Aungst, Planning & Zoning Coordinator Pam Plavecski, Engineer Matt Jones.

The meeting convened at 6:02 p.m.

Due to technical difficulties some portions of the meeting were not transcribed.

DISCUSSION ITEMS:

Mr. Ousley mentioned an issue in the industrial park with semi-trucks not being able to get into dock spaces in a forward manner. He and Mr. Aungst to a look at the situation and he asked Mr. Aungst to explain it to the committee.

Mr. Aungst noted under Section 1276.11 (b) loading and circulation areas shall be so located to allow forward vehicle movement to and from adjacent streets in a manner which will least interfere with onsite and offsite traffic movement. The way that was interpreted by legal counsel is that you have to move forward when you pull a semi into a company. The challenge is with three industrial developments that have many businesses there is no physical way for semis to move forward, and they have to back up onto the street.

He noted there are times there are no issues, but other times it takes quite some time. Mr. Aungst and Mr. Ousley witnessed a 53 foot semi trying to back in and it took seven attempts to back into the right spot, which then held up traffic.

The reason Mr. Aungst was bringing this up was there are a few businesses that went to the expense years ago to purchase enough land to build big enough space to put in a service area for their trucks to pull in forward and back in on their property. He noted the challenge is when the traffic is held up and other businesses call about the traffic backups; he noted the business owners do bring up a legitimate point since the code says forward movement. Mr. Aungst mentioned the legal department was looking at what other cities might do. Mr. Aungst noted it was difficult to regulate drivers and it was not fair to penalize businesses when there site plans were approved and it is an industrial area even though there are some non-industrial businesses there.

Mr. Aungst provided maps of the area, noting in some cases there was no room to back up, and there are others where there is room for trucks to pull in and back up.

Mr. Ousley mentioned one site where the Planning Commission approved parking spaces into a backup dock where trucks were backing up, and that needs to be looked at.

The committee discussed the language in section 1276.11(b), and suggested possible changes; there was also the question of backing up traffic being a ticket-able offense in the traffic code. The committee thought the issue was something that should be incorporated as a consideration that the Planning Commission reviews.

Mrs. Plavecski noted under Section 1276.15(b) the Planning Commission can make less restrictive modifications. She noted Planning Commission has the authority to do that as long as three members concur.

Mr. Aungst mentioned he looked at a number of company site plans and did not see modifications.

The committee continued with discussion on the language particularly with the word "shall" as a sticking point.

Mr. Hanek moved to refer to the law department regarding 1276.11(b) off street loading specifically the language in the last sentence dealing with the word "shall" and the movement of trucks. Vote – 3 Ayes, 0 Nays.

Mr. Ousley had another item for discussion; he was contacted by Linda Schneider from Medina County Soil and Water regarding the Monarch Butterfly Challenge which was done by municipalities in the past. They had a discussion on zoning to get rid of evasive plantings in some areas to get back to native species to help the butterflies and humming birds. Mr. Ousley mentioned the challenge last year was to plant a pollinator garden which was planted at Heritage Farm. Ms. Schneider indicated they were looking for small garden plots of milk weed and native nectar plants. He mentioned in the last ten years there has been a 90percent reduction in the monarch butterfly. The Rocky River Watershed was also involved with this program and they have grant monies available to help with plantings in stream areas and the City just has to reach out to them. They came to the City before however he was told it went on deaf ears with the past Administration.

Mr. Ousley noted what they were looking for with the monarch pledge is help with zoning to try and get the native plants put back in. Mr. Ousley passed out information to the committee that he received from Ms. Schneider, Mr. Ousley mentioned that Ms. Schneider was going to come to tonight's meeting however he told her since it would be a discussion it was not necessary for her to attend.

Ms. Plavecski asked if Mr. Ousley was looking to add plants to the plant list, she noted if that was what he wanted to do there would have to be a zoning change.

In the information handed out by Mr. Ousley was a letter from the Medina County Soil and Water Conservation District addressed to the Mayor of Brunswick and City Council Members dated March 14, 2016. Mrs. Hanek read the letter; the first part explained the program involving taking the monarch pledge, which the Mayor had to do. It went on to ask what Medina County Soil and Water Conservation District was asking for; they were asking commissioners and property managers to consider three actions; to create small garden plots using native nectar plants and native milk weed plants at county properties where appropriate, to consider adding native nectar producing plants and native milk weed in existing community gardens, and to create a demonstration plot in a highly visible location, which Mrs. Hanek noted was done at Heritage Farm. Mrs. Hanek did not see anything that fell into planning & zoning.

Mr. Ousley noted it would be planning & zoning if the plantings were added for what new businesses do, he pointed out there was a list of flowers.

Mr. Hanek asked if Mr. Ousley compared the list to the list of plants in section 1282.11, and if he was familiar with that list, Mr. Ousley answered in the negative.

Mrs. Plavecski advised perennials are not regulated in the zoning code, she did refer to the code and the list of shrubs and trees, she noted the code already had a lot of the plants, however if Council wanted to add the suggested plants they could be added to the plant lists in the code.

Mr. Hanek expressed he did not understand how this discussion fits into planning & zoning, the documents in front of them were about butterflies and plants, further he was not sure what Mr. Ousley was asking of the committee. He wanted to verify that someone from the county contacted Mr. Ousley specifically to create a zoning change.

Mr. Ousley stated that was correct.

Mr. Hanek noted the material in front of them was not from the county.

Mr. Ousley advised the pamphlets were from the Medina County Soil and Water Conservation.

Mrs. Hanek stated nowhere in the letter that she read did it ask about planning & zoning, and she did not understand why this would go to planning & zoning, to her it was more appropriate to go to safety & environment.

Mr. Ousley stated the National Wildlife Federation asked for zoning.

Mr. Hanek wanted to know who contacted Mr. Ousley.

Mr. Ousley stated he received the pamphlets from Linda Schneider from Medina County Soil & Water. He indicated Ms. Schneider was asking for some sort of zoning changes to have native plant species.

Mr. Hanek wanted to know if Ms. Schneider contacted Mr. Ousley in 2016, to that Mr. Ousley indicated he was contacted three weeks ago.

Mr. Hanek advised he reviewed and compared the code and plant list; again he was not sure what Mr. Ousley was asking for.

Mrs. Plavecski noted she reviewed and compared the lists.

Mrs. Hanek reiterated the letter did not request a change in planning & zoning, it was her opinion that what they really wanted the City to do was in the letter, and the plants were planted at Heritage Farm.

Mr. Ousley stated they were looking to do it every year to help out more than just the one planting that was done.

Mrs. Hanek reiterated it was not planning & zoning. She also referred to the plant list from the handout and where trees of certain heights should be put not to obstruct, she was comparing the list to what is in the City code.

Mr. Ousley expressed this was discussion only, and Mrs. Hanek stated it was not planning & zoning there was a plant list in the code.

For clarification Mr. Hanek stated what the committee had was a list of plants prepared from the Botany Department of the History Museum, he noted Mr. Ousley stated he has not worked with the museum and

that the Medina County agency handed him the pamphlet and he was not sure what to do with it, and Mr. Ousley just wanted to talk about plants.

Mr. Ousley reiterated this was discussion.

Mr. Hanek asked what the discussion was about.

Mrs. Hanek noted last spring this was brought up in Committee of the Whole and brought up to the former City Manager if it should be handed over to parks & recreation to see how they can make the garden to attract butterflies and it ended up at Heritage Farm.

Mr. Ousley stated they want to see it continued, and if there are zoning changes it would be in this committee; again he stated this was all discussion.

Mr. Hanek wanted to know what zoning changes Mr. Ousley was proposing specifically, because he reviewed the plant list and he found it to be sufficient.

Again, Mr. Ousley stated this was all for discussion, he gave the information to Ms. Plavecski to help out with discussion in case there are zoning changes.

Mrs. Plavecski advised about 60% of the list was already on the plant list in the code.

Mr. Hanek stated he would like to move this discussion to the appropriate committee but he did not know what Mr. Ousley was bringing up. Mr. Hanek wanted the minutes to reflect what information he had in front of him; something involving attracting butterflies from the National Wildlife Federation, a plant list from the Cleveland Museum of Natural History, something from the Ohio Department of Natural Resources, the Lake Erie Alleghany Partnership for Biodiversity, Backyards Division for Wildlife, Common Birds of Ohio, Butterflies and Skippers of Ohio field guide, and Common Beas and Wasp of Ohio field guide. He asked who Mr. Ousley spoke with at the Natural History Museum.

In response, Mr. Ousley stated he did not speak with anyone from the History Museum, the information he received was from Medina County Soil and Water from Ms. Schneider. He told Ms. Schneider he would bring it to the planning & zoning committee if there was anything that needed to be done with zoning changes to help with native species. Mr. Ousley reiterated this information was for discussion purposes only. Mr. Ousley noted for some reason it still needed to be in planning & zoning because it is going to go through the Planning Commission.

Mr. Hanek asked if Mr. Ousley was asking for the City to plant butterfly gardens in the parks.

Mr. Ousley indicated it could be and it would be a zoning change.

Mrs. Plavecski noted if plants were added to the approved species list it would be a zoning change to the landscaping and screening requirements.

Mr. Ousley noted he could have Ms. Schneider come and give a presentation.

Again, Mr. Hanek stated this needs to be out of planning & zoning, it was not appropriate, and at this time

Mr. Hanek moved the discussion to safety & environment committee. Vote – 3 Ayes, 0 Nays.

Mr. Ousley stated if there are any zoning changes it has to be brought back to planning & zoning.

Mr. Ousley asked for an update on the lights at All Construction, he noted there were issues brought up from residents in the neighborhood.

Mr. Aungst noted Cliff Callaway and Chief DeForest had a meeting with All Construction to see if there was in fact an issue with the lights.

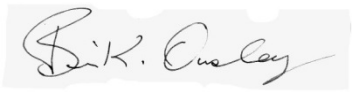
Mr. Jones noted Chagrin Valley has not run a light meter on the site.

Mr. Aungst noted with the company being new the lights will show brighter. All Construction is cooperative, and they were looking at shields for the lights, and they indicated they will help in any way they can.

ADJOURNMENT:

Being no further business, Mrs. Hanek moved to adjourn at 6:45 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,



Brian Ousley
Chairman

PARKS, RECREATION & COMMUNITY COMMITTEE

January 16, 2017

IN ATTENDANCE: Chairman Michael Abella Jr., Committee Member Anthony Capretta, Parks & Recreation Director John Piepsny, News Media.

The meeting convened at 7:06 p.m.

Mr. Capretta moved to excuse Mr. Salzgeber for just cause. Vote – 2 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Piepsny advised this was the ten year anniversary of when the recreation center became solvent in their operations, they ended up in the black again for 2016, and ended up with 9,532 members at years end, and revenues exceeded expenditures by more than $57,000.00.

Mr. Piepsny was also putting some capital plans together for 2017 and he will get all those figures together to present to the committee in the near future.

Mr. Piepsny had some interesting numbers, he noted in the past the busiest times at the recreation center was after work hours between 5:00 pm and 7:00 pm; and he noted that has actually changed now, the busiest times now is between 8:00 am and 9:00 am, and a lot of that was the Silver Sneaker members and senior citizens coming to the recreation center.

He also noted last year there was more than 182,000 membership visits and that number did not include private rentals, basketball games and other various activities so the number of actual visits was probably double that of the actual scans.

Mr. Capretta asked if Mr. Piepsny remembered Don Whitely who passed away, he always came to Council meetings and was involved with something for the seniors at the recreation center he always gave an update as to what was going on there.

Mr. Piepsny advised he was involved with the ROMEO Club and that program was still in existence. Mr. Piepsny mentioned the *Senior Spot* it lists all the senior activities at the recreation center, he will bring a copy to the next committee meeting.

Mr. Abella asked about the Kids Town that was started last year, if it was completed or not.

To that Mr. Piepsny advised phase 1 was done last year, this spring there will be six more buildings, and the upper portion of the Kid City will be painted with a giant chess board, a hop scotch, and a few other activities. Also, Mr. Piepsny is working on a plan for a fence around the area. Just like the City of Brunswick continues to grow, Kid City will continue to grow.

Mr. Capretta asked about the number of full time and part time employees at the recreation center, and he asked about summer help.

Mr. Piepsny noted there is one full time position at the recreation center and between 60 to 80 part time employees depending on the time of the year. In the parks department there are two full time positions and part time employees are brought back for seasonal help for mowing and clearing the fields.

As far as the fields Mr. Abella asked when baseball starts, and Mr. Piepsny noted BYS signups are February 5, practice starts in April, and the games start in May.

ADJOURNMENT:

Being no further business, Mr. Capretta moved to adjourn at 7:18p.m. Vote – 2 Ayes, 0 Nays.

Respectfully submitted,

Michael Abella Jr.
Chairman

COMMITTEE OF THE WHOLE MEETING

January 9, 2017

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, Assistant Law Director Dennis Nevar, Assistant Finance Director Lynnette Ozanich, Service Director Paul Barnett, Administrative Services Julie Murawski, Engineer Matt Jones, IT/Security Office Rob Marok, Planning &Zoning Coordinator Pam Plavecski, Council Clerk Barbara Ortiz, Jim Love, Richard Kassouf, Realtors, News Media.

The meeting convened at 6:44 p.m.

DISCUSSION ITEMS:

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

Mr. Fisher explained ordinance no. 6-17 is being presented for discussion purposes only; it would replace present ordinance no. 92-16 which had two readings. Ordinance 6-17 addresses the issues that have been vetted concerning matters related to ordinance 92-16, the so called renter's ordinance. Mr. Fisher advised ordinance no. 6-17 was modeled after the City of Mentor codified ordinances, he advised the Administration was taking a close look at all applicable cases and other renter ordinances.

Also, Mr. Fisher mentioned the Administration will be holding two public meetings this week; Wednesday at 10:00 am and Thursday at 6:00 pm for public comment and to address questions for interested members of the public and others.

Mr. Fisher stated the objective of the Administration and Law Department is to come up with an ordinance that addresses all concerns including the City's concerns to regulate the public health, safety, and welfare matters within the residential areas.

Mrs. Hanek asked the Council Clerk to place ordinance 6-17 on the next Committee of the Whole Agenda for discussion.

REVIEW LEGISLATION:

RES. NO. 1-17- An <u>emergency</u> resolution authorizing the Acting City Manager to enter into a one (1) year contract 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

Mrs. Murawski mentioned the reason for requesting emergency legislation was due to the current policy expiring on January 31.

Jim Love of Love Insurance – Mr. Love explained the renewal process; last year the plan was transferred from the Ohio Plan to Travelers. At that time Travelers indicated they offer a three year offering however, he noted the City has a one year contract. Travelers made good on the offering and he noted

there was no rate increase on the renewal; however, there are some changes in premiums due to City operations, adding vehicles, and contents.

Mr. Salzgeber moved this resolution to tonight's Council Agenda of January 9, 2017 as an emergency with suspension of the rules. Vote – 7 Ayes, 0 Nays.

RES. NO. 2-17 – A resolution authorizing the City Manager to enter into agreements with approved contract administrators and suppliers for the provision of natural gas

Mr. Barnett advised this resolution will allow the continuation with the Ohio Department of Administrative Services for gas aggregation. He advised this program is only for large vendors, noting most of the City buildings do not fit into the program, with the exception of the Brunswick Recreation Center. This program was used in the past, and this legislation will allow the City to get back into the group to get the aggregation rate.

Mr. Hanek moved this resolution to tonight's Council Agenda of January 9, 2017 for three readings. Vote – 7 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Hanek moved to authorize the City Manager to go out for bids for grass/weed mowing, uniform rental and mat rental. Vote – 7 Ayes, 0 Nays.

Mr. Hanek brought up the tethering ordinance and asked if it could be on the next Committee of the Whole Agenda. The ordinance was not yet numbered he asked for a motion to have it numbered, and it was mentioned there is a Safety Committee meeting on Tuesday; the motion will be made at that meeting.

EXECUTIVE SESSION:

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

Mr. Hanek moved to adjourn out of Executive Session, seconded by Mr. Salzgeber. 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. Johnson moved to adjourn the Committee of the Whole meeting at 7:03 p.m. Vote – 7 Ayes, 0 Nays.

Respectfully submitted,

Valerie Zak
Assistant Clerk of Council

COMMITTEE OF THE WHOLE MEETING

January 23, 2017

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, Service Director Paul Barnett, Engineer Matt Jones, Chief Jim Baird, Cable Manger Jeff Neidert, Parks & Recreation Director John Piepsny, Community & Economic Development Director Grant Aungst, Council Clerk Barbara Ortiz, Cindy Kintop, Richard Kassouf, News Media.

The meeting convened at 6:35 p.m.

DISCUSSION ITEMS:

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

Mr. Fisher noted the Administration had two work sessions where interested parties attended for discussion of this ordinance. Mr. Fisher advised at this point it was the intention of the Administration to recommend to Council to withdraw ordinance 92-16.

Mr. Fisher advised the Administration was still reviewing various mechanisms to allow the City to minimally have a registry of rental properties. At this point, Mr. Fisher reiterated it was the request of the Administration that Council consider withdrawing ordinance no. 92-16, and at some point to consider referring what was discussed at the various meetings back to committee for discussion only ordinance 6-17, he clarified ordinance 6-17 has not been formally introduced. He reiterated the Administration continues to work through issues and listen to concerns and address matters of concerned residents in the neighborhoods.

Mrs. Hanek noted ordinance 6-17 will be moved back to Building & Building Code committee for further discussion.

Mr. Capretta commented he attended both meetings, in his opinion Mr. Fisher explained everything very well and answered all the questions.

Mr. Fisher commented the meetings were attended by a number of unhappy realtors, he noted the ordinance originated from the law department and he addressed the issues and concerns.

Mr. Capretta echoed Mrs. Hanek; ordinance 6-17 will be moved back to the Building & Building Code committee.

Mr. Salzgeber asked about formally withdrawing ordinance 92-16.

In response Mr. Fisher suggested formally withdrawing ordinance 92-16 by motion so that it can be removed from the agenda. Reiterating the ordinance has been read twice and rather than placing it on for third reading the Administration requests it be withdrawn. Further, since there is so much interest in the ordinance he suggested the motion to withdraw be done on the Council Floor.

At this time, Mr. Capretta moved Ordinance No. 6-17 back to the Building & Building Code Committee for further discussion. Vote – 7 Ayes, 0 Nays.

Mr. Capretta commented that Mr. Abella had some good ideas and suggestion, and asked if he could voice them at the next committee meeting.

MOTION ITEMS:

MOTION TO ENTER INTO 2017 PERFORMANCE LICENSE AND FIRST ADDENDUM WITH SESAC LLC:

Mr. Piepsny explained this is an annual performance license entered into not only for the recreation center but all City facilities to play live music.

The annual fee this year is $793.00, which is a slight increase over last year.

Mr. Salzgeber moved to enter into the 2017 Performance License and First Addendum with SESAC LLC. Vote – 7 Ayes, - 0 Nays.

REVIEW 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

Mr. Fisher advised this resolution declares the necessity of an election to provide for a .65% municipal income tax increase for a period of five years beginning January 1, 2018 through December 31, 2022 to provide funds for the purpose of maintaining staffing levels for the safety forces of the City. The current .5% municipal income tax for safety force staffing expires on December 31, 2017.

If placed on the ballot May 2 and adopted the total municipal income tax rate as of January 1, 2018 would be 2.00%. Mr. Fisher advised the legislation must be adopted as an emergency with suspension of the rules to allow for certification to the Medina County Board of Elections by February 1, 2017 to meet the deadline for inclusion on the upcoming May 2, 2017 election ballot.

Mr. Salzgeber moved this resolution to tonight's Council Agenda of January 23, 2017 as an emergency with suspension of the rules. Vote – 7 Ayes, 0 Nays.

ORD. NO. 8-17 – An ordinance amending Section 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

Mr. Fisher explained this ordinance implements a 0.65% municipal income tax increase if actually authorized by the electors of the City at the May 2 election. Two readings may occur prior to May 17,

with the third and final reading to occur only if in fact Ordinance No. 7-17 is adopted by the voters on May 2.

Mr. Hanek moved this ordinance to tonight's Council Agenda of January 23, 2017 for three readings. Vote – 7 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Neidert was here this evening to talk to Council about cable programs and extend an invitation to Council to participate in upcoming cable programs. He noted the City Manager was working with the department heads to participate in doing cable shows every other month to get more information out to the community. Mr. Neidert mentioned this type of programming was successfully done in the past. Additionally, the Administration wanted to extend the offer to all of Council to do programs, Mr. Neidert noted the cable office will work with Council for whatever they want to do, they can do individual programs or as a group, the cable office will also have evening hours available for them.

Mr. Neidert did mention there is a policy which prevents doing a program while running for reelection, there is a sixty day window for the primary and the general election.

Anyone interested in doing a program should contact Jeff Neidert.

Mr. Capretta asked if Mr. Aungst could get together with Mr. Salzgeber and the Services Committee to go over the cable problems the City was having last year with WOW.

Mr. Aungst noted they could get together anytime, and Mr. Salzgeber indicated he was aware of the problems.

EXECUTIVE SESSION:

Mr. Hanek moved to go into Executive Session for the purpose to discuss the sale of property and the compensation of public employees, seconded by Mr. Johnson. Roll Call – Ayes – 7, Mr. Hanek, Mr. Salzgeber, Mr. Abella, Mr. Capretta, Mr. Johnson, Mrs. Hanek, Mr. Ousley. Nays – 0. Motion Carried.

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

ADJOURNMENT:

Being no further business, Mr. Salzgeber moved to adjourn the Committee of the Whole meeting at 7:15 p.m. Vote – 7 Ayes, 0 Nays.

Respectfully submitted,

Valerie Zak
Assistant Clerk of Council

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 02/13/2017

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. 2-17** - A Resolution authorizing the City Manager to enter into agreements with approved contract administrators and suppliers for the provision of natural gas - **3rd Reading** (Committee-of-the-Whole, *Administration/Paul Barnett*)

BACKGROUND: This is a continuation of the aggregation program we have been utilizing for many years. The last legislation passed for this was Resolution 168-04.

PURPOSE AND EXPLANATION: This legislation allows for the purchase of natural gas at the lowest possible cost to the City of Brunswick. This is only for high use facilities like the City's Recreation Center.

IMPLEMENTATION SCHEDULE: January 1, 2017

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The expenditures associated with this legislation would be based on the competitive bid results of the Ohio Department of Administrative Services agreement for natural gas aggregation . Sufficient Council adopted appropriations are required in order to pay the associated expenditures.

Expenditures are based on the departments and funds using the natural gas.

RECOMMENDED ACTION:

One Reading	Yes
Two Readings	Yes
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
RESOLUTION NO. _____

BY:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH APPROVED CONTRACT ADMINISTRATORS AND SUPPLIERS FOR THE PROVISION OF NATURAL GAS.

WHEREAS: The City belongs to the State Procurement Program under the direction of the Department of Administrative Services, under which contracts for natural gas administration and supply have been awarded.

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

SECTION 1: That the City Manager is hereby authorized to enter into agreements with necessary administrators and suppliers for the provision of natural gas as awarded/approved from time to time under the State Procurement Program.

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_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 2-17

BY: Committee-of-the-Whole

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH APPROVED CONTRACT ADMINISTRATORS AND SUPPLIERS FOR THE PROVISION OF NATURAL GAS.

WHEREAS: The City belongs to the State Procurement Program under the direction of the Department of Administrative Services, under which contracts for natural gas administration and supply have been awarded.

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

SECTION 1: That the City Manager is hereby authorized to enter into agreements with necessary administrators and suppliers for the provision of natural gas as awarded/approved from time to time under the State Procurement Program.

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_____

ADOPTED: _____ AYES _____ NAYS _____

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

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 02/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 3-17 -** An Ordinance establishing the position of full-time Information Technology Assistant in the Division of Information and Public Communications - **3rd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Rob Marok*)

BACKGROUND: The Information and Technology Department is in need of a full time employee to assist with the daily operations of technology needs.

PURPOSE AND EXPLANATION: To assist with the technology needs of the City.

IMPLEMENTATION SCHEDULE: As soon as allowed by law.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: N/A - This Ordinance merely establishes the position not the pay range.

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. _____

BY:

AN ORDINANCE ESTABLISHING THE POSITION OF FULL-TIME INFORMATION TECHNOLOGY ASSISTANT IN THE DIVISION OF INFORMATION AND PUBLIC COMMUNICATIONS.

WHEREAS: The position of full-time Information Technology Assistant in the Division of Information and Public Communications is necessary to assist with the daily operation of the Division.

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

SECTION 1: That the position of full-time Information Technology Assistant is hereby established in the Division of Information and Public Communications to assist with the daily operation of the Division, subject to a pay range established by Ordinance and approved by the City Manager.

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

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 3-17

BY: Mr. Salzgeber, Mr. Hanek and Mr. Ousley

AN ORDINANCE ESTABLISHING THE POSITION OF FULL-TIME INFORMATION TECHNOLOGY ASSISTANT IN THE DIVISION OF INFORMATION AND PUBLIC COMMUNICATIONS.

WHEREAS: The position of full-time Information Technology Assistant in the Division of Information and Public Communications is necessary to assist with the daily operation of the Division.

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

SECTION 1: That the position of full-time Information Technology Assistant is hereby established in the Division of Information and Public Communications to assist with the daily operation of the Division, subject to a pay range established by Ordinance and approved by the City Manager.

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

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council

Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 02/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 4-17 -** An Ordinance establishing the pay range of full-time Information Technology Assistant in the Division of Information and Public Communications - **3rd Reading** (Services, Utilities, Technology & Cable Committee, *Administration/Rob Marok*)

BACKGROUND: The Information Technology Department is in need of a full time employee to assist with the daily operations of the City.

A salary schedule must be implemented for said position.

PURPOSE AND EXPLANATION:

IMPLEMENTATION SCHEDULE: As soon as allowed by law.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The salary range shall be:
$45,265 - $77,900

The current 2017 wage budget for this position, previously approved by Council, is not to exceed $70,000. Any salary or wage amount for this position in excess of $70,000 would require a Council approved budget amendment.

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. _____

BY:

AN ORDINANCE ESTABLISHING THE PAY RANGE FOR THE POSITION OF FULL-TIME INFORMATION TECHNOLOGY ASSISTANT IN THE DIVISION OF INFORMATION AND PUBLIC COMMUNICATIONS.

WHEREAS: Council has established the position of full-time Information Technology Assistant in the Division of Information and Public Communications by separate Ordinance; and

WHEREAS: Council wishes to establish a pay range for the position of full-time Information Technology Assistant in the Division of Information and Public Communications.

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

SECTION 1: The following pay range is hereby established, subject to annual appropriations by City Council:

POSITION	RANGE
Information Technology Assistant	$45,265.00/year - $77,900.00/year

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

CITY OF BRUNSWICK, OHIO

ORDINANCE NO. 4-17

BY: Mr. Salzgeber, Mr. Hanek and Mr. Ousley

AN ORDINANCE ESTABLISHING THE PAY RANGE FOR THE POSITION OF FULL-TIME INFORMATION TECHNOLOGY ASSISTANT IN THE DIVISION OF INFORMATION AND PUBLIC COMMUNICATIONS.

WHEREAS: Council has established the position of full-time Information Technology Assistant in the Division of Information and Public Communications by separate Ordinance; and

WHEREAS: Council wishes to establish a pay range for the position of full-time Information Technology Assistant in the Division of Information and Public Communications.

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

SECTION 1: The following pay range is hereby established, subject to annual appropriations by City Council:

POSITION	RANGE
Information Technology Assistant	$45,265.00/year - $77,900.00/year

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

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

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

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 02/13/2017

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 - **2nd 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 situsted 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

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 02/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 9-17 -** An emergency Resolution authorizing the City Manager to purchase three (3) Ford Police Interceptor Utility Vehicles from Statewide Ford for the Division of Police in a total amount not to exceed $112,050.00 - **2nd Reading** (Safety & Environment Committee, *Administration/Chief DeForest*)

BACKGROUND: The Division of Police is in need of replacing three (3) current vehicles due to excessive mileage and maintenance costs for each vehicle

PURPOSE AND EXPLANATION: We request adoption of legislation on an emergency basis due to the sooner the vehicles are ordered, the sooner they would be put into service, thus saving maintenance costs on the replaced vehicles.

IMPLEMENTATION SCHEDULE: Vehicles will be ordered as soon as legislation has been adopted.

FINANCIAL INFORMATION: Vehicles for the Division of Police - - Police Fund #114 (Police Capital SubFund #961) - 961-0520-56252 - - 112050

FINANCIAL SUMMARY: The vehicles would be purchased with capital funds that are available and budgeted for in the 2017 Police capital budget. These vehicles would replace three (3) vehicles (one 2011, two 2012 models) with high mileage and maintenance costs.

Cost for purchase not to exceed $112,050.00

RECOMMENDED ACTION:

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

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

We request adoption of legislation on an emergency basis due to the sooner the vehicles are ordered, the sooner they will be delivered and put into service, thus saving maintenance costs on the replaced vehicles.

ADDITIONAL INFORMATION: These vehicles will replace one (1) 2011 and two (2) 2012 models. Cost of replacement not to exceed $112,050.00 from Statewide Ford in Van Wert, Ohio.

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE THREE (3) FORD POLICE INTERCEPTOR UTILITY VEHICLES FROM STATEWIDE FORD FOR THE DIVISION OF POLICE IN A TOTAL AMOUNT NOT TO EXCEED $112,050.00.

WHEREAS: The City of Brunswick belongs to the State Procurement Program under the direction of the Ohio Department of Administrative Services;and

WHEREAS: Ohio Revised Code Section 125.04(C) permits the City to purchase supplies or services from another party without competitive bidding and outside the State Procurement Program if such supplies or services can be purchased under equivalent terms, conditions and specifications, but at a lower price than through the State Procurement Program; and

WHEREAS: The proposed purchase of the vehicles for the Division of Police in the total amount of $112,050.00, is upon equivalent terms, conditions and specifications and at a lower price than through the State Procurement Program.

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

SECTION 1: That the City Manager is hereby authorized to purchase three (3) Ford Police Interceptor Utility Vehicles from Statewide Ford for the Division of Police in a total amount not to exceed $112,050.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that the Division of Police is in need of these vehicles as soon as possible. Therefore the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading_____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

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

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 9-17

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

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE THREE (3) FORD POLICE INTERCEPTOR UTILITY VEHICLES FROM STATEWIDE FORD FOR THE DIVISION OF POLICE IN A TOTAL AMOUNT NOT TO EXCEED $112,050.00.

WHEREAS: The City of Brunswick belongs to the State Procurement Program under the direction of the Ohio Department of Administrative Services;and

WHEREAS: Ohio Revised Code Section 125.04(C) permits the City to purchase supplies or services from another party without competitive bidding and outside the State Procurement Program if such supplies or services can be purchased under equivalent terms, conditions and specifications, but at a lower price than through the State Procurement Program; and

WHEREAS: The proposed purchase of the vehicles for the Division of Police in the total amount of $112,050.00, is upon equivalent terms, conditions and specifications and at a lower price than through the State Procurement Program.

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

SECTION 1: That the City Manager is hereby authorized to purchase three (3) Ford Police Interceptor Utility Vehicles from Statewide Ford for the Division of Police in a total amount not to exceed $112,050.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that the Division of Police is in need of these vehicles as soon as possible. Therefore the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading_____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

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

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 02/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO 10-17** - An ordinance establishing Section 618.28 of the City of Brunswick Codified Ordinances by providing regulations for the tethering of dogs - **2nd Reading** (Safety & Environment Committee, *Administration/Ken Fisher*)

BACKGROUND: To establish Section 618.28 of the Codified Ordinances by providing regulations for the tethering of dogs in the City of Brunswick.

PURPOSE AND EXPLANATION: The purpose is to regulate the tethering of dogs in the City of Brunswick.

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?
Recommended to have three readings with the first reading on January 23, 2017.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 10-17

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

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

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

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

618.28 TETHERING DOGS

(a) As used in this Section:
(1) "Body harness" means a device consisting of straps made of nylon, leather or other pliable material fitted to the body of a dog and used to affix a restraint of the animal.
(2) "Collar" means a device consisting of straps made of nylon, leather or other pliable material secured around the neck of a dog that is properly fitted and has enough room between the collar and the dog's throat through which two adult fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog.
(3) "Properly fitted" means worn without causing discomfort, pain or injury.
(4) "Tether" means, when used as a noun, any device, including but not limited to a chain, leash, cable or tie out attached to a stationary point or object, trolley or run used to contain or restrain a dog. When used as a verb, tether shall mean to attach a dog to such a device.

(b) Nothing in this section shall prohibit the tethering of a dog that is in the immediate proximity of its owner or custodian, in a manner that does not cause discomfort, paid or injury to the dog.

(c) No person shall tether or cause to be tethered any dog that is not in the immediate vicinity of its owner or custodian except under all the following conditions:
(1) The owner or custodian is present on the property;
(2) Such tethering does not exceed sixty (60) continuous minutes;
(3) The dog is six months of age or older;
(4) If female, the dog is sterilized;
(5) The tether does not exceed ten percent of the dog's body weight;
(6) The tether is at least three times the length of the dog from the tip of its nose to the base of its tail;
(7) The tether allows the dog to easily stand, sit, lie, turn around, and make all other normal body movements in a comfortable normal position;
(8) The tether allows the dog to interact safely with other animals;
(9) The tether is appropriate for the age and size of the dog and attached to

the dog by a properly fitted collar or body harness configured to prevent the dog or tether from becoming entangled with other objects or animals or from extending over an object or edge that could result in the strangulation or injury of the dog;

(10) Only one dog is attached to a single tether;

(11) The dog is not tethered in such a manner to permit the dog to cross and enter upon another's property, except that the same shall not be unlawful if the affected owner or person having lawful possession thereof provides consent; and

(12) Adequate water is provided to the dog.

(d) Whoever violates or fails to comply with any provisions of this section is guilty of a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on each subsequent offense occurring within 12 months from the previous offense and shall be subject to the penalty provided in Section 698.02.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES_____NAYS_____

ATTEST: _____

Clerk of Council

Barbara J. Ortiz

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 02/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 11-17 -** An ordinance establishing Chapter 862 of the Codified Ordinances of the City of Brunswick relative to Fair Housing - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: To provide within constitutional limitations fair housing within the City of Brunswick, to assure that all persons have full and equal opportunity to consider all available housing for themselves and their families within the City without being discriminated against on the basis of race, color, religion, sex sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income, and to promote a stable, racially integrated community.

PURPOSE AND EXPLANATION: This ordinance will establish Chapter 862 of the Codified Ordinances of the City of Brunswick relative to Fair Housing.

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?
Recommended first reading on February 13, 2017 for three readings.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 11-17

BY: Committee-of-the-Whole

AN ORDINANCE ESTABLISHING CHAPTER 862 OF THE CODIFIDED ORDINANCES OF THE CITY OF BRUNSWICK RELATIVE TO FAIR HOUSING.

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

SECTION 1. That Chapter 862 of the Codified Ordinances of the City of Brunswick is hereby established to read as follows:

862.01 PURPOSE.

It is hereby declared to be the purpose of this Chapter to provide, within constitutional limitations, for fair housing throughout the City, to assure that all persons have full and equal opportunity to consider all available housing for themselves and their families within the City without being discriminated against on the basis of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income, and to promote a stable, racially integrated community.

862.02 DEFINITIONS.

Words and phrases used in this Chapter shall have the meanings given herein unless the context clearly indicates otherwise:

(a) "Commission" means the Fair Housing Review Commission.

(b) "Discriminate" or "discrimination" means to separate or segregate persons in a particular manner solely or in part because of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income; provided that "discriminate" or "discrimination" shall not include special outreach efforts conducted by or under the authority of units of local government (including agencies, departments and commissions thereof) or non-profit fair housing corporations or agencies to ensure that persons of minority groups are fully informed of, and have access to, available dwelling opportunities in areas of present or prospective majority group concentration, or to ensure that persons of majority groups are fully informed of and have access to available dwelling opportunities in areas of present or prospective minority group concentration.

(c) "Covered multi-family dwellings" means building consisting of four or more units if such buildings have one or more elevations, and ground floor units in other buildings consisting of four or more units.

(d) "Dwelling" means a building or structure, or part thereof, used or designed to be used for residential purposes.

(e) "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with (1) a parent or another person having legal custody of such individual or individuals; or (2) the designee of such parent or other person having such custody; and shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

(f) "Disability" means, with respect to a person: (1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such impairment; or (3) being regarded as having such impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in 21 U.S.C. Section 802.

(g) "Housing for older persons" means housing: (1) provided under any state or federal program that the Secretary of HUD determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or (2) intended for persons 62 years of age or older; or (3) intended and operated for occupancy by at least one person 55 years or older per unit. The determination as to whether housing qualifies as housing for older persons under this division shall be consistent with regulations promulgated by the Secretary of HUD, providing at least the following factors: (1) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and (2) that at least 80% of the units are occupied by at least one person 55 years of age or older per unit; and (3) the procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

(h) "Lending institution" means any bank, savings and loan association, insurance company, or other organization or person regularly engaged in the business of lending money, guaranteeing loans for profit, or otherwise providing financial assistance or insurance in connection with the purchase, sale or rental of dwellings.

(i) "Person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers or fiduciaries.

(j) "Property" means the real property upon which a dwelling is located.

(k) "Purchase" means to acquire a dwelling by payment or promise of payment of money or its equivalent.

(l) "Real estate agent" means a real estate broker or salesman, or a limited real estate broker or salesman, as defined in Ohio R.C. 4735.01.

(m) "Rent" or "rental" means to lease, sublease, assign or otherwise grant or obtain the right to occupy a dwelling not owned by the occupant in return for consideration, or a contract or operation to do any of the foregoing.

(n) "Sale" or "sell" means to convey, exchange, transfer or assign legal or equitable title to, or beneficial interest in, a dwelling in return for consideration, or a contract or option to do any of the foregoing.

(o) "Solicit" or "solicitation" means any conduct by a real estate agent, or an employee or agent thereof, intended to induce the owner of a dwelling within the City to sell, rent, or list the same for sale or rental.

(p) "Unlawful discriminatory practice" means any act prohibited by Section 862.04 of this Chapter.

(q) "Association with a protected class" means people associated with or residing with a person in a protected class.

862.03 EXEMPTIONS.

The provisions of this Chapter shall not:

(a) Prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, from limiting rental or occupancy of such lodgings to its members or from giving preference to its members, provided such club does not discriminate in its membership policies on the basis of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income.

(b) Require any person selling or renting property to modify such property in any way at his or her expense, provided that such person does not refuse to permit reasonable modifications by a disabled person, necessary for that person to fully enjoy the premises in which he or she resides, when such modifications are made at the expense of the disabled person, which permission may be conditioned on that person's promise to restore the premises to the condition in which it previously existed before granting permission for such modification, nor shall this chapter be construed to relieve any disabled person of any obligation generally imposed on all persons regardless of disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of the lease, agreement, or contract, so long as such distinctions are not based on the disability itself, or on the landlord's refusal to make reasonable modification in the lease, agreement or contract conditions for the purpose of denying a disabled person equal opportunity to the use and enjoyment of the premises.

(c) Prohibit restricting the sale or rental of a dwelling on the basis of disability when such a dwelling is authorized, approved, financed, or subsidized in whole or in part for the benefit of persons of a disability by a unit of state, local, or federal government, so long as such restrictions do not discriminate against otherwise qualified disabled persons.

(d) Require that a dwelling be made available to a person with a disability whose tenancy would constitute a direct threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(e) Prohibit the applicability of any reasonable local, state or federal restrictions regarding maximum number of occupants permitted to occupy a dwelling.

(f) With regard to familial status, apply to dwellings provided under any state or federal program specifically designed and operated to assist elderly persons, as defined in the state or federal program, or to housing for older persons, provided that HUD has determined that such program or housing is exempt, which determination shall be conclusive.

(g) Prohibit a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income.

(h) Prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in 21 U.S.C. Section 802.

862.04 PROHIBITED ACTS.

It is hereby declared to be a discriminatory housing practice and unlawful for any person to:

(a) Refuse to sell, transfer, assign, rent, lease, sublease, finance, negotiate or otherwise deny or make unavailable a dwelling to any person because of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income of any present or prospective owner, occupant, or user of such dwelling;

(b) Represent to any person, because of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income, that a dwelling is not available for sale, rental, or inspection when in fact it is available;

(c) Refuse to lend money or to provide other financial assistance, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of a dwelling or otherwise withhold financing of a dwelling from any person because of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income of any present or dwelling, provided such person lends money as one of the principal aspects or incident to his or her principal business and not only as a part of the purchase price of an owner-occupied residence he or she is selling not merely casually or occasionally to a relative or friend;

(d) Discriminate against any person in the terms or conditions of selling, transferring, assigning, brokering, renting, leasing, or subleasing any dwelling or in furnishing facilities, services, or privileges in connection with the ownership, occupancy, or use of any dwelling, including the sale of fire, extended coverage or homeowners

insurance, because of the race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income of any present or prospective owner, occupant, or user of such dwelling, or because of the racial composition of the neighborhood in which the dwelling is located;

(e) Discriminate against any person in the terms or conditions of any loan of money, purchase of loans, or in providing other financial assistance, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of a dwelling because of the race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income of any present or prospective owner, occupant, or user of such dwelling, or because of the racial composition of the neighborhood in which the dwelling is located;

(f) Refuse to consider without prejudice the purpose of extending mortgage credit to a married couple or either member thereof;

(g) Print, publish, or circulate any statement or advertisement, or make any verbal statement, relating to the sale, transfer, assignment, rental, lease, sublease, or acquisition of any dwelling or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of a dwelling which indicates any preference, limitation, specification, or discrimination based upon race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income, or an intention to make any such preference, limitation, specification, ordiscrimination;

(h) Include in any transfer, rental, or lease of a dwelling any restrictive covenant based on race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income, or honor or exercise, or attempt to honor or exercise, any such restrictive covenant, provided that the prior inclusion of such a restrictive covenant in the chain of title shall not be deemed a violation of this provision;

(i) Induce or solicit or attempt to induce or solicit a dwelling listing, sale, or transaction by representing that a change has occurred or may occur with respect to racial, religious, sexual or ethnic composition of the block, neighborhood, or area in which the dwelling is located, or induced or solicited or attempt to induce or solicit such sale or listing by representing that the presence or anticipated presence of persons of any race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income, in the area will or may have results such as the following:

  (1) The lowering of property values;
  (2) A change in the racial, religious, sexual, or ethnic composition of the block, neighborhood, or area in which the dwelling is located;
  (3) An increase in criminalor antisocial behavior in the area;
  (4) A decline in the quality of the schools serving the area.

(j) Deny any person access to or membership or participation in any multiple-listing service, real estate agents' association, or other service, association, or facility relating to the business of selling or renting housing accommodations, or to discriminate against any person in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income;

(k) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any person in the exercise or enjoyment of, any right granted or protected by this Section;

(l) Discourage or attempt to discourage the purchase by a prospective purchaser of a dwelling, by representing that any block, neighborhood, or area has undergone or might undergo a change with respect to the religious, racial, sexual, familial status or ethnic composition of the block, neighborhood, or area;

(m) Discriminate against any person because of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income, in appraising the value of any dwelling in connection with the sale, brokering, or rental of such dwelling;

(n) Refuse to permit, at the expense of a disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, no modification need be permitted unless the renter first agrees to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted unless previously negotiated with the landlord;

(o) Refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling;

(p) Construct covered multi-family dwellings that do not provide for accessibility and usability for physically disabled persons in compliance with applicable state or federal law, whichever is controlling;

(q) Discriminate in any manner against any other person because that person has opposed any unlawful practice defined in this Chapter, or because that person has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing as provided pursuant to this Chapter.

(r) Aid, abet, incite, compel, or coerce the doing of any act declared by this Chapter to be an unlawfully discriminatory practice, or to obstruct or prevent any person from complying with the provisions of this Chapter, or any order issued pursuant thereto, or to attempt directly or indirectly to commit any act declared by this Chapter to be an unlawful discriminatorypractice.

862.05 POSTING OF NOTICES.

All real estate agents and all persons who operate or manage a dwelling with more than four dwelling units shall post in a conspicuous location in those areas in their places of business located within the City where prospective purchasers, sellers or renters normally make inquiries, and where the terms of a sale or rental are normally negotiated, a notice which contains the following language, printed on a light-colored background, in not less than 14 point type:

> "It is a violation of the Brunswick Fair Housing Law, in connection with any housing activity, to discriminate against any person because of race, color, religion, sex, sexual orientation, gender identity, age, ancestry, disability, familial status, national origin, military status, association with a protected class or source of income.
>
> For more information, contact: (330) 558-6830"

862.06 FAIR HOUSING REVIEW COMMISSION.

(a) There is hereby created a Fair Housing Review Commission which shall consist of three citizen members appointed by the Mayor and confirmed by City Council to serve for a term of three years at no salary with the Chairman to be elected by the members of the Commission. Commission members can be appointed to serve no more than three consecutive terms.

(b) The Fair Housing Review Commission shall be a fact finding Commission to advise the Mayor, City Manager and Council of their findings for appropriate action.

862.07 ADMINISTRATION.

The City Manager shall appoint the Law Director to work with the Commission in processing complaints on behalf of the Commission.

862.08 COMPLAINTS.

An person may allege that violation of Section 862.04 has occurred, or that a violation will occur and cause injury, by filing with the Fair Housing Review Commission, within one year of the alleged violation, a written complaint setting forth his or her grievance. The complaint shall state, on a printed form made available by the Commission, the name and address of the complainant, then name and address of the person(s) alleged to have committed a violation of Section 820.04 and the particular facts thereof, and such other information as may be required by the Commission. A complaint may be amended at any time. Upon the filing of a complaint, the Law Director shall acknowledge receipt of the complaint, serving notice thereof to the complainant, which notice shall also contain information as to the time limits and choice of forum provided in this Chapter.

862.09 NOTICE.

Within 15 calendar days after a complaint has been received by the Commission, the Law Director shall serve, or cause to be served, in person, or be certified mail, a copy of the complaint on the person (hereinafter referred to as the "respondent") alleged to have violated Section 862.04 of this Chapter. Along with the service of the complaint, the Law Director shall advise the respondent in writing of his or her procedural rights and obligations pursuant to this Chapter. The respondent may file with the Commission an answer to the complaint.

862.10 INVESTIGATION.

Within 30 calendar days after a complaint has been received by the Commission, the Law Director shall conduct an investigation of the complaint and shall determine either that:

(a) There are reasonable grounds to believe that a violation that Section 862.04 of this Chapter has occurred, in which case the Law Director shall then initiate the conciliation process as detailed in Section 862.11 of this Chapter; or
(b) There are reasonable grounds to believe that a violation of Section 862.04 of this Chapter has not occurred, in which case the Law Director shall hen dismiss the complaint by preparing a written notice of dismissal, including the reasons therefor, and notify the parties of the dismissal within 5 calendar days by service a copy of the notice of dismissal by certified mail on the parties. A copy of the notice shall also be filed with the Commission. The notice of dismissal shall advise the complainant of his or her right of appeal under this section. Within 14 calendar days after receipt of the notice of dismissal, the complainant may appeal by filing a written request with the Commission for a review of the complaint. By a majority vote, the Commission may overrule the dismissal and refer the complaint to the Law Director for conciliation pursuant to Section 862.11 of this Chapter.
(c) The Law Director shall complete the investigation within 100 calendar days after receipt of the complaint, unless impracticable, in which case the Law Director shall inform the complainant and respondent in writing of the reasons why the investigation can not be completed within the time prescribed.

862.11 CONCILIATION.

If the Law Director has made a determination pursuant to Section 862.10 of this Chapter that there are reasonable grounds to believe a violation of Section 862.04 of this Chapter has occurred, or at such other time after a complaint has been filed, as appropriate, the Law Director shall:

(a) Notify the complainant and respondent of the time, place and date of the conciliation conference at least 10 calendar days prior thereto, and both parties shall appear at the conciliation conference in person or by attorney; and
(b) Attempt to resolve the complaint by methods of conference, conciliation, mediation and persuasion with all interested parties and such representatives as

the parties may choose to assist them. Conciliation conferences shall be informal and confidential. The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be executed by all parties, subject to review and approval by the Fair Housing Review Commission. The terms of the conciliation agreement shall be a public record. If the complaint has not been resolved by conciliation within 60 calendar days after the date of the scheduled conciliation conference, the law Director shall refer the complaint to the Fair Housing Review Commission for an adjudicative hearing.

862.12 INJUNCTIVE RELIEF.

At any time after the filing of a complaint, the Law Director may petition the appropriate court for temporary or preliminary injunctive relief pending final determination of the proceedings under this Chapter, or as otherwise necessary to carry out the purposes of this Chapter, including an order or decree restraining the respondent from doing or causing any act which would render ineffectual any order or action by the Fair Housing Review Commission.

862.13 HEARINGS.

Within 30 calendar days after the complaint is referred to the Fair Housing Review Commission, the Commission shall, upon due and reasonable notice to all parties, conduct a hearing on the complaint. Parties to the hearing shall be the complainant and the respondent, and such other persons as the Commission may deem appropriate, including the Law Director. The hearing shall be open to the public. At least 7 calendar days prior to the hearing, the Commission shall serve upon the respondent a statement of charges and a summons requiring the attendance of named persons and the production of relevant documents and records. The parties may apply to the Commission to have subpoenas issued in the Commission's name. Failure to comply with a summons or subpoena shall constitute a violation of this Chapter. The parties may file such statements with the Commission as they deem necessary. No fewer that two of the same members of the Commission must be present at all times during a hearing. The parties may appear before the Commission in person or by duly authorized representative and may be represented by legal counsel. The parties shall have the right to present witnesses and cross-examine witnesses, and all testimony and evidence shall be given under oath or by affirmation, administered by the Chairman of the Commission, and all proceedings shall be recorded in writing and/or audio to be considered as part of the record of proceedings.

862.14 HEARING DECISIONS.

Where hearings have been held before the Commission, only those members of the Commission who have attended all hearings on the complaint shall participate in the determination of the complaint. Within 15 calendar days after the conclusion of the hearing, the Commission shall render a decision in the form of a written order, which shall include findings of fact, a statement of whether the respondent has violated Section 862.04 of this Chapter, and such remedial actions as the Commission may order pursuant to Section 862.16 of this Chapter. The

order shall be served upon the parties by certified mail within 15 calendar days of the decision. The order shall be available for public inspection and a copy shall be provided to any person in accordance with the applicable public record laws.

862.15 REMEDIAL ACTIONS.

(a) If the Commission finds that the respondent has not violated Section 862.04 of this Chapter, its order under Section 862.14 of this Chapter shall dismiss the complaint. If the Commission finds the complaint to be frivolous or vindictive, then the costs of the proceedings may be assessed against the complainant.

(b) If the Commission finds that the respondent has violated Section 862.04 of this Chapter, its order under Section 861.14 of this Chapter shall provide for the taking of such remedial action(s) as it deems appropriate, which may include, but need not be limited to, the following:

(1) Directing the respondent to cease and desist from violations of Section 862.04 of this Chapter and take such affirmative steps as necessary to effectuate the purposes of this Chapter.

(2) Recommending to the Law Director an appropriate court action for the enforcement of Section 862.04 of this Chapter and for such other and further relief as the court may deem appropriate, including, but not limited to, injunctive relief, compensatory damages, punitive damages and/or attorneys' fees and costs for award to the complainant; such court action shall be required in the event the respondent does not voluntarily comply with the remedial actions ordered by the Commission.

(3) Recommending to the Law Director the proceedings for violation of federal and/or state law and/or regulations.

(4) Recommending to the Law Director proceedings with any contracting agency in the case of any violation of Section 862.04 of this Chapter by respondent in the course of performing under a contract or sub-contract with the state of any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, for the purpose of causing a termination of such contract or any portion thereof, or obtaining other relief.

(5) Recommending to the Law Director proceedings with the State of Ohio where applicable, to revoke, suspend or refuse to renew the license of any person found to have violated any provision of Section 862.04 of this Chapter.

(6) Directing the respondent to reimburse the complainant for his or her actual and reasonable expenses incurred and to be incurred as a result of each violation found, including, but not limited to, expenses for moving and temporary storage of household furnishings, additional expenses in connection with the purchase or rental of a dwelling for alternative accommodations, and reasonable attorneys' fees and costs.

(7) Recommending compensatory damages, as appropriate, or recommending and award of compensatory damages against the respondent in any court proceedings.

(8) Assessing civil penalties,as appropriate and permitted by applicable law.

(9) Directing the respondent to comply with such other and further relief as the Commission may deem appropriate for enforcement of this Chapter.

(c) The Fair Housing Review Commission shall make a final administrative disposition of the complaint within 1 year after the complaint has been filed, unless it is impracticable to do so, in which case the complainant and the respondent shall be notified in writing of the reasons why disposition of the complaint can not be made within the time prescribed.

(d) Nothing herein shall be construed to prevent the City from initiating appropriate court action on behalf of the complainant in order to enforce the provisions of this Chapter. In addition, upon a finding by the Law Director that there are reasonable grounds to believe that a violation of Section 862.04 of this Chapter has occurred, as provided in Section 862.10 of this Chapter, either the complainant or the respondent, in lieu of participating in the administrative hearing process before the Fair Housing Review Commission, or at any time during said administrative process, may elect to have the case heard in a civil action. Upon notification thereof , the Commission shall recommend to the City that it initiate a civil action in a court of law on behalf of the complainant.

(e) The complainant and the respondent shall have the right to appeal an adverse final determination by the Commission to the Medina County Court of Common Pleas pursuant to Ohio R.C. Chapter 2506 or in such other forum or court of competent jurisdiction as provided by law.

862.16 JUDICIAL RELIEF.

The City, or the complainant or any person actually aggrieved by a violation of any provision of this Chapter may, at any time within 1 year of the date of the alleged violation, and in lieu of proceeding with the administrative process set forth in this Chapter, apply to any court of competent jurisdiction for appropriate relief.

862.17 ADDITIONAL REMEDIES.

This Chapter shall not prevent the City or any person from exercising any right or seeking any remedy to which that person might otherwise be entitled or from filing any complaint with any other agency or court of law or equity.

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. 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: 02/13/2017

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. 12-17 -** An emergency resolution authorizing the Ohio Department of Transportation to reconstruct a portion of North Carpenter Road located in the City of Brunswick - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

BACKGROUND: New legislation request.

PURPOSE AND EXPLANATION: The purpose of the project is to reconstruct 2.06 miles of North Carpenter Road from 0.54 miles north of Center Road (SR 303) to Boston Road in the City of Brunswick and Brunswick Hills Township. The project will be a total reconstruction of North Carpenter Road including new pavement, curbs, sidewalks, storm sewers, and adjustments to vertical alignment. The project is design-build, which means the contractor is given the scope of work and will need to prepare detailed design plans as part of the construction project after the contract is awarded.

IMPLEMENTATION SCHEDULE: Construction is tentatively scheduled to begin in the spring/summer of 2018. The time frame for the project is contingent on a State Infrastructure Bank (SIB) loan being approved for the project's Federal funding share.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The project is being funded with 80% Federal dollars by the Northeast Ohio Areawide Coordinating Agency (NOACA). The remaining 20% local share will be split between the City of Brunswick (78.3% of local share) and Medina County (21.7% of local share). ODOT'S preliminary cost estimate for the City's share of the project is $1,925,000 for construction and $54,000 for construction engineering (inspection).

As a result of the City's multi-year capital set aside program and capital budget plan, the City has sufficient funds to cover the estimated local cost share for this project.

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 requested that legislation is passed by emergency measure with suspension of the rules for the immediate preservation of the public peace, property, health, safety, or welfare, and so that the legislation will be enacted by ODOT's March 10, 2017 deadline.

ADDITIONAL INFORMATION:

OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 3 • 906 CLARK AVE • ASHLAND, OHIO 44805 • (800) 276-4188

JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR • HOWARD P. HUEBNER, DISTRICT DEPUTY DIRECTOR

January 13, 2017

Ron Falconi, Mayor
City of Brunswick
4095 Center Road
Brunswick, OH 44212

RE: PID 14821 MED N Carpenter Rd

Dear Mayor,

Enclosed are two (2) copies of an ordinance/resolution form, to be enacted by City Council for the referenced project.

Please make arrangements to have the ordinance forms presented to the City Council for consideration and when enacted, **return two (2) original signature copies to this office by March 10, 2017**. An original signature copy will be returned to the City with a signature of the Director of ODOT affixed.

If the City does not have an official seal, please attach a copy of a statement to that effect to the return transmittal.

Please call this office at 419.207.7065 if you have any questions.

Respectfully,

Mike Schafrath

Mike Schafrath, PE
District Work Plan Coordinator

Enclosures

cc: project file, reading file

RECEIVED
JAN 26 2017
CITY OF BRUNSWICK

PRELIMINARY LEGISLATION

Ordinance/Resolution No. _____

PID No. 14821

Project Name MED N Carpenter Road

The following _____ enacted by the *City of Brunswick* of Medina *County*, Ohio,
(Ordinance/Resolution)
hereinafter referred to as the City, in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the State has identified the need for the described project:

The purpose of the project is to reconstruct 2.06 miles of North Carpenter Road from 0.54 miles north of State Route 303 to Boston Road. The project is located in the City of Brunswick and Brunswick Hills Township, Medina County, Ohio.

The project will be a total reconstruction of North Carpenter Road including new pavement, curbs, sidewalks, storm sewers and adjustments to vertical alignment. The project is design build which means the contractor is given the scope of work and will need to prepare detail design plans as part of the construction project after the contract is awarded.

Construction is tentatively scheduled to begin in the spring/summer of 2018.

NOW THEREFORE, be it ordained by the *City of Brunswick* of *Medina County*, Ohio.

SECTION II - Consent Statement

Being in the public interest, the City gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The City shall cooperate with the Director of Transportation, for the portion of this project within the Brunswick Corporation limit, as follows:

1) *A SIB loan has not been approved yet for NOACA's Federal share. If this happens, NOACA agrees to assume and bear eighty percent (80%) of the roadway design, construction and construction engineering costs. The City agrees to assume and bear twenty percent (20%) of the roadway design, construction and construction engineering costs;*

2) *A SIB loan has not been approved yet for NOACA's Federal share. If this happens, NOACA agrees to assume and bear eighty percent (80%) of the*

SECTION III - Cooperation Statement continued.

roadway design, construction and construction engineering costs. The County agrees to assume and bear twenty percent (20%) of the roadway design, construction and construction engineering costs;

3) *Local Cost Shares will be based on ratio of roadway frontage within each political entity along North Carpenter Road within the project area. The North Carpenter Road frontage ratio is currently measured by GIS data as 78.3% city and 21.7% County;*

4) *The city agrees to act as lead agent and contract authority for Medina County;*

5) *A preliminary cost estimate for the city's share of this project is $1,925,000 for construction costs and $54,000 for construction engineering (inspection).*

SECTION IV - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the City shall:

1) Provide adequate maintenance for the described Project in accordance with all applicable state and federal law;

2) Provide ample financial provisions, as necessary, for the maintenance of the described project;

3) Maintain the right-of-way, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes.

PID No. 14821
Project Name MED N Carpenter Rd

SECTION V – Utilities and Right-of-Way Statement

The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Passed: _____, 20____.
(Date)

Attested: _____ _____
(Clerk) (Officer of City - title)

Attested: _____ _____
(Title) (President of Council)

This _____ is hereby declared to be an emergency measure to expedite the highway
(Ordinance/Resolution)
project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PID No. 14821

Project Name MED N Carpenter Rd

CERTIFICATE OF COPY
STATE OF OHIO

City of Brunswick of *Medina County*, Ohio

I, _____, as Clerk of the *City of Brunswick* of *Medina County*, Ohio,

Do hereby certify that the foregoing is a true and correct copy of _____ adopted by
(Ordinance/Resolution)

the legislative Authority of the said *City of Brunswick* on this ____ day of _____, 20___,

that the publication of such _____ has been made and certified of record according to
(Ordinance/Resolution)

law; that no proceedings looking to a referendum upon such _____ have been taken;
(Ordinance/Resolution)

and that such _____ and certificate of publication thereof are of record in
(Ordinance/Resolution)

_____, Page _____.
(Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this ____ day of _____, 20___,

(SEAL)
(If Applicable)

_____
Clerk Signature
City of Brunswick of *Medina County*, Ohio.

The foregoing is accepted as a basis for proceeding with the project herein described.

For the *City of Brunswick* of *Medina County*, Ohio

Attest: _____ _____, Date _____
Contractual Officer

****

For the State of Ohio

Attest: _____ _____, Date _____
Director, Ohio Department of Transportation

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE OHIO DEPARTMENT OF TRANSPORTATION TO RECONSTRUCT A PORTION OF NORTH CARPENTER ROAD LOCATED IN THE CITY OF BRUNSWICK.

WHEREAS: The Ohio Department of Transportation ("ODOT") intends to reconstruct a 2.06 mile portion of North Carpenter Road located in the City of Brunswick and Brunswick Hills Township, including, without limitation, new pavement, curbs, sidewalks, storm sewer and adjustments to vertical alignment (the "Project");

WHEREAS: The portion of the Project located in the City is currently estimated at 78.3%, with the remaining 21.7% located in Brunswick Hills Township;

WHEREAS: The preliminary cost estimate for the City's share of the portion of the Project located in the City is $1,925,000.00 for construction costs and $54,000.00 for engineering and inspection costs; and

WHEREAS: The Project is tentatively scheduled for the 2018 construction season and ODOT has requested that authorizing legislation be returned by March 10, 2017 to expedite the Project.

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

SECTION 1: Being in the public interest and subject to approval of a SIB Loan for NOACA's federal share of the Project, the City hereby authorizes ODOT to complete the portion of the Project located in the City and shall cooperate with ODOT as follows:

(a) ODOT/NOACA agrees to assume and bear 80% of the design, construction, engineering and inspection costs of the Project;
(b) The City agrees to assume and bear 20% of the design, construction, engineering and inspection costs of the portion of the Project located in the City;
(c) Medina County agrees to assume and bear 20% of the design, construction, engineering and inspection costs of the portion of the Project located in the Township;
(d) The City shall act as lead agent and contracting authority for Medina County;

SECTION 2: Upon completion of the Project, and unless otherwise agreed, the City shall:

(a) Provide adequate maintenance for the portion of the Project located

in the City in accordance with all applicable State and federal law;

(b) Provide ample financial provisions, as necessary, for the maintenance of the portion of the Project located in the City; and

(c) Maintain the right-of-way of the portion of the Project located in the City, keeping it free of obstructions and hold said right-of-way inviolate for public highway purposes.

SECTION 3: The City agrees to be responsible for all utility accommodation, relocation and reimbursement for the portion of the Project located in the City and agrees that all such accommodations, relocations and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 4: That the City Manager is hereby authorized and directed, upon approval of the Law Director, to enter into any other documents with ODOT as necessary to complete the above-described Project.

SECTION 5: 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 ODOT has requested that authorizing legislation be returned by March 10, 2017 to expedite the Project. Therefore the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading_____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

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

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 12-17

BY: Mr. Salzgeber, Mr. Hanek and Mr. Ousley

AN EMERGENCY RESOLUTION AUTHORIZING THE OHIO DEPARTMENT OF TRANSPORTATION TO RECONSTRUCT A PORTION OF NORTH CARPENTER ROAD LOCATED IN THE CITY OF BRUNSWICK.

WHEREAS: The Ohio Department of Transportation ("ODOT") intends to reconstruct a 2.06 mile portion of North Carpenter Road located in the City of Brunswick and Brunswick Hills Township, including, without limitation, new pavement, curbs, sidewalks, storm sewer and adjustments to vertical alignment (the "Project");

WHEREAS: The portion of the Project located in the City is currently estimated at 78.3%, with the remaining 21.7% located in Brunswick Hills Township;

WHEREAS: The preliminary cost estimate for the City's share of the portion of the Project located in the City is $1,925,000.00 for construction costs and $54,000.00 for engineering and inspection costs; and

WHEREAS: The Project is tentatively scheduled for the 2018 construction season and ODOT has requested that authorizing legislation be returned by March 10, 2017 to expedite the Project.

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

SECTION 1: Being in the public interest and subject to approval of a SIB Loan for NOACA's federal share of the Project, the City hereby authorizes ODOT to complete the portion of the Project located in the City and shall cooperate with ODOT as follows:

(a) ODOT/NOACA agrees to assume and bear 80% of the design, construction, engineering and inspection costs of the Project;
(b) The City agrees to assume and bear 20% of the design, construction, engineering and inspection costs of the portion of the Project located in the City;
(c) Medina County agrees to assume and bear 20% of the design, construction, engineering and inspection costs of the portion of the Project located in the Township;
(d) The City shall act as lead agent and contracting authority for Medina County;

SECTION 2: Upon completion of the Project, and unless otherwise agreed, the City shall:

(a) Provide adequate maintenance for the portion of the Project located

in the City in accordance with all applicable State and federal law;

(b) Provide ample financial provisions, as necessary, for the maintenance of the portion of the Project located in the City; and

(c) Maintain the right-of-way of the portion of the Project located in the City, keeping it free of obstructions and hold said right-of-way inviolate for public highway purposes.

SECTION 3: The City agrees to be responsible for all utility accommodation, relocation and reimbursement for the portion of the Project located in the City and agrees that all such accommodations, relocations and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 4: That the City Manager is hereby authorized and directed, upon approval of the Law Director, to enter into any other documents with ODOT as necessary to complete the above-described Project.

SECTION 5: 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 ODOT has requested that authorizing legislation be returned by March 10, 2017 to expedite the Project. Therefore the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading_____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

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

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 02/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 13-17 -** A Resolution authorizing the City Manager to enter into a grant agreement with Engelke Construction Solutions, LLC - **1st Reading** (To be brought from Economic Development, *Administration/Grant Aungst*)

BACKGROUND: City Administration has been in discussions with the new purchaser of an existing building in the City's industrial park regarding relocating the business to the City and potential upgrades to the existing structure and site, including additional staffing. Discussions involve economic development incentives that may be available.

PURPOSE AND EXPLANATION: The City has in place an economic development program to promote the creation of jobs and stimulate economic growth. As part of the agreement, the City shall provide Engelke Construction Solutions, LLC, with an annual grant in an amount equal to 100% of Municipal Income Tax Receipts, as defined in the agreement, upon annual employee payroll performed in the City per Ohio Revised Code Section 718.02(A)(2) between $3,000,000.00 and $4,500,000.00. No grant shall be paid from Municipal Income Tax Receipts on employee payroll less than $3,000,000.00 or greater than $4,500,000.00, i.e, the maximum annual grant amount payable shall not exceed Municipal Income Tax Receipts on $1,500,000.00 of employee payroll. In order to receive and retain the grant for a maximum of five years, Engelke shall retain a business operation in the City, currently located or to be located at 2927 Nationwide Parkway, Brunswick, Ohio 44212 for a minimum period of ten (10) years.

IMPLEMENTATION SCHEDULE: Estimated January 1, 2018

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Fiscal approval for this agreement and each applicable year will be done through an annual purchase order, subject to Council's appropriation and the applicable tax rate in existence at the time. The estimated $27,750 amount for the completed year of 2018 is the calculated not to exceed maximum amount for the first year of the agreement provided all applicable conditions in the agreement are met, tax rates remain the same and sufficient appropriations have been passed by Council.

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:

GRANT AGREEMENT

THIS GRANT AGREEMENT (the "Agreement") is entered into by and between the City of Brunswick, Ohio, a municipal corporation duly organized and validly existing under the Constitution and laws of the State of Ohio (the "City"), and Engelke Construction Solutions LLC, an Ohio limited liability company ("ECS").

RECITALS:

WHEREAS, in accordance with applicable Ohio law as detailed in Ohio Revised Code Sections 718.15 and/or 718.151, as may be amended from time to time, the City has developed a program to promote the creation of jobs and stimulate economic development in the City; and

WHEREAS, the City hereby enters into this Agreement to promote the creation of jobs and stimulate economic development in the City.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and intending to be legally bound, the Parties hereto agree as follows:

A. ECS – Representations, Covenants and Warranties.

1) In order to receive and retain the Grant as described in Section B below, ECS shall retain a business operation in the City, currently located or to be located at 2927 Nationwide Parkway, Brunswick, Ohio 44212 (the "Premises"), for a minimum period of ten (10) years commencing on the date that ECS commences business operations at the Premises (the "Commencement Date") and maintain a minimum annual employee payroll performed in the City per Ohio Revised Code Section 718.02(A)(2) of $3,000,000.00 during such ten (10) year period. If ECS relocates its business operations outside of the corporate limits of the City prior to the expiration of such ten (10) year period or fails to maintain a minimum annual

9

employee payroll performed in the City per Ohio Revised Code Section 718.02(A)(2) of $3,000,000.00 during such ten (10) year period, any and all Grant amounts provided pursuant to this Agreement shall be deemed refundable and ECS shall repay the City the full amount of all Grants received hereunder promptly upon written notice from the City.

2) If at any time during the term of this Agreement, ECS or any employees of ECS were to file and receive a tax refund on any payroll previously taxed by the City pursuant to this Agreement, ECS shall be required to repay, promptly upon written notice from the City, the Grant amount equal to the tax refund issued.

B. Grants.

1) The City shall provide ECS with an annual grant (the "Grant") in an amount equal to 100% of Municipal Income Tax Receipts, as defined hereinbelow, upon annual employee payroll performed in the City per Ohio Revised Code Section 718.02(A)(2) between $3,000,000.00 and $4,500,000.00. No Grant shall be paid from Municipal Income Tax Receipts on employee payroll less than $3,000,000.00 or greater than $4,500,000.00, i.e., the maximum annual Grant amount payable to ECS shall not exceed Municipal Income Tax Receipts on $1,500,000.00 of employee payroll. Such Grant shall be payable solely from City Non-Tax Revenues, as defined hereinbelow.

"Municipal Income Tax Receipts", as used herein, means the municipal income taxes actually received by the City during the twelve (12) month period commencing on the Commencement Date, and each twelve (12) months thereafter for the term of this Agreement, derived from the employees performing services in

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the City of ECS.

"Non-Tax Revenues", as used herein, means all moneys of the City which are not moneys raised by taxation, to the extent available for the purpose of making any payments required hereunder, including, but not limited to, the following: (a) grants from the United States of America and the State of Ohio; (b) payments in lieu of taxes now or hereafter authorized by State statute to the extent not pledged to pay debt charges on other City indebtedness; (c) fines and forfeitures which are deposited in the City's General Fund; (d) fees deposited in the City's General Fund for services provided and from properly imposed licenses and permits; (e) investment earnings on the City's General Fund; (f) investment earnings on other funds of the City that are credited to the City's General Fund; (g) proceeds from the sale of assets which are deposited in the City's General Fund; (h) gifts and donations; and (i) all rental payments which are deposited in the City's General Fund.

Nothing herein shall be construed as requiring the City to use or apply to the payment of its obligation hereunder any funds or revenues from any source other than Non-Tax Revenues; provided, however, that nothing herein shall be deemed to prohibit the City, at its sole discretion, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Agreement. The obligation to make any Grant hereunder shall terminate immediately if ECS ceases business operations within the corporate limits of the City or otherwise fails to fulfill its obligations under this Agreement.

2) The annual Grant set forth above shall continue for a period of five (5) consecutive twelve (12) month periods from the Commencement Date unless earlier terminated as set forth in this Agreement.

3) The Grant required hereunder shall be made to ECS upon the occurrence of the following: (a) the City's actual receipt of Municipal Income Tax Receipts; (b) the City's actual receipt of all necessary municipal tax returns from ECS; and (c) the City's receipt, review and approval of any requested supporting documentation as required herein.

Any Grant payment required hereunder shall made by check payable to ECS, to be forwarded by regular U.S. mail within ninety (90) days of payment and filing all necessary municipal tax returns and forms with the City for the subject twelve (12) month period, to the notice address provided in Section C below, as may be updated by written notice to the City from time to time.

C. Additional Covenants and General Conditions.

1) This Agreement is specifically conditioned upon enactment by the Brunswick City Council of a Resolution approving this Agreement.

2) ECS may not assign its rights under this Agreement without the express written consent of the City.

3) ECS agrees to provide the City with information reasonably requested by the City to evaluate ECS's compliance with this Agreement and to calculate the amount due hereunder.

4) A notice, demand, or other communication that may be provided or is otherwise

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required under this Agreement shall be sufficiently given or delivered if it is mailed by registered or certified mail, postage prepaid, return receipt requested, or delivered personally as follows:

To the City:

City of Brunswick
Attn: City Manager
Brunswick City Hall
4095 Center Road
Brunswick, OH 44212

To ECS:

Engelke Construction Solutions LLC
2927 Nationwide Parkway
Brunswick, Ohio 44212

5) This Agreement shall be governed exclusively by and construed in accordance with the laws of the State of Ohio.

6) This Agreement may be executed in several counterparts, each of which shall be deemed to be an original but altogether shall constitute only one and the same instrument. Signatures or counterparts delivered by email, facsimile or other electronic means shall be deemed binding originals.

[SIGNATURE PAGE TO FOLLOW]

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WHEREFORE, the Parties hereto have caused this Grant Agreement to be executed as of the dates indicated below.

CITY OF BRUNSWICK, OHIO

Carl S. DeForest, Acting City Manager

Date:_____

ENGELKE CONSTRUCTION SOLUTIONS LLC

Eric Engelke, Managing Member

Date: 1-20-17

Approved as to form:

Kenneth J. Fisher, Law Director

Date:_____

This Grant Agreement has been approved by Brunswick City Council per Resolution No. _____ adopted on _____, _____, 2017.

Barbara Ortiz, Clerk of Council

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH ENGELKE CONSTRUCTION SOLUTIONS LLC.

WHEREAS: In accordance with applicable Ohio law, the City has developed a program to promote the creation of jobs and stimulate economic development in the City;

WHEREAS: The City is desirous of entering into a Grant Agreement with Engelke Construction Solutions LLC to promote the creation of jobs and stimulate economic development in the City.

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

SECTION 1: That the City Manager, upon approval of the Law Director, is authorized and directed to enter into the Grant Agreement with Engelke Construction Solutions LLC, as attached hereto as Exhibit "A".

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_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 13-17

BY: Mr. Johnson, Mrs. Hanek and Mr. Abella

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH ENGELKE CONSTRUCTION SOLUTIONS LLC.

WHEREAS: In accordance with applicable Ohio law, the City has developed a program to promote the creation of jobs and stimulate economic development in the City;

WHEREAS: The City is desirous of entering into a Grant Agreement with Engelke Construction Solutions LLC to promote the creation of jobs and stimulate economic development in the City.

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

SECTION 1: That the City Manager, upon approval of the Law Director, is authorized and directed to enter into the Grant Agreement with Engelke Construction Solutions LLC, as attached hereto as Exhibit "A".

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_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barb Ortiz

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 02/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager
Todd Fischer

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 14-17** - An emergency Ordinance to transfer and advance funds **- 1st Reading** (Finance Committee, *Administration/Todd Fischer*)

BACKGROUND: In order to comply with the Ohio Revised Code Section 5705 transfers and advances may become necessary as certain financial situations arise. Transfers and Advances may also occur as a result of the City's Fund Balance Reserve Policy passed by Council via Ordinance #96-12. A transfer is the permanent movement of money from one fund to another. An advance is the temporary movement of money from one fund to another fund that will be repaid upon the completion of an anticipated event. The process of transferring and advancing funds is required by law in certain financial situations and is audited under the direction of the Auditor of State for compliance every year. Transfers and Advance legislation is generally presented two to three times a year or more, if deemed necessary.

PURPOSE AND EXPLANATION: In order to comply with the Ohio Revised Code Section 5705 transfers and advances may become necessary as certain financial situations arise. Transfers and Advances may also occur as a result of the City's Fund Balance Reserve Policy passed by Council via Ordinance #96-12. A transfer is the permanent movement of money from one fund to another. An advance is the temporary movement of money from one fund to another fund that will be repaid upon the completion of an anticipated event. The process of transferring and advancing funds is required by law in certain financial situations and is audited under the direction of the Auditor of State for compliance every year. Transfers and Advance legislation is generally presented two to three times a year or more, if deemed necessary.

IMPLEMENTATION SCHEDULE: Discuss at the February 7, 2017 Finance Committee meeting and move to the February 13, 2017 Council agenda as an emergency with suspension of the rules.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Transfers and advances do not have a financial impact on the City funds as a collective whole. Transfers and advances are merely the movement of money from one fund to another and are defined in the Ohio Revised Code Section 5705 and in the Auditor of State Compliance Supplement.

Transfers and advances are required to be included in the City's adopted budget and are also required to be approved by City Council.

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?

Recommended approval as an emergency with suspension of the rules. Emergency clause necessary to allow funding to be in place to administer plans and/or purchase orders for various projects, grants, etc.

ADDITIONAL INFORMATION: None.

CITY OF BRUNSWICK, OHIO
ORDINANCE NUMBER 14-17

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

AN EMERGENCY ORDINANCE TO TRANSFER AND ADVANCE FUNDS

WHEREAS: The City of Brunswick wishes to transfer funds from the General Fund #001 to the Road Capital Projects Fund #333 in order to set aside additional funds for the planned Grafton Road Phase IV and Sky View Drive Reconstruction Projects and other road improvement or maintenance projects.

WHEREAS: The City of Brunswick wishes to transfer funds from the General Fund #001 to the Road Capital Projects Fund #333 to designate video service provider fees per Resolution #49-12 and other available monies towards road improvements.

WHEREAS: The City of Brunswick wishes to transfer funds from the General Fund #001 to the Capital Projects Improvement Fund #300 for various capital improvements as determined or may be authorized by Council.

WHEREAS: The City of Brunswick wishes to transfer funds from the General Fund #001 to the Recreation Center Fund #131 to cover anticipated senior citizen contractual expenses provided by Medina County.

WHEREAS: The City of Brunswick wishes to return previously advanced monies from the Road Levy Improvement Fund (#332) to the General Fund #001 since the 2016 road levy projects are near completion.

WHEREAS: The City of Brunswick wishes to return previously advanced monies from the Department of Justice Federal Grant Fund (#129) to the General Fund #001 since the 2016 OVI and other Department of Justice Grants were completed.

WHEREAS: The City of Brunswick wishes to advance monies from the General Fund #001 to the Road Levy Improvement Fund #332 to allow for a neighborhood road improvement program to occur during the upcoming construction season versus otherwise waiting for all levy proceeds to be received.

WHEREAS: The City of Brunswick wishes to advance monies from the General Fund #001 to OPWC Grafton Road Improvement Fund #368 to temporarily fund the anticipated Grafton Road OPWC improvement phase IV program until the OPWC grant reimbursements are received.

CITY OF BRUNSWICK, OHIO
ORDINANCE NUMBER 14-17

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the following funds are hereby transferred:

FROM: General Fund (#001)
TO: Road Capital Projects Fund (#333)
AMOUNT: $1,495,053.00

FROM: General Fund (#001)
TO: Capital Projects Improvement Fund (#300)
AMOUNT: $203,943.00

FROM: General Fund (#001)
TO: Recreation Center Fund (#131)
AMOUNT: $18,000.00

SECTION 2: That the following funds are hereby advanced:

FROM: Road Levy Improvement Fund (#332)
TO: General Fund (#001)
AMOUNT: $600,000.00

FROM: Department of Justice Federal Grant Fund (#129)
TO: General Fund (#001)
AMOUNT: $83,852.00

FROM: General Fund (#001)
TO: Road Levy Improvement Fund (#332)
AMOUNT: $800,000.00

FROM: General Fund (#001)
TO: OPWC Grafton Road Improvement Fund (#368)
AMOUNT: $610,000.00

SECTION 3: This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, welfare, and providing for the usual daily operation of a municipal department, and for the further reason that proper funding sources be transferred and advanced. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

CITY OF BRUNSWICK, OHIO

ORDINANCE NUMBER 14-17

PASSED: _____

Rules Suspended: AYES NAYS

ADOPTED: _____ AYES _NAYS

ATTEST: _____

Clerk of Council, Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 02/13/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager
Todd Fischer

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 15-17** - An emergency Ordinance amending Ordinance #84-16 to include amendments to the appropriations budget for the year ending December 31, 2017 as incorporated in Exhibit A attached hereto**- 1st Reading** (Finance Committee, *Administration/Todd Fischer*)

BACKGROUND: In order to comply with the Ohio Revised Code Section 5705 any and all activity of the City must be included in the budget. As actual information is obtained and compared to estimates or new items are requested to be added or deleted by the respective departments, it is necessary and required to present the proposed budget amendments to Council for approval. This process is required by law and audited under the direction of the Auditor of State for compliance every year.

PURPOSE AND EXPLANATION: See fiscal section and related attachments for additional information.

IMPLEMENTATION SCHEDULE: Discuss at the February 7, 2017 Finance Committee meeting and move to the February 13, 2017 Council agenda as an emergency with suspension of the rules.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The total financial impact of this legislation is a net increase to the overall City appropriation budget by $2,517,011.78. $1,652,076.65 of the proposed increases contained in the related exhibits relate to transfers and advances only. The transfers and advances are associated with designating financial resources for 2017 or future capital improvements or to retire debt obligations on capital improvements in accordance with the City's fund balance reserve policy or State law. Transfers and Advances are merely a movement of money from one fund to another and are not expenditure of funds. The most significant remaining items relating to net increase are:1) an additional $557,845 in funds to expand the Grafton Road Phase IV reconstruction project for an additional1300 feet to go all the way to Pearl Road vrs the original plan to stop at Judy Lane. The City currently anticipates receiving a $610,000 in "free" grant dollars from OPWC to help fund this project to reduce the financial burden on our own taxpayers; 2) Reappropriate an additional $356,183 for storm water funds for projects in 2017, which represents the unspent appropriations for stormwater projects and contractual services from 2016 & 3) net reduction and reallocations in appropriations relating to the bus merger with Medina County that was not known at the time the original budget was

approved and 4) $45,000 for Network and Microsoft Office updates. This project was delayed and originally budgeted in 2016. All other items are less significant but detailed out in the attached Exhibits.

Exhibit A is the legal document required to be reviewed and adopted by Council pursuant to Ohio Revised Code Section 5705 for these budget amendments to be adopted.

Exhibit B is provided for informational and review purposes only. This document lists out the explanations and amounts for each proposed budget amendment.

It's important to note that this legislation only has budgetary impact and actual expenditures or transfers of City funds and approvals of those expenditures or transfers are still subject to state and local laws.

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?

Recommended approval as an emergency with suspension of the rules. The emergency clause is necessary in order to remain in compliance with the Ohio Revised Code, allow for the daily operations of the City of Brunswick to continue without interruptions, and to keep the budget as up-to-date as possible in order to provide accurate accountability to the City's financial readers and interested parties.

ADDITIONAL INFORMATION:

EXHIBIT A

February 13, 2017

Fund Number	Fund Name / Department	Personal Service	Other	Total
General Fund				
001	General Fund			
	City Council	176,035.00	84,984.13	$ 261,019.13
	Mayor	93,349.65	85,985.70	$ 179,335.35
	City Manager	166,063.00	129,809.09	$ 295,872.09
	Information Technologies	179,995.00	255,412.92	$ 435,407.92
	Engineering	21,208.00	308,671.00	$ 329,879.00
	Building Department	268,817.00	189,674.22	$ 458,491.22
	Cemetery Maintenance	-	15,850.00	$ 15,850.00
	Janitorial Contract	-	17,503.50	$ 17,503.50
	City Hall Building & Grounds	15,861.00	48,982.00	$ 64,843.00
	Administrative Services	90,653.00	57,953.09	$ 148,606.09
	Economic Development	98,942.00	128,777.00	$ 227,719.00
	Animal Control	65,636.00	58,445.03	$ 124,081.03
	Law Department	167,589.00	283,188.00	$ 450,777.00
	Finance Department	222,738.00	194,993.63	$ 417,731.63
	Income Tax Department	178,295.00	169,074.00	$ 347,369.00
	Parks & Recreation Director	81,390.00	57,061.00	$ 138,451.00
	General Fund Administration	-	889,393.50	$ 889,393.50
	Development Director & CBO	42,425.00	104,121.99	$ 146,546.99
	Board of Building Appeals	344.00	1,215.00	$ 1,559.00
	Board of Zoning Appeals	2,416.00	4,649.00	$ 7,065.00
	Board of Civil Service	12,841.00	38,530.00	$ 51,371.00
	Board of Ethics	2,840.00	2,005.00	$ 4,845.00
	Board of Commemorative Affairs	-	14,000.00	$ 14,000.00
	General Fund Transfers / Advances	-	17,811,087.11	$ 17,811,087.11
001	Total General Fund	$ 1,887,437.65	$ 20,951,365.91	$ 22,838,803.56
Special Revenue Funds:				
110	Court Computerization Fund	9,459.00	16,616.32	$ 26,075.32
114	Police Wages Fund	4,035,771.00	3,927,385.48	$ 7,963,156.48
115	Fire Fund	2,201,121.00	2,287,425.51	$ 4,488,546.51
117	Street Repair & Maintenance Fund	1,028,941.00	1,861,275.99	$ 2,890,216.99
118	State Highway Fund	-	123,050.00	$ 123,050.00
119	Law Enforcement Fund	-	5,165.00	$ 5,165.00
120	Brunswick Transit Alternative (BTA) Fund	-	154,764.39	$ 154,764.39
121	RLF / CDBG Fund	-	-	$ -
123	Brunswick Area Television (BAT) Fund	163,189.00	186,618.00	$ 349,807.00
127	Parks Fund	195,570.00	405,151.00	$ 600,721.00
129	Department of Justice Federal Grant Fund	-	93,938.82	$ 93,938.82
130	DUI Enforcement & Education Fund	-	3,500.00	$ 3,500.00
131	Recreation Center Fund	507,476.00	697,294.64	$ 1,204,770.64
132	CHIP Grant Fund (CDBG)	-	-	$ -
Enterprise Funds:				
223	Refuse Fund	56,659.00	2,255,287.00	$ 2,311,946.00
224	Storm Water Management Fund	29,416.00	1,766,584.24	$ 1,796,000.24
Capital Improvement Funds:				
300	General Permanent Improvement Fund	-	453,950.00	$ 453,950.00
332	Road Levy Fund	-	2,362,127.34	$ 2,362,127.34
333	Road Improvement Fund	-	3,391,760.08	$ 3,391,760.08
334	Traffic Control Fund	-	-	$ -
335	Public Square Fund	-	-	$ -
337	EPA Grant Fund	-	133,214.20	$ 133,214.20
339	Fire Improvement Fund	-	-	$ -

341	Park Improvement Fund	-	80,000.00	$	80,000.00
345	Ohio Environmental Infrastructure Grant Fund	-	48,401.54	$	48,401.54
347	North Carpenter Road Improvement Fund	-	493,567.88	$	493,567.88
348	Boston Road Improvement Fund	-	93,519.24	$	93,519.24
360	Brunswick Lake Improvement Fund	-	352,471.16	$	352,471.16
367	OPWC Hadcock Rd Reconstruction Fund	-	680,090.23	$	680,090.23
368	OPWC Grafton Road Improvement Fund	-	1,220,000.00	$	1,220,000.00
369	OPWC Center Road Resurfacing Fund	-	256,986.48	$	256,986.48
Debt Service Funds:					
771	General Obligation Bond Retirement Fund	-	-	$	-
780	Special Assessment BRF: Grafton Phase III	-	3,077.00	$	3,077.00
781	Special Assessment BRF: South Industrial Parkway	-	103,189.00	$	103,189.00
782	Special Assessment BRF: Laurel Road (2006)	-	46,487.50	$	46,487.50
783	Special Assessment BRF: Brunswick Lake - Dam	-	18,948.81	$	18,948.81
784	Special Assessment BRF: Brunswick Lake - Dredging	-	11,826.18	$	11,826.18
Agency Funds:					
881	General Trust Agency Fund	-	500,000.00	$	500,000.00
882	Unclaimed Money Agency Fund	-	20,000.00	$	20,000.00
885	Flexible Spending Agency Fund	-	100,000.00	$	100,000.00
886	Non-Residential 3% Building Permit Agency Fund	-	10,000.00	$	10,000.00
887	Residential 1% Building Permit Agency Fund	-	10,000.00	$	10,000.00
			Grand Total	$	55,240,078.59

City of Brunswick, Finance Office

"Exhibit B" : Schedule of Amendments to the Permanent Budget #1 - For informational purposes only

For the Budget Year Ending December 31, 2015

2/13/2017

Fund Name / Account Name	Account Number	Appropriation Adjustment Amount	Description
General (#001)			
SICK BUY BACK - COUNCIL	001-0100-52228	14.13	Adjust appropriations as original budget estimates by dept were slighlty off from calculated actuals. Net adjustments for all depts is a reduction.
CLERK OF COURTS PS	001-0200-51181	1,008.65	Update and adjust budget for Clerk of Court wage line.
DEFERRED COMP	001-0200-52222	50.44	Calculated and corresponding adjustment to the benefit lines for wage line adjustment above.
PERS	001-0200-52223	242.08	Calculated and corresponding adjustment to the benefit lines for wage line adjustment above.
MEDITAX	001-0200-52226	14.63	Calculated and corresponding adjustment to the benefit lines for wage line adjustment above.
SICK BUY BACK - MAYOR	001-0200-52228	10.29	Adjust appropriations as original budget estimates by dept were slighlty off from calculated actuals. Net adjustments for all depts is a reduction.
WORKER'S COMP - MAYOR	001-0200-52274	30.26	Calculated and corresponding adjustment to the benefit lines for requested wage line adjustment above.
CITY MANAGER PS	001-0300-51030	(8,141.00)	Estimated OPERS retirement calculation for Acting City Manager-covered by salary savings for City Manager position currently at Acting City Manager reduced rate.
SICK BUY BACK - CITY MANAGER	001-0300-52228	493.09	Adjust appropriations as original budget estimates by dept were slighlty off from calculated actuals. Net adjustments for all depts is a reduction.
RETIREMENT-LEAVE PAYOUT	001-0300-52280	8,141.00	Estimated OPERS retirement calculation for Acting City Manager - covered by salary savings for current full-time vacant City Manager position.
SICK BUY BACK - IT	001-0302-52228	(125.08)	Adjust appropriations as original budget estimates by dept were slighlty off from calculated actuals. Net adjustments for all depts is a reduction.
Capital Outlay	904-0302-56252	45,000.00	Network Office/Email update City-wide. Originally budgeted in 2016 but project was delayed.
SICK BUY BACK - BUILDING	001-0430-52228	(731.78)	Adjust appropriations as original budget estimates by dept were slighlty off from calculated actuals. Net adjustments for all depts is a reduction.
RET LEAVE PAYOUT	001-0461-52280	(7,859.66)	Adjust appropriations as original budget estimates by dept were slighlty off from calculated actuals. Net adjustments for all depts is a reduction.
SICK BUY BACK	001-0490-52228	(1,844.00)	Adjust appropriations as original budget estimates by dept were slighlty off from calculated actuals. Net adjustments for all depts is a reduction.
SICK BUY BACK - ANIMAL WARDEN	001-0540-52228	143.03	Adjust appropriations as original budget estimates by dept were slighlty off from calculated actuals. Net adjustments for all depts is a reduction.
ASST FINANCE DIRECTOR PS	001-0700-51041	12,485.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
LONGEVITY	001-0700-52002	100.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
DEFERRED COMP	001-0700-52222	625.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
PERS	001-0700-52223	3,207.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
MEDITAX	001-0700-52226	184.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
SICK BUY BACK - FINANCE	001-0700-52228	(76.37)	Adjust appropriations as original budget estimates by dept were slighlty off from calculated actuals. Net adjustments for all depts is a reduction.
WELLNESS	001-0700-52231	150.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
WORKER'S COMP - FINANCE	001-0700-52274	385.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
HOSPITALIZATION	001-0700-52275	4,667.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
INSURANCE	001-0700-54272	47.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
SICKBUY BACK - PARKS & REC DIR	001-0800-52228	(902.00)	Adjust appropriations as original budget estimates by dept were slighlty off from calculated actuals. Net adjustments for all depts is a reduction.
ASSOC., CONF., & TRAINING	001-0880-53258	24,000.00	Estimated Costs of $2,000/month for wellness program "to positively impact employees emotional and physical health through wellness initiatives."
SICK BUY BACK - COMM. DEV.	001-0900-52228	(175.01)	Adjust appropriations as original budget estimates by dept were slighlty off from calculated actuals. Net adjustments for all depts is a reduction.
TESTING	001-0930-54237	12,500.00	Civil Service Testing for Police Chief and Sergeants not included in the original budget but now necessary.
TRANSFER OUT TO FUND #333	001-0999-99909	1,318,344.00	Source of funds: returned advances to the GF that previously covered grants, including but not limited to FEMA, OVI, OPWC and Safe Community Grants. Request to use these same advances as a City match for road improvement projects in 2017 & after to coincide with newly anticipated grants, such as the anticipated July 2017 $610,000 OPWC grant for the estimated $Grafton Road reconstruction and/or other future grants for road improvements. The dedication of City $ towards a project helps the City score higher in receiving grant $.
TRANSFER OUT: CAPITAL IMPROV FUND #300	001-0999-99947	290,331.11	Inomce Tax collections from 2016 over and above fund balance reserve policy and not associated with previously returned advances as noted above. One-Time
General Fund Total		**1,702,317.81**	
Court Computer Fund (#110)			
SICK BUY BACK	110-0210-52228	(14.68)	Adjust appropriations as original budget estimates by dept were slighlty off from calculated actuals. Net adjustments for all depts is a reduction.
Court Computer Fund Total		**(14.68)**	
Police Fund (#114)			
LONGEVITY	114-0520-52002	1,000.00	Original longevity budget amount was underestimated by 2 Officers who became eligible in 2017 per CBA + the corresponding benefit withholdings required by law..
MEDITAX	114-0520-52221	14.50	Original longevity budget amount was underestimated by 2 Officers who became eligible in 2017 per CBA + the corresponding benefit withholdings required by law..

City of Brunswick, Finance Office

"Exhibit B" : Schedule of Amendments to the Permanent Budget #1 - For informational purposes only

For the Budget Year Ending December 31, 2015

2/13/2017

Fund Name / Account Name	Account Number	Appropriation Adjustment Amount	Description
POLICE & FIRE PENSION	114-0520-52227	317.50	Original longevity budget amount was underestimated by 2 Officers who became eligible in 2017 per CBA + the corresponding benefit withholdings required by law..
WORKER'S COMP	114-0520-52274	30.00	Original longevity budget amount was underestimated by 2 Officers who became eligible in 2017 per CBA + the corresponding benefit withholdings required by law..
DONATIONS - POLICE CAPITAL	961-0520-56253	495.21	To reapproriate $495.21 in donations received during 2016.
Police Fund Total		**1,857.21**	
Fire Fund (#115/952)			
SICK BUY BACK	115-0510-52228	(8,698.37)	Reduce appropriations as option was not selected by as many employees as anticipated. Net adjustments for all depts is a reduction.
CAPITAL OUTLAY-DONATIONS EAGLES	952-0510-56253	1,183.88	To reappropriate $538.67 in unspent donation appropriations in 2016 plus an additional $595.21 donations received during 2016 + $50 received on Jan 31, 2017.
Fire Fund Total		**(7,514.49)**	
Street R & M Fund (#117)			
SICK BUY BACK	117-0420-52228	(3,644.51)	Reduce appropriations as option was not selected by as many employees as anticipated. Net adjustments for all depts is a reduction.
REPAIR & MAINTENANCE	117-0420-54243	5,500.00	Estimated utilities for bus garage. Reallocation as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
Street R & M Fund Total		**1,855.49**	
BTA Fund (#120)			
ADMINISTRATION PS	120-0480-51005	(18,728.00)	Remove or reallocate applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
MECHANICS - LABOR	120-0480-51160	(10,735.00)	Remove or reallocate applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
LONGEVITY	120-0480-52002	(150.00)	Remove or reallocate applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
DEFERRED COMP	120-0480-52222	(937.00)	Remove or reallocate applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
PERS	120-0480-52223	(7,035.36)	Remove or reallocate applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
MEDITAX	120-0480-52226	(433.00)	Remove or reallocate applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
WORKER'S COMP	120-0480-52274	(904.00)	Remove or reallocate applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
HOSPITALIZATION	120-0480-52275	(7,033.58)	Remove or reallocate applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
REPAIR AND MAINTENANCE	120-0480-54243	(46,000.00)	Remove or reallocate applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
POSTAGE	120-0480-54246	(75.00)	Remove or reallocate applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
ADVERTISING AND PROMOTIONAL	120-0480-54255	(6,242.81)	Remove or reallocate applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
BTA OPERATIONS	120-0480-54260	(160,496.86)	Remove or reallocate applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
PHONE AND UTILITIES	120-0480-54270	(10,500.00)	Remove or reallocate applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
INSURANCE	120-0480-54272	(5,000.00)	Remove or reallocate applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
INCIDENTALS	120-0480-55239	(500.00)	Remove or reallocate applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
FUEL	120-0480-55300	(25,000.00)	Remove or reallocate applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
TRANSFER OUT	120-0480-99999	(5,000.00)	Remove or reallocate applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
BTA Fund Total		**(304,770.61)**	
Rec. Center Fund (#131)			
SALES TAX	131-0830-53228	(50.00)	Recreation Center's vendor license to sell merchandise no longer deemed necessary and has expired.
REPAIR AND MAINTENANCE	131-0830-54243	19,150.00	Non-routine repairs @ the Recreation Center not included in the budget needed in FY 17 - repairs to the gas lines, sprinkler system and outside lights.
UTILITIES & PHONE	131-0830-54270	11,000.00	3 months of estimated NYMEX market pricing for natural gas until the City's contract with State Coop program is executed & begins mid February 2017.
Rec. Center Total		**30,100.00**	
Refuse Fund (#223)			
SICK BUY BACK	223-0710-52228	3.00	Adjust appropriations as original budget estimates by dept were slighlty off from calculated actuals. Net adjustments for all depts is a reduction.
Total Refuse Fund		**3.00**	
Stormwater Management Fund (#224)			
ADMINISTRATION - BILLING	224-0420-51005	6,242.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
LONGEVITY	224-0420-52002	50.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
DEFERRED COMP	224-0420-52222	312.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
OPERS	224-0420-52223	1,603.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
MEDITAX	224-0420-52226	92.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
WELLNESS	224-0420-52231	75.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.

City of Brunswick, Finance Office

"Exhibit B" : Schedule of Amendments to the Permanent Budget #1 - For informational purposes only

For the Budget Year Ending December 31, 2015

2/13/2017

Fund Name / Account Name	Account Number	Appropriation Adjustment Amount	Description
WORKER'S COMP	224-0420-52274	193.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
HOSPITALIZATION	224-0420-52275	2,334.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
INSURANCE	224-0420-54272	23.00	Reallocated applicable appropriations as a result of the BTA merger with Medina County Public Transit - Res #101-16 approved Dec 27, 2016.
PROJ SET ASIDE (Grant matches) - No debt	224-0420-56000	356,183.00	Unspent stormwater project and contracted maintenance appropriation setasides from 2016 to be reappropriated and available in 2017 for projects.
Stormwater Management Enterprise Fund Total		**367,107.00**	
Capital Projects Improvement Fund (#300)			
CAPITAL BUILDING/PROPERTY IMPROVEMENTS	300-0522-56250	40,000.00	Replacement of antiquated sign board at Center and Pearl intersection.
Capital Projects Improvement Fund Total		**40,000.00**	
Road Levy Improvement Fund #332			
CONSTRUCTION	332-0473-56881	41,500.00	To appropriate combination of leftover unspent road levy property tax collections from 2016 + $20,900 increased property tax estimated colleections in 2017.
ENGINEERING/INSPECTION	332-0473-56883	10,324.51	To appropriate combination of leftover unspent road levy property tax collections from 2016 + $20,900 increased property tax estimated colleections in 2017.
COUNTY AUDITOR FEES	332-0880-54278	3,000.00	Increase YTD cost estimate to 2% of estimated collections to cover any anticipated Medina County Auditor collection fees.
Road Levy Improvement Fund Total		**54,824.51**	
Road Capital Projects Fund (#333)			
CONSTRUCTION - GRAFTON	333-0485-56881	452,450.00	Add 1300 feet to existing project to reconstruct Grafton Rd from Hadcock to Pearl Rd vs original plan from Hadcock to Judy Lane. Scope change needed for OPWC Grant
ENGINEERING/INSP - GRAFTON	333-0485-56883	60,150.00	Add 1300 feet to existing project to reconstruct Grafton Rd from Hadcock to Pearl Rd vs original plan from Hadcock to Judy Lane. Scope change needed for OPWC Grant
CONTINGENCY - GRAFTON	333-0485-56884	45,245.00	Add 1300 feet to existing project to reconstruct Grafton Rd from Hadcock to Pearl Rd vs original plan from Hadcock to Judy Lane. Scope change needed for OPWC Grant
Road Capital Projects Fund Total		**557,845.00**	
Ohio Environmental Improvement Programt Fed Grant Fund (#345)			
TRANSFER OUT TO DEBT SERVICE	345-0999-80180	48,401.54	Remaining unspent debt proceeds to be transferred to debt service fund per ORC 5705.14. Question posed to AOS on whether transfer should go to Stormwater D/S.
Total Ohio EIP Federal Grant Fund		**48,401.54**	
Flex Spending Fund (#885)			
Claims	885-0021-54275	25,000.00	Employees increased usage of supplemental insurance, flexible spending arrangments, etc. Receipts=Exp and is a agency fund/trust holding account for employees.
Flex Spending Fund Total		**25,000.00**	

CITY OF BRUNSWICK, OHIO

ORDINANCE NUMBER 15-17

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

AN EMERGENCY ORDINANCE AMENDING ORDINANCE #84-16 TO INCLUDE AMENDMENTS TO THE APPROPRIATION BUDGET FOR THE YEAR ENDING DECEMBER 31, 2017 AS INCORPORATED IN EXHIBIT "A" ATTACHED HERETO.

WHEREAS: Ordinance #84-16 adopted appropriations for 2017; and

WHEREAS: "Exhibit A" reflects the appropriations as required by the Ohio Revised Code Section 5705.38(C); and

WHEREAS: The amendments are described in detail and attached hereto as "Exhibit B" for informational purposes only; and

WHEREAS: In order to properly budget in accordance with State law for expenditures presently anticipated it is necessary to amend Ordinance #84-16.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: Ordinance #84-16 is hereby amended to reflect the appropriations as attached hereto and incorporated herein as Exhibit "A."

SECTION 2: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the usual daily operation of a municipal government and for the additional reason that Council wishes to maintain accurate appropriations. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

PASSED: 1st Reading _____
2nd Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barbara J. Ortiz