



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 27, 2017

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of regular Council Meeting Minutes dated February 13, 2017.
 - (a) Council Meeting Minutes dated February 13, 2017.
5. Mayor's Report:
 - (a) Recognition of Diane Plotz upon her retirement with the City of Brunswick.
 - (b) Proclamation to proclaim the month of February as Abuse Awareness Month;
 - (c) Mayor's recommendation to appoint Robert Quinn to the Building Board of Appeals;
 - (d) Motion to approve the Mayor's recommendation to appoint Anastasia Birosh to the Council on Aging /Office for Older Adults.
 - (e) Mayor's Update
6. Clerk of Council's Report
7. Council Committee Reports:
 - Economic Development.....Mr. Johnson
 - (39) Economic Development Committee Meeting Minutes dated February 13, 2017
 - Services, Utilities, Technology & Cable.....Mr. Salzgeber
 - (40) Services Committee Meeting Minutes dated February 13, 2017
 - Finance Committee.....Mrs. Hanek
 - (41) Finance Committee Meeting Minutes dated February 7, 2017
 - Safety & Environment.....Mr. Hanek
 - (42) Safety Committee Meeting Minutes dated February 6, 2017
 - Planning & Zoning Committee.....Mr. Ousley
 - Parks, Recreation & Community Committee.....Mr. Abella Jr.

Building & Building Code Committee.....Mr. Capretta
(43) Building Code Committee Meeting Minutes dated February 13, 2017

8. Other Boards and Commissions

(a) Committee of the Whole Meeting Minutes dated February 13, 2017

9. Petitions from the Public on Legislation

10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

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

b. 2nd Reading(s)

ORD. NO. 11-17 - An ordinance establishing Chapter 862 of the Codified Ordinances of the City of Brunswick relative to Fair Housing - **2nd Reading** (Committee-of-the-Whole, *Administration/Ken Fisher*)

RES. NO. 13-17 - A Resolution authorizing the City Manager to enter into a grant agreement with Engelke Construction Solutions, LLC - **2nd Reading** (Economic Development, *Administration/Grant Aungst*)

ORD. NO. 5-17 - An ordinance amending the Design Guidelines for the Southeast Neighborhood of the Brunswick Town Center Special Planning District No. 2 - **2nd Reading** (Planning & Zoning Committee, *Planning Commission recommended adoption 2-17-17, Administration/Ken Fisher*)

c. 1st Reading(s)

RES. NO. 16-17 - A resolution authorizing the City Manager to purchase two (2) ambulance power load systems and four (4) power load compatibility kits for the Division of Fire and Rescue from Stryker in an amount not to exceed \$52,422.14 - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Chief Baird*)

RES. NO. 17-17 - An emergency resolution accepting a perpetual public easement from the Drees Company for access to and maintenance of a public water main within the Southlake Subdivision - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

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, FEBRUARY 13, 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 23, 2017.

PATRICIA HANEK MOVED TO APPROVE THE COUNCIL MEETING MINUTES DATED JANUARY 23, 2017 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.

MAYOR'S REPORT:

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.

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

The Mayor presented a proclamation to the Brunswick Plaza Barber Shop. This was a three generation barber shop in the City founded on January 14, 1957.

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

Mayor's Update:

Mayor Falconi noted that on a sad note he has just been informed by the City Manager that long-time resident Jerry Lemons passed away. He has been active in our community for so many years. He served our country and served the veterans in our community. At this time he asked for a moment of silence.

CLERK OF COUNCIL'S REPORT: MRS. ORTIZ NOTED THAT THE CITY WAS STILL LOOKING FOR ANOTHER PERSON WHO WOULD BE INTERESTED IN SERVING ON THE COUNCIL OF AGING/OFFICE FOR OLDER ADULTS. IF ANYONE WAS INTERESTED THEY COULD NOTIFY HER. ALSO, SHE ANNOUNCED THAT ON WEDNESDAY, MARCH 1, 2017 AT 7:30 P.M. IN THIS ROOM BRUNSWICK ART WORKS WILL HAVE A FEATURED ARTIST TALKING ABOUT POLYMER CLAY. HER NAME WAS ANNETTE CARRUTHERS. EVERYONE WAS WELCOMED.

COUNCIL COMMITTEE REPORTS:

Economic Development.....Mr. Johnson:

Alex Johnson moved to approve the formal report dated January 11, 2017 as written, seconded by Patricia Hanek. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

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

Joseph Salzgeber had no formal report this evening.

Finance Committee.....Mrs. Hanek:

Patricia Hanek had no formal report tonight.

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

Nicholas Hanek moved to approve the formal reports dated January 10 and 23, 2017 as written, 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.

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

Brian Ousley moved to approve the formal report dated January 19, 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.

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

Michael Abella Jr. moved to approve the formal report dated January 16, 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.

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

Anthony Capretta had no formal report this evening.

OTHER BOARDS AND COMMISSIONS: PATRICIA HANEK MOVED TO APPROVE THE COMMITTEE-OF-THE-WHOLE MEETING MINUTES DATED JANUARY 9 AND 23, 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.

PETITIONS FROM THE PUBLIC ON LEGISLATION: THERE WAS NONE.

READING OF LEGISLATION AND ACTION ON LEGISLATION:

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*):

RES. NO. 2-17 - Patricia Hanek moved to approve, seconded by Alex Johnson. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Jones noted that this was a continuation of the aggregation program. The only change was that the supplier was changing to Constellation New Energy. This was only for a high use facility as the City's Recreation Center.

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. 3-17 - Joseph Salzgeber moved to adopt, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Marok explained this ordinance created another position of full-time. Currently the department consisted of his self and two part-timers. It has been discussed over the years and the budget was realigned last year to free up money for this position.

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*):

ORD. NO. 4-17 - Joseph Salzgeber moved to adopt, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Marok related with the full-time position being created in the previous ordinance a pay range had to be a separate ordinance. This ordinance will allow that person to be employed and paid.

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*):

ORD. NO. 8-17 - Patricia Hanek moved this ordinance to a third 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 - **2nd Reading** (Safety & Environment Committee, *Administration/Chief DeForest*):

RES. NO. 9-17 - Nicholas Hanek moved this resolution to a third 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 - **2nd Reading** (Safety & Environment Committee, *Administration/Ken Fisher*):

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

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*):

ORD. NO. 11-17 - Patricia Hanek moved this ordinance to a second reading.

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. 12-17 - Joseph Salzgeber moved to suspend the rules, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Jones advised that this resolution was to give consent to ODOT to move forward with the long delayed North Carpenter Road Project. Construction on the project was tentatively scheduled to begin in the spring of 2018. The time frame and the funding were contingent on state infrastructure being approved for the project. The emergency was to stay within ODOT's requested timeline.

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

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):

RES, NO. 13-17 - Alex Johnson moved this resolution to a second reading.

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

ORD. NO. 14-17 - 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. Fischer informed this was discussed with the Finance Committee last Tuesday evening. Transfers and Advances were not necessarily an expenditure of funds. They were a movement of money from one fund to another fund. A transfer was a movement of money that was permanent. Once it was made it cannot come back. An advance was a loan where money was sent from one fund to another fund but it must be paid back. These transfers and advances will allow the City to initiate the road improvement programs within the neighborhoods and to initiate some of the funding for the Grafton Road improvement project and Skyview Drive as well.

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

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):

ORD. NO. 15-17 - 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. Fischer stated this was also discussed with the Finance Committee last Tuesday. The budget amendments were necessary from time to time to keep the budget and the funding up-to-date as possible. Exhibit "A" was in a manner prescribed by Ohio Revised Code. Exhibit "B" actually listed out every single budget amendment in detail and provides a description for the public which was for informational purposes only. The largest expenditure change in this budget amendment was associated with the Grafton Road improvement project. The engineering office will do a project scope change. The City will apply for a \$610,000 state grant to help the City improve Grafton Road. The project would go just west of North Carpenter Road all the way to Pearl Road.

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

CITY MANAGER'S REPORT: CHIEF DEFOREST WANTED TO ASSURE THE MEMBERS OF THE COMMUNITY THAT THE CITY DID NOT HAVE SPEED CAMERAS OUT AND ABOUT. WE HAVE HAD SEVERAL CALLS ABOUT

CAMERAS AT DIFFERENT LOCATIONS. THERE WAS A CAMERA AT GRAFTON AND HADCOCK AND THERE WAS ALSO A CAMERA AT LAUREL AND PEARL ROAD. THESE CAMERAS WERE INSTALLED OVER THE LAST COUPLE OF MONTHS AND WILL MONITOR SENSORS PLACED ON THE PAVEMENT AS WE SPREAD SALT IN THE AREA. THIS IS TO DETECT WHETHER OR NOT THE ADDITIVES THAT WE RECENTLY ADDED TO THE SALT INCREASED THE EFFICIENCY AND SPEEDING UP THE ICE MELTING CAPABILITY TO SAVE MONEY AND REDUCE ACCIDENTS. IF YOU SEE THOSE CAMERAS PLEASE BE ASSURED THEY WERE NOT SPEED CAMERAS.

ALSO, THERE WAS A NEW SCAM GOING THROUGH THE COMMUNITY. THE LATEST SCAM WAS PEOPLE GETTING CALLS SAYING THEY KNEW THEY WERE A VETERAN IF YOU TELL THEM YOUR SOCIAL SECURITY NUMBER THERE WERE BENEFITS THAT SHOULD BE REFUNDED TO YOU FROM THE VETERANS ADMINISTRATION. THEY WILL GET THE SOCIAL SECURITY NUMBERS AND WILL SAY TO MAKE IT EASIER IF YOU GIVE US YOUR ROUTING NUMBER AND BANK ACCOUNT NUMBER WE CAN MAKE A DIRECT DEPOSIT INTO YOUR ACCOUNT. THERE HAVE BEEN SEVERAL PEOPLE WHO HAVE FALLEN FOR THIS SCAM. THE CHIEF'S RULE OF THUMB WAS IF YOU WOULD NOT TELL A TOTAL STRANGER THE INFORMATION, DO NOT TELL THE PERSON THAT WAS CALLING YOU THE SAME INFORMATION. ON THURSDAY, MARCH 16 AT 12:15 P.M. THERE WILL BE A PRESENTATION DESIGNED SPECIFICALLY FOR SENIORS IN REGARDS TO SCAMS. IT WILL BE HELD AT THE RECREATION CENTER AT 12:15 P.M.

IN ADDITION, HE REMINDED EVERYONE THAT CITY HALL WAS CLOSED ON PRESIDENT'S DAY, MONDAY FEBRUARY 20, 2017. HOWEVER THIS WILL NOT RESULT IN A DELAY OF TRASH COLLECTION. THE TRASH WILL BE PICKED UP ON YOUR NORMAL SCHEDULED DAY.

HE ALSO WISHED TO EXTEND HIS CONDOLENCES TO THE FAMILY OF JERRY LEMONS AND THE ENTIRE COMMUNITY OF THE VETERANS. THEY HAVE LOST A VERY DEAR FRIEND WHO WAS ALSO HIS MENTOR AND A GREAT MEMBER OF THE COMMUNITY. A COUPLE YEARS AGO HE WAS INDUCTED INTO THE STATE OF OHIO VETERAN'S HALL OF FAME. NOT MANY PEOPLE MAKE THAT LEVEL OF RECOGNITION IN THE STATE OF OHIO. HE CARED DEEPLY FOR HIS COUNTRY AND THE THOSE WHO SERVED THIS COUNTRY.

ADMINISTRATIVE DEPARTMENTS: MR. FISCHER CLARIFIED THAT THE GRAFTON ROAD IMPROVEMENT PROJECT WILL START JUST WEST OF HADCOCK NOT NORTH CARPENTER AND GO WEST TO PEARL ROAD. THE ORIGINAL PLAN FOR THAT WAS TO STOP AT JUDY LANE IT WILL EXTEND PAST JUDY LANE ALL THE WAY TO PEARL ROAD. THIS WAS DUE TO THE SCOPE CHANGE AND THE CITY RECEIVING \$610,000 IN GRANT MONEY. THE STATE AUDITOR'S OFFICE WAS IN AND DOING THE AUDIT FOR THE CITY. THEY HAVE BEEN HERE ABOUT FOUR TO FIVE WEEKS AND WERE ABOUT ONE THIRD OF THE WAY DONE. THEY WERE VERY THOROUGH AND WILL MAKE THEIR WAY THROUGH THE AUDIT PROCESS.

CHIEF BAIRD WANTED TO TALK ABOUT THE FIRE DEPARTMENT PRIORITIES. THERE WERE FIVE OF THEM AND ONE OF THEM WAS SAFETY EDUCATION FOR THE CHILDREN. BEGINNING IN THE MIDDLE OF MARCH THE CHILDREN IN GRADES ONE THROUGH FIVE WILL BE BEGIN TO RECEIVE THEIR FIRE DEPARTMENT PROGRAM FOR THE YEAR. THIS WAS PRESENTED THROUGH A GROUP CALLED CREATIVE RESOURCES. THE NICKNAME FOR THE CHILDREN WAS FIREFIGHTER PHIL. IT WAS DONE BY PROFESSIONALS WHO USE ALL KINDS OF AIDS AND MUSIC TO TEACH THE CHILDREN THE BASIC LESSONS OF FIRE SAFETY. THIS PROGRAM CAME AT NO COST TO THE CITY. IT CAME AT NO COAST TO THE CITIZENS. IT WAS FUNDED THROUGH THE BUSINESS COMMUNITY WITH THE PERMISSION OF THE CITY MANAGER AND HIS SUPPORT. CREATIVE RESOURCES WENT OUT AND SOLICITED DONATIONS AND THEN THEY CREATED A BOOK FOR THE CHILDREN. IN THAT BOOK WAS A LIST OF THE BUSINESSES THAT HAVE DONATED. IT WAS ACTUALLY YOUR BUSINESS

COMMUNITY THAT PROVIDED THE FINANCES FOR THIS PROGRAM IN CONJUNCTION WITH THE FIRE DEPARTMENT AND THE SUPPORT OF THE CITY MANAGER. THE CHILDREN WILL BRING A BOOK HOME. HE ENCOURAGED PARENTS TO TAKE THE TIME WITH THEIR CHILDREN TO GO THROUGH THAT BOOK AND REINFORCE THE LESSONS THEY WILL HAVE LEARNED AT THEIR SCHOOL.

MR. AUNGST INFORMED THEY HAVE BEGUN THEIR LEAN SIX SIGMA TRAINING FOR THE ECONOMIC DEVELOPMENT, PLANNING AND BUILDING DEPARTMENTS. THEY HAVE HAD THEIR KICK-OFF MEETING AND THE FIRST IN DEPTH TRAINING SESSION. IT WAS GOING VERY WELL. IT WAS A PROGRAM THAT THE CITY WROTE A GRANT FOR AND THE STATE HAS AWARDED THE GRANT TO US. THE HERITAGE OF BRUNSWICK SKILLED NURSING FACILITY WAS MOVING ALONG. GIVEN THE MILD WINTER WE HAVE BEEN HAVING CONSTRUCTION ACROSS THE COMMUNITY HAS CONTINUED AT A RAPID PACE. SO HE WOULD EXPECT THEM TO CONTINUE AND OPEN ON TIME OR A BIT EARLY. NORTH PARK PLAZA AT THE CORNER OF OLD EAGLE AND S.R. 303 WAS NOW COMING ALONG. THEY RAN INTO A FEW SOIL ISSUES THAT HAD PUT THEM BEHIND. HOWEVER WITH THEIR WORK SCHEDULE THEY WERE HOPING TO CATCH UP A BIT. THEY EXPECTED TO BE GOOD CORPORATE NEIGHBORS. HE KNEW THERE WERE SOME CONCERNS AND THEY WERE BEING ADDRESSED WITH THE STAKEHOLDERS OF THE COMMUNITY AND THE DEVELOPER. HE APPRECIATED EVERYONE'S PATIENCE AND THEY WERE LOOKING FORWARD TO A NEW BEAUTIFUL PLAZA THAT HAS BEEN TOTALLY LEASED OUT.

MR. PIEPSNY ANNOUNCED THAT THE CITY MANAGER'S CHALLENGE BACK. THIS YEAR'S THEME WAS WAR OF THE WARDS. IT WAS A CITYWIDE FITNESS COMPETITION BETWEEN THE FOUR WARDS AND THEIR DISTINCT COUNCIL MEMBERS. YOU DO HAVE TO BE A BRUNSWICK RECREATION CENTER MEMBER TO PARTICIPATE. THEY DO KNOW THAT THERE WERE BUSINESS OWNERS THAT MAY NOT LIVE IN THE CITY AND HAVE THEIR BUSINESS HERE AND ARE MEMBERS OF THE RECREATION CENTER. THIS WAS NOT A PROBLEM. IF THEY STILL PLANNED TO PARTICIPATE THEY WILL BE COMPETING WITH THE AT-LARGE COUNCIL MEMBERS. ALL OF THE COUNCIL MEMBERS WILL BE REPRESENTED. THIS WAS AN EIGHT WEEK CHALLENGE STARTING MARCH 1 AND GOING THROUGH APRIL 30, 2017. SIGN-UP BEGINS TOMORROW MORNING AT 5:00 A.M. TO ENCOURAGE THOSE WHO DO NOT HAVE A MEMBERSHIP THEY WILL HAVE A 50% OF MEMBERSHIPS FROM FEBRUARY 14 THROUGH FEBRUARY 28, 2017. THE STAFF WILL BE TRACKING THE FITNESS POINTS THROUGH THE COMPETITION. THE POINTS WILL ADD UP EACH WEEK IN MINI-COMPETITIONS BETWEEN THE WARDS. THE GRAND TOTAL WILL THEN ADD UP AND THE AWARD WILL HAVE A SPECIAL PARTY AT THE RECREATION CENTER UPON COMPLETION OF THE CHALLENGE. ALSO, IN ORDER TO GET INVOLVED IF YOU HAVE TROUBLE MOTIVATING YOURSELF IT WOULD BE A GOOD TIME TO GET A BUDDY INVOLVED. NOT THAT HE WANTED TO PUT ANYONE ON THE SPOT BUT HE BELIEVED THAT COUNCILMAN SALZGEBER AND COUNCILMAN CAPRETTA HAVE THEIR OWN FITNESS CHALLENGE BEING INVOLVED IN THIS. THE WHOLE POINT WAS TO ENCOURAGE FITNESS THROUGHOUT THE COMMUNITY.

OPEN FORUM: ARLEEN HAVANEC OF MARKS ROAD - MS. HAVANEC HAS COME TONIGHT TO TALK ABOUT THE FACT THAT S.R. 303 DID NOT HAVE ANYTHING SPECIAL ON IT AND IT WAS THE MAIN STREET IN BRUNSWICK. IF A STRANGER WHO HAS NEVER BEEN HERE BEFORE CAME OFF OF I-71 AND CAME DOWN S.R. 303 SHE WAS CONCERNED AS TO WHAT THEY WOULD SEE OR LOOK AT. SHE HAS BEEN AT COUNCIL MEETINGS BEFORE TO TALK ABOUT THE FACT THAT SHE HAS TALKED TO DOZENS OF PEOPLE. THEY ALL AGREED THAT A WILDFLOWER GARDEN IN FRONT OF THE RECREATION CENTER AND LIBRARY WOULD LOOK VERY NICE AND BE EDUCATIONAL. THAT AREA WAS AN EDUCATIONAL AREA. A WILDFLOWER GARDEN CONSISTING OF OHIO WILDFLOWERS WOULD LOOK GOOD THERE. MANY PEOPLE DID NOT WANT ANY MORE BUILDINGS IN THAT AREA. SHE TALKED TO MR. PIEPSNY ABOUT THIS AND THOUGHT A FLAGPOLE

WITH AN OHIO FLAG WOULD BE NICE. WHEN YOU TALK TO PEOPLE THEY DID NOT SEEM TO KNOW WHAT THE OHIO FLAG LOOKED LIKE. PEOPLE DID NOT REALIZE THAT THE OHIO BUCKEYE TREE WAS NOT THE ONLY TREE, THAT THERE WERE OTHER BUCKEYE TREES TOO. IF WE COULD PUT THAT THERE IT WOULD LOOK GOOD, IT WOULD BE SOMETHING FOR PEOPLE WHO HAVE NEVER BEEN TO BRUNSWICK BEFORE TO REMEMBER ABOUT BRUNSWICK. SHE HAS LIVED IN BRUNSWICK SINCE 1956 AND WATCHED IT CHANGE. SHE APPRECIATED THE FACT THAT THERE WERE RESTAURANTS AND STORES. HOWEVER, THERE MUST BE SOMETHING THAT PEOPLE WILL REMEMBER AND WILL LOOK NICE. SO MANY PEOPLE THOUGHT VOLUNTEERS COULD HELP OR A GARDEN CLUB. SHE WAS STILL TALKING ABOUT A WILDFLOWER GARDEN AFTER ALL THESE YEARS. SHE ASKED EVERYONE TO STOP AND THINK ABOUT HOW ATTRACTIVE THAT WOULD LOOK, AS THERE WAS NOTHING ON S.R. 303 THAT WOULD DRAW THE ATTENTION OF PEOPLE.

UNFINISHED BUSINESS: THERE WAS NONE.

NEW BUSINESS: THERE WAS NONE.

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

THERE BEING NO FURTHER BUSINESS THE MEETING ADJOURNED AT 8:05 P.M.

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Ortiz, CMC". The signature is fluid and cursive.

Barbara J. Ortiz, CMC

Clerk of Council

Mayor Ron Falconi

Adopted

APPLICATION FOR
BOARDS AND COMMISSIONS

NAME Robert Quinn PHONE 440-781-9731

STREET 4691 Inverness Avenue CELL 440-781-9731

Years of Residency 5

Registered Brunswick Voter: YES X NO

POSITIONED DESIRED: Building Board of Appeals Member EMAIL RobertQuinn@holtonwise.com

EDUCATION	DEGREE	YEAR GRADUATED
HIGH SCHOOL <u>Padua Franciscan</u>	<u>H.S. Diploma</u>	<u>2005</u>
COLLEGE <u>University of Dayton, Finance Degree</u>	<u>2009</u>	<u>Wright State University</u>
SPECIAL TRAINING <u>Realtor</u>		<u>MBA 2011</u>

CURRENT EMPLOYMENT

Company	Address	Title	Dates
<u>University Hospitals</u>	<u>11100 Euclid Avenue</u>	<u>Operation Strategist</u>	<u>June 2013 - Present</u>

RELEVANT ~~PAST~~ EMPLOYMENT

Company	Address	Title	Dates
<u>Holton Wise Property Group</u>		<u>Realtor</u>	<u>3 years</u>

Company	Address	Title	Dates
---------	---------	-------	-------

RELEVANT PROFESSIONAL ASSOCIATIONS, COMMUNITY SERVICE, OR SOCIAL AFFILIATIONS

I am a local realtor and real estate investor. I also
do property management for the properties I own.

REFERENCES (other than relation):

	NAME	ADDRESS	PHONE
1.	<u>James Wise</u>		<u>440-212-2195</u>
2.	<u>Antonio Biasiotta</u>		<u>440-223-0575</u>
3.	<u>Mike Strmac</u>		<u>440-476-3998</u>

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

I am looking to be more involved in Brunswick. My passion is real estate
and this falls in line with that. I don't have much experience with
new construction, but I have the desire and ability to learn it. I
am objective, level minded, and decisive when making decisions. I will
be an asset to this Board and the city of Brunswick.

ATTACH RESUME IF DESIRED.

Signature:  Date: 1-17-17

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

**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 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

The Reserves Network (temp) 3917 Center Rd. 9/16-present

Company Address Title Dates

RELEVANT PAST EMPLOYMENT

GOJO Industries, Inc. One Gojo Plaza, Suite 500, Akron LTC Marketing Asst. '11-'13

Company Address Title Dates

NCH E 26915 Westwood Rd., Suite B-2 Westlake Dir. Conf & Marketing '02-'05

Company Address Title Dates

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. <u>Mary Kovack</u>	<u>1015 Countryside Dr., Medina, OH 44256</u>	<u>330-350-0588</u>
2. <u>Vince Carl</u>	<u>1668</u>	
3. <u>Patricia Hanek</u>	<u>4196 Shenandoah Pkwy., Brunswick, OH 44212</u>	<u>330-225-0688</u>

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 ~~both~~ 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, EE0C)

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

February 13, 2017

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

The meeting convened at 6:40 p.m.

REVIEW LEGISLATION:

RES. NO. 13-17 – A resolution authorizing the City Manager to enter into a grant agreement with Engelke Construction Solutions, LLC

Mr. Aungst gave some background information on Engelke Construction Solutions; they are currently located in Brunswick Hills, they are a growing company and excited to locate in Brunswick. Mr. Aungst indicated the City competed for them, and this legislation represents an incentive that was offered to them to come here. They will have four companies under one roof dealing in distribution, manufacturing, management of property, and management of construction. Currently they have more than 40 full time employees and they are looking to increase that number.

Mr. Aungst stated the grant payroll incentives are based on 3 million to 4.5 million dollars, if it falls below they would not get the grant, and if it goes above they do not get anymore. In order to receive and retain the grant for a five year period there is a requirement that they stay within the City for ten years.

The Administration was pleased they are coming into the City; they are upper management with most of them in the community, serving the community, volunteering in the community, and doing charity work. Mr. Aungst believes they will be a good fit for the community.

Mrs. Hanek moved this resolution to tonight's Council Agenda of February 13, 2017 for three readings.
Vote – 3 Ayes, 0 Nays.

ADJOURNMENT:

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

Respectfully submitted,

Alex Johnson
Chairman

SERVICES, UTILITIES, TECHNOLOGY & CABLE COMMITTEE

February 13, 2017

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

The meeting convened at 6:31 p.m.

REVIEW 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

Mr. Jones advised this resolution gives consent to the Ohio Department of Transportation (ODOT) to complete the North Carpenter Road Project. ODOT was facing an internal deadline of March 20, 2017 for District 3 to pass on the design build scope document to their central office. ODOT would like consent from City Council to move forward with the project prior to that date.

The project is tentatively scheduled to begin in the spring or summer of 2018 as far as actual construction. Mr. Jones noted this was a design build project. The time frame for the project is totally contingent on a State Infrastructure Bank (SIB) loan being approved by ODOT for NOACA to cover the federal share of the project.

Mr. Ousley asked if the Grafton /North Carpenter Road intersection was going to be part of the construction project, and if any areas on Grafton and North Carpenter were going to be widened during the construction project.

Mr. Jones advised as part of the project the Grafton/North Carpenter Road intersection is scoped to receive left turn lanes in all four directions, the rest of the road will remain two full lanes. He advised when the traffic study was conducted it showed where the turn lanes were needed; the study was updated in 2014.

Mr. Ousley brought up Autumn Creek subdivision and noted a traffic study was supposed to be done after each phase was put in.

To that, Mr. Jones advised the traffic study was to be done at a certain threshold of a number of homes built in Autumn Creek, which happened during phase 3; and after the numbers were rerun the numbers showed there was no additional impact beyond what they already improved which was adding the left turn lane into Autumn Parkway.

Mr. Salzgeber asked for clarification on the scope of the project.

Mr. Jones advised the project will go from Boston Road at the north end to Clover Lane at the south end which is where the previous construction in 2011 stopped.

For clarification, Mr. Salzgeber asked if it was correct that with the 1.925 million construction cost the City's share was contingent upon the state loan through NOACA.

Mr. Jones answered in the affirmative, he noted the project cannot move forward without NOACA's funding. He also mentioned the City has not yet received the official word from ODOT as to whether they are going to fund the intersection 80/20, or whether the City will have to pay for the whole intersection.

Mr. Fischer clarified the City has enough funds set aside for North Carpenter, he also mentioned if NOACA is successful in getting the SIB loan the City will be on the hook for some interest associated with that loan.

Mr. Hanek moved this resolution to tonight's Council Agenda of February 13, 2017 as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Salzgeber announced he will be scheduling another Services Committee meeting to discuss trash issues when the Service Director returns.

For the record Mr. Ousley wanted to note there were a lot of complaints over the last snowfall with regard to plowing.

Mr. Salzgeber noted those issues will be brought up with Mr. Barnett.

ADJOURNMENT:

Being no further business, Mr. Hanek moved to adjourn at 6:40 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Salz", with a stylized flourish at the end.

Joseph Salzgeber
Chairman

FINANCE COMMITTEE MEETING

February 7, 2017

IN ATTENDANCE: Chairwoman Patricia Hanek, Committee Member Joseph Salzgeber, Finance Director Todd Fischer.

The meeting convened at 6:01 p.m.

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

DISCUSSION OF TRANSFER AND ADVANCE FUNDS:

Mr. Fischer previously e-mailed information to the committee regarding the transfer and advance of funds. He explained this was not the expenditure of funds it was the transfer of funds into the proper funds to carry out the plans.

The committee had a copy of Ordinance No. 14-17 Transfer and Advance of Funds, and Ordinance No. 15-17 Amendments to the Appropriation Budget.

Mr. Salzgeber moved Ordinance No. 14-17 to the next Council Agenda of February 13, 2017 as an emergency with suspension of the rules. Vote – 2 Ayes, 0 Nays.

Ordinance No. 15-17 is the budget amendment ordinance. Mr. Fischer noted Exhibit “A” is the legal document required to be reviewed and adopted by Council pursuant to Ohio Revised Code Section 5705.38 (c) and Exhibit “B” is for informational purposes only, it documents an explanation and amount for each proposed budget amendment.

Mr. Fischer indicated the information was e mailed to all of Council; there were some questions and they were addressed.

Going over the budget amendments Mr. Fischer note the biggest expenditure change is the Grafton Road project which is being expanded; the original 2017 budget proposal had the project starting just west of Hadcock to Judy Lane, however, additional federal grants were renewed and the request for the project is for it to go all the way to Pearl Road instead of stopping at Judy Lane. The additional amount is approximately \$560,000 those funds are available however it was not budgeted and this budget amendment will take care of that provided Council approves the project. With the plan for the project to go all the way to Pearl Road the engineer will have to do a scope change with Ohio Public Works. He advised if the project is approved the City will receive \$610,000 in free State of Ohio grant money through the Ohio Public Works Commission to go along with City funds. This will be a total reconstruction project and extend an additional 1300 feet to Pearl Road.

Another significant dollar amount is \$356,000 which represents unspent storm water monies from last year which can be re-appropriated for 2017 projects. Additionally, Mr. Fischer pointed out reductions and reallocations in appropriations relating to the bus merger with Medina County, which at the time of preparing the original budget the merger was still being discussed. He advised the City was reimbursed from some of the administrative costs. Mr. Fischer explained the City will only budget for transit services that the City is under agreement to do, which includes paying \$45,000 a year to Medina County for our

local share. He also mentioned being reimbursed for Veterans who ride the bus starting next year, he noted NOACA expenses will come out of transit moving forward. The City will readjust how income tax dollars are allocated starting next year and he noted the City will utilize the remaining GCRTA funds for several years to fund the transit services that the City agreed too.

Mr. Salzgeber moved Ordinance No. 15-17 to the next Council Agenda of February 13, 2017 as an emergency with suspension of the rules. Vote – 2 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Fischer mentioned a budget bill proposal by Governor Kasich with regard to income tax where the net profits would be run through the Ohio Business Gateway System then forwarded to the department of taxation versus being sent to individual cities. Mr. Fischer noted this was the beginning of the state trying to take over tax collection. Mr. Fischer mentioned the Ohio Municipal League has some draft legislation opposing these actions, however prior to getting involved with legislation, the City Manager thought he would reach out to our state representatives to set up a meeting with them.

Mrs. Hanek interjected that the City Manager mentioned he contacted Senator Obhof; he was hoping the Senator could make it to a Committee of the Whole meeting.

Mr. Fischer commented what the state is trying to do is streamline businesses efforts but it is unclear what they are trying to do, he also has concerns with Ohio Business Gateway System, and he is concerned that the City could lose revenue and what the City's recourse would be.

Mr. Salzgeber mentioned several years ago the state centralized child support collections and there were a lot of problems with that system, his hope is this bill gets blocked, so not to experience the same type of problems.

Mr. Fischer reiterated he has a lot of questions.

Another item brought up by Mr. Fischer was the Huntington Bank/First Merit Bank merger. The financial systems will merge on Presidents Day weekend. He advised a new agreement will be presented to Council at the next Committee of the Whole Agenda. He noted it will take a number of years for the City to get everything switched over from First Merit to Huntington Bank.

Mr. Fischer also mentioned the month end reports were mailed out to Council and are available on the shared drive.

In conclusion, Mr. Fischer mentioned underfunded pension liabilities being put on the financial statements, and the state pension systems being underfunded. The state auditor's office has determined they want to audit the unfunded liabilities and they are randomly selecting people, and the City has been randomly selected. Additionally, the auditor's office has indicated they were going to present the City with another engagement letter and charge the City another \$500.00 to audit the City's unfunded liability. Mr. Fischer was not convinced that they should be coming to the City for additional engagement and audit when the City already has an existing engagement and it should be part of the regular audit.

ADJOURNMENT:

Being no further business, Mr. Salzgeber moved to adjourn at 6:27 p.m. Vote – 2 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in cursive script that reads "Patricia Hanek". The signature is written in black ink and is positioned above the printed name.

Patricia Hanek
Councilwoman

SAFETY & ENVIRONMENT COMMITTEE MEETING

February 6, 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, Media.

The meeting convened at 6:31 p.m.

DISCUSSION ON POWER LIFTS:

Chief Baird expressed the need for Power Load Systems; they are automated cot loading systems designed to move fully loaded cots to secure position within ambulances. Chief Baird requested a motion to approve the power lift system which was approved in the 2017 budget.

Mr. Capretta asked about other cities in the area using these types of systems.

Mr. Johnson asked if the systems are interchangeable amongst different vehicles.

Mr. Johnson moved for legislation to be placed on the next Council Agenda as an emergency for three readings. Vote – 3 Ayes, 0 Nays.

DISCUSSION ABOUT SAFETY LEVY INITIATIVE:

Chief DeForest discussed the progress of the safety levy initiative in the community. He suggested the next Safety Committee meeting be held at Brunswick Area Television for a taped discussion regarding the levy.

GENERAL DISCUSSION:

Mr. Johnson brought up the need for an additional traffic study in the future regarding the traffic around Brunswick Lake due to the increased development in the area.

Mr. Hanek asked about the heroin overdose numbers for 2016.

Chief DeForest discussed the current numbers and brought up the efforts of the greater than heroin initiative.

Mr. Johnson mentioned the need for more educational programs in schools regarding the dangers of heroin.

Chief Baird suggested residents look to the Medina Department of Health for additional resources regarding addiction.

Mr. Capretta brought up concerns regarding traffic on Regal/Shenandoah area of Pearl Road and the difficulties that residents are having turning onto Pearl Road. Chief DeForest stated he would look into the matter.

ADJOURNMENT:

Being no further business, Mr. Capretta moved to adjourn at 7:01 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M Y M' followed by a long horizontal stroke.

Nicholas Hanek
Chairman

BUILDING AND BUILDING CODE COMMITTEE

February 13, 2017

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

The meeting convened at 6:25 p.m.

GENERAL DISCUSSION:

Mr. Aungst gave an update on the Building Department; he noted with the unseasonably warm weather they remain very busy. Additionally they started the Lean Six Sigma program and it was going well, and out of the program will come champions, yellow belts, and green belts.

Mr. Aungst advised the department has been diligent in picking up temporary signage that is not permitted throughout the City, and had conversations with people regarding permits for door knockers. The Building Department had a very productive meeting with the legal department on ways to improve how notifications are posted and citations sent out. He reiterated the department remains very busy with projects throughout the City.

Mr. Capretta interjected most people that come to his door have permits, and it is usually for energy providers.

Mr. Capretta asked the committee for a good date for a committee meeting to discuss the rental registration.

After a short discussion the meeting was scheduled for Monday, February 20, at 6:15 p.m.

Mr. Fisher clarified the meeting will be for discussion purposes only.

Mr. Abella received some phone calls about the construction on Old Eagle about damage to the road from construction vehicles.

The administration was aware of the issues, Mr. Aungst advised they will continue to monitor the area and continue to work with the developer. The City does not want to fix anything until after they are done with the heavy trucks and equipment.

Mr. Ousley asked if pictures of the road were taken prior to the start of the construction, he commented the road was not in the best of shape but there has definitely been some damage done.

Mr. Jones noted the road was in bad shape to begin with but has gotten worse; however, he was not sure all the damage can be placed on the contractor due to the fact the road was already deteriorating.

ADJOURNMENT:

Being no further business, Mr. Ousley moved to adjourn at 6:31 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in cursive script that reads "Anthony P. Capretta".

Anthony Capretta
Chairman

COMMITTEE OF THE WHOLE MEETING

February 13, 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, Community & Economic Development Director Grant Aungst, Finance Director Todd Fischer, Parks & Recreation Director John Piepsny, Chief Jim Baird, Engineer Matt Jones, IT/Security Office Rob Marok, Council Clerk Barbara Ortiz, News Media.

The meeting convened at 6:45 p.m.

MOTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH HUNTINGTON NATIONAL BANK AS A RESULT OF THE MERGER OF FIRST MERIT BANK AND HUNTINGTON BANK

Mr. Fischer advised with the merger between First Merit Bank and Huntington National Bank the Administration was looking to update agreements with Huntington Bank.

Mr. Hanek moved to authorize the City Manager to enter into an agreement with Huntington National Bank as a result of the merger of First Merit Bank and Huntington Bank. Vote – 7 Ayes, 0 Nays.

REVIEW LEGISLATION:

ORD. NO. 11-17 – An ordinance establishing Chapter 862 of the Codified Ordinances of the City of Brunswick relative to Fair Housing

Mr. Fisher mentioned it was brought to the attention of the Administration by Mr. Hanek that Brunswick Code did not contain fair housing provisions. The law department looked at other communities and the result is Ordinance No. 11-17 for consideration for placement on tonight's Council Agenda.

Additionally, Mr. Fisher noted this ordinance creates another board known as the Fair Housing Review Commission. This board will consist of three citizen members non city employees appointed by the Mayor as required by Charter for a three year term. The commission will hear possible claims that relate to either discrimination through the sale of residential properties within the City, or rental discrimination through residential rental properties within the City. It is laid out in a form that provides for due process for mediation in the event a complaint is filed to get the matter resolved through the Fair Housing Review Commission for hopefully a positive resolution.

Mr. Fisher noted this legislation addresses a deficiency in the code where there is no fair housing local ordinance.

Mr. Hanek commented there was some concern about discrimination from the original proposal of the rental registry ordinance and this legislation solves that.

Mr. Fisher commented on the issues of possible discrimination that were brought up with the legislation that has since been withdrawn. This legislation clarifies the City's commitment to fair housing laws both federal and state.

Mr. Hanek moved this ordinance to tonight's Council Agenda of February 13, 2017 for three readings.
Vote – 7 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

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, and the sale/purchase of property, 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. 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:

Being no further business, Mr. Salzgeber moved to adjourn the Committee of the Whole Meeting at 7:25 p.m. Vote – 7 Ayes, 0 Nays.

Respectfully submitted,



Valerie Zak
Assistant Clerk of Council

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 02/27/2017

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 - **3rd 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: 02/27/2017

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

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

- (10) Only one dog is attached to a single tether;
- (11) The dog is not tethered in such a manner to permit the dog to cross and enter upon another's property, except that the same shall not be unlawful if the affected owner or person having lawful possession thereof provides consent; and
- (12) Adequate water 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: 02/27/2017

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 - **2nd Reading** (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 CODIFIED
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, or discrimination;
- (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 criminal or 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 discriminatory practice.

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 of 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 then 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 than 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: 02/27/2017

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 - **2nd Reading** (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

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

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 be 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

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]

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

CITY OF BRUNSWICK, OHIO

ENGELKE
SOLUTIONS LLC

CONSTRUCTION

Carl S. DeForest, Acting City Manager



Eric Engelke, Managing Member

Date: _____

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: 02/27/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager
Barb Ortiz

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 5-17** - An ordinance amending the Design Guidelines for the Southeast Neighborhood of the Brunswick Town Center Special Planning District No. 2 - **2nd Reading** (Planning & Zoning Committee, *Planning Commission recommended adoption 2-17-17, Administration/Ken Fisher*)

BACKGROUND: Amendment to Design Guidelines for the Southeast Neighborhood of Brunswick Town Center Special Planning District 2. Adding hotels as a conditional use under Section A(e) of the General Requirements.

PURPOSE AND EXPLANATION:

IMPLEMENTATION SCHEDULE: First Reading on January 9, 2017 and referral back to Planning Commission for recommendation and report.

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 three readings with **first reading on January 9, 2017 and referral back to Planning Commission** for recommendation and report.

ADDITIONAL

INFORMATION:

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE AMENDING THE DESIGN GUIDELINES FOR THE
SOUTHEAST NEIGHBORHOOD OF THE BRUNSWICK TOWN CENTER
SPECIAL PLANNING DISTRICT NO. 2.

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

SECTION 1: That Section A(1) of General Requirements shall be amended to read as follows:

“Principal uses: Townhomes, single-family attached units, single-family detached residential units, apartments, work-live units, ~~hotels~~, senior/assisted living facilities and public buildings.”

SECTION 2: That Section A(3) of the General Requirements shall be amended to read as follows:

“Conditional Uses. Home occupations and hotels as a conditional use, subject to Section 1274.09.

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

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 5-17

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

AN ORDINANCE AMENDING THE DESIGN GUIDELINES FOR THE
SOUTHEAST NEIGHBORHOOD OF THE BRUNSWICK TOWN CENTER
SPECIAL PLANNING DISTRICT NO. 2.

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

SECTION 1: That Section A(1) of General Requirements shall be amended to read as follows:

“Principal uses: Townhomes, single-family attached units, single-family detached residential units, apartments, work-live units, ~~hotels~~, senior/assisted living facilities and public buildings.”

SECTION 2: That Section A(3) of the General Requirements shall be amended to read as follows:

“Conditional Uses. Home occupations and hotels as a conditional use, subject to Section 1274.09.

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
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 02/27/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, Acting City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 16-17** - A resolution authorizing the City Manager to purchase two (2) ambulance power load systems and four (4) power load compatibility kits for the Division of Fire and Rescue from Stryker in an amount not to exceed \$52,422.14 - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Chief Baird*)

BACKGROUND: The Fire Department is requesting permission to purchase 2 Power Load systems for our newest ambulances. These systems load the patient and the gurney into the ambulance without the need for the crews to do it manually. This increases safety for the patient and decreases injury risk for the crew;

The proposed purchase of two (2) ambulance power load systems and four (4) power load compatibility kits for the Division of Fire and Rescue from Stryker in the amount of \$52,422.14, is upon equivalent terms, conditions and specifications and at a lower price than through the State Procurement Program.

PURPOSE AND EXPLANATION: The proposed purchase of two (2) ambulance power load systems and four (4) power load compatibility kits for the Division of Fire and Rescue from Stryker in the amount of \$52,422.14, is upon equivalent terms, conditions and specifications and at a lower price than through the State Procurement Program.

From the time of the order until the systems are installed will be 12 - 14 weeks. in order to facilitate a timely process I am requesting the 30 waiting period from council passage to authorization to purchase be waived. This will keep the entire process down to 16 to eighteen weeks;

IMPLEMENTATION SCHEDULE: Purchase immediately upon council approval of legislation.

FINANCIAL INFORMATION: Ambulance Power Load Systems - - Fire Fund #115 (Capital SubFund #952) - 952-0510-56252 - - 52422.14

FINANCIAL SUMMARY: The proposed purchase of two (2) ambulance power load systems and four (4) power load

compatibility kits for the Division of Fire and Rescue from Stryker in the amount of \$52,422.14, is upon equivalent terms, conditions and specifications and at a lower price than through the State Procurement Program.

purchase two (2) ambulance power load systems and four (4) power load compatibility kits for the Division of Fire and Rescue from Stryker in an amount not to exceed \$52,422.14.

**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?

I am requesting three readings and emergency adoption of this legislation.

**ADDITIONAL
INFORMATION:**

These systems are included in the state purchasing program. Our chosen vendor will provide us with the same products under the same terms and at a better price than the state purchase vendor. Documentation of this has been provided.

The equipment will be installed by Horton Emergency Services. This installation service will not affect the warranty of the power Load systems.

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 16-17

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE TWO (2) AMBULANCE POWER LOAD SYSTEMS AND FOUR (4) POWER LOAD COMPATIBILITY KITS FOR THE DIVISION OF FIRE AND RESCUE FROM STRYKER IN AN AMOUNT NOT TO EXCEED \$52,422.14.

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

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 two (2) ambulance power load systems and four (4) power load compatibility kits for the Division of Fire and Rescue from Stryker in the amount of \$52,422.14, 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 two (2) ambulance power load systems and four (4) power load compatibility kits for the Division of Fire and Rescue from Stryker in an amount not to exceed \$52,422.14.

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: 02/27/2017

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. 17-17** - An emergency resolution accepting a perpetual public easement from the Drees Company for access to and maintenance of a public water main within the Southlake Subdivision - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, Administration/Matt Jones)

BACKGROUND: Request for new Legislation.

**PURPOSE AND
EXPLANATION:**

Plans for the Southlake Subdivision Phase 2 are nearing Engineering Department approval. Because the development's street have 50-foot right-of-way widths, it is necessary for the developer to establish easements for the placement of the public water mains that distribute water and provide fire protection to the development. Drees Homes has prepared the water main easement document in accordance with the standards set forth by the Cleveland Water Department. The easement provides mechanism that guarantees access for the City of Brunswick and/or the City of Cleveland to enter the development and maintain the water mains for the public good when needed.

IMPLEMENTATION

SCHEDULE: According to Drees Homes, construction will begin immediately upon finalization and acceptance of all City requirements.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:** No funds required.

**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 at the February 27, 2017 Council Meeting. Passage in this manner will reduce the overall construction timeframe which will in turn minimize construction disturbances that impact adjacent residents.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 17-17

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

AN EMERGENCY RESOLUTION ACCEPTING A PERPETUAL PUBLIC EASEMENT FROM THE DREES COMPANY FOR ACCESS TO AND MAINTENANCE OF A PUBLIC WATER MAIN WITHIN THE SOUTHLAKE SUBDIVISION.

WHEREAS: The Drees Company has proposed providing a perpetual public easement to the City of Brunswick and City of Cleveland for access to and maintenance of a public water main within the Southlake Subdivision.

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

SECTION 1: That the City of Brunswick hereby accepts the perpetual public easement, upon approval of the Law Director, from The Drees Company in the form as attached hereto as Exhibit "A".

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, welfare, and safety and for the additional reason to finalize construction and minimize construction disturbances to adjacent properties. 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

STANDARD EASEMENT
FOR THE
INSTALLATION AND MAINTENANCE OF A WATER MAIN
FOR THE PURPOSE OF SUPPLYING WATER SERVICE

(I, We) The Drees Company the Grantor herein, for valuable consideration received and to be received to (my, our) full satisfaction, do hereby grant and convey to the (City, Village, Township, District) of City of Brunswick, and to the City of Cleveland, political subdivision of the State of Ohio and Grantees herein, the perpetual right-of-way and easement for the purposes hereinafter mentioned in the following described premises (the "Premises");

Situated in the City of Brunswick, County of Medina, State of Ohio and known as being part of Original Brunswick Township Lot 18, Tract 2 further bounded and described as follows:

Beginning at the southwest corner of Original Brunswick Township Lot 18, Tract 2;

Thence N 89° 47' 25" E, 107.02 feet along the south line of said Lot 18 to the principal place of beginning of the easement described herein;

COURSE NO. 1

Thence N 0° 24' 24" W, 119.28 feet to a point;

COURSE NO. 2

Thence 28.11 feet being the arc of curve deflecting to the left to a point, said arc has a radius of 20.00 feet, a central angle of 80° 31' 10" a chord of 25.85 feet bearing N 40° 39' 59" W;

COURSE NO. 3

Thence 22.94 feet being the arc of a curve deflecting to the right to a point, said arc has a radius of 225.00 feet, a central angle of 5° 50' 26", a chord of 22.92 feet bearing N 78° 00' 21" W;

COURSE NO. 4

Thence 45.30 feet being the arc of a curve deflecting to the left to a point, said arc has a radius of 175.00 feet, a central angle of 14° 49' 56", a chord of 45.18 feet bearing N 82° 30' 06" W;

COURSE NO. 5

Thence N 89° 55' 04" W, 25.00 feet to a point in the west line of said Lot 18;

COURSE NO. 6

Thence N 01° 06' 08" W, 50.01 feet along the west line of said Lot 18 to a point;

COURSE NO. 7

Thence S 89° 55' 04" E, 26.03 feet to a point;

COURSE NO. 8

Thence 58.24 feet being the arc of a curve deflecting to the right to a point, said arc has a radius of 225.00 feet, a central angle of 14° 49' 56", a chord of 58.08 feet bearing S 82° 30' 06" E;

COURSE NO. 9

Thence 6.49 feet being the arc of a curve deflecting to the left to a point, said arc has a radius of 175.00 feet, a central angle of $2^{\circ} 07' 33''$, a chord of 6.49 feet bearing $S 76^{\circ} 08' 55'' E$;

COURSE NO. 10

Thence 31.98 feet being the arc of a curve deflecting to the left to a point, said arc has a radius of 20.00 feet, a central angle of $91^{\circ} 37' 56''$, a chord of 28.68 feet bearing $N 56^{\circ} 58' 21'' E$;

COURSE NO. 11

Thence 35.09 feet being the arc of a curve deflecting to the right to a point, said arc has a radius of 225.00 feet, a central angle of $8^{\circ} 56' 06''$, a chord of 35.05 feet bearing $N 15^{\circ} 37' 26'' E$;

COURSE NO. 12

Thence 47.36 feet being the arc of a curve deflecting to the left to a point, said arc has a radius of 175.00 feet, a central angle of $15^{\circ} 30' 22''$, a chord of 47.22 feet bearing $N 12^{\circ} 20' 18'' E$;

COURSE NO. 13

Thence $S 85^{\circ} 24' 53'' E$, 56.50 feet to a point;

COURSE NO. 14

Thence 62.65 feet being the arc of a curve deflecting to the right to a point, said arc has a radius of 231.50 feet, a central angle of $15^{\circ} 30' 22''$, a chord of 62.46 feet bearing $S 12^{\circ} 20' 18'' W$;

COURSE NO. 15

Thence 26.24 feet being the arc of a curve deflecting to the left to a point, said arc has a radius of 168.50 feet, a central angle of $8^{\circ} 55' 21''$, a chord of 26.21 feet bearing $S 15^{\circ} 37' 48'' W$;

COURSE NO. 16

Thence 19.68 feet being the arc of a curve deflecting to the left to a point, said arc has a radius of 20.00 feet, a central angle of $56^{\circ} 23' 40''$, a chord of 18.90 feet bearing $S 62^{\circ} 00' 44'' E$;

COURSE NO. 17

Thence $N 89^{\circ} 47' 25'' E$, 563.30 feet to a point;

COURSE NO. 18

Thence 63.85 feet being the arc of a curve deflecting to the right to a point, said arc has a radius of 225.00 feet, a central angle of $16^{\circ} 15' 37''$, a chord of 63.64 feet bearing $S 82^{\circ} 04' 46'' E$;

COURSE NO. 19

Thence 21.55 feet being the arc of a curve deflecting to the left to a point, said arc has a radius of 175.00 feet, a central angle of $7^{\circ} 03' 23''$, a chord of 21.54 feet bearing $S 77^{\circ} 28' 39'' E$;

COURSE NO. 20

Thence $S 0^{\circ} 12' 34'' E$, 50.50 feet to a point;

COURSE NO. 21

Thence 17.77 feet being the arc of a curve deflecting to the left to a point, said arc has a radius of 225.00 feet, a central angle of $4^{\circ} 31' 30''$, a chord of 17.76 feet bearing $S 85^{\circ} 19' 33'' E$;

COURSE NO. 22

Thence $S 0^{\circ} 12' 34'' E$, 11.01 feet to a point;

COURSE NO. 23

Thence 56.68 feet being the arc of a curve deflecting to the right to a point, said arc has a radius of 236.00 feet, a central angle of $13^{\circ} 45' 40''$, a chord of 56.54 feet bearing $N 80^{\circ} 49' 48''$ W;

COURSE NO. 24

Thence 46.54 feet being the arc of a curve deflecting to the left to a point, said arc has a radius of 164.00 feet, a central angle of $16^{\circ} 15' 35''$, a chord of 46.38 feet bearing $N 82^{\circ} 04' 45''$ W;

COURSE NO. 25

Thence $S 89^{\circ} 47' 25''$ W, 569.62 feet to a point;

COURSE NO. 26

Thence 14.17 feet being the arc of a curve deflecting to the left to a point, said arc has a radius of 9.00 feet, a central angle of $90^{\circ} 11' 49''$, a chord of 12.75 feet bearing $S 44^{\circ} 41' 31''$ W;

COURSE NO. 27

Thence $S 0^{\circ} 24' 24''$ E, 115.97 feet to a point;

COURSE NO. 28

Thence $S 89^{\circ} 47' 25''$ W, 61.00 feet to the principal place of beginning.

Grantor and Grantee agree that all references to either part in this instrument shall include that party and the party's heirs, administrators, successors and/or assigns.

In consideration of the mutual covenants contained herein, the Grantor hereby grants and conveys unto the Grantees the right and easement to enter upon the premises to lay, install and maintain therein a water main and appurtenances, including service connections and pipes; to set all water meters and make all repairs to water mains, service meters and appurtenances which the Grantee deems to be necessary or advisable from time to time; to turn off water to any service connection or water main; or to do any other thing which the Grantees deems to be necessary or advisable in order to operate or maintain said mains, meters, connections, pipes and appurtenances in accordance with the ordinances, rules and regulation of the Grantees which are now in effect or may be adopted hereafter.

In consideration of acceptance of the easement by the Grantees, the Grantor agrees to pay the entire cost of installing a water main and appurtenances upon the premises, which main shall be located not less than nine (9) feet from either lateral limit of the premises, The water main and appurtenances, including valves and hydrants, shall upon completion, and approval by the Grantees, become and remain the property of the Grantee (City, Village, Township, District) of City of Brunswick, and shall be a distribution water main of said Grantee within the purview and subject to the terms of any Water Service Agreement between said Grantee and Grantee, the City of Cleveland, now or hereafter in effect.

All service connections shall be installed in accordance with the ordinances, rules and regulations of the Grantees at the expense of owners of abutting property or others who seek water service thereby. Service connections shall be assigned to specific street mailing addresses by Grantee, City of Cleveland, when said Grantee receives the official designation of such addresses from Grantee, the (City, Village, Township, District) of City of Brunswick.

All water meters shall be furnished and set by Grantee, City of Cleveland, at the expense of the Grantor. All water shall be supplied by Grantee, City of Cleveland, in the same manner and to the same extent that said Grantee supplies water to properties abutting on public streets in the City of Cleveland.

The Grantor hereby restricts the premises against the construction thereon of any temporary or permanent structures, except that Grantor may install or cause to be installed sidewalks or pavements, or tunnels, railroad switch tracks, sewers, ducts, pipes or pole lines which cross over or under the premises at an angle of not less than forty-five (45) degrees with

the center line of the water main, or which clear the water main by not less than one and one-half (1 - ½) feet above or one and one-half (1 - ½) feet below.

The Grantor agrees to keep the premises free of materials, equipment, vehicles, trees, shrubbery, and any other obstructions which would interfere with Grantees' access to or maintenance of water mains and appurtenances. Grantor further agrees to make no alterations to the premises which would increase the dept of the water main to more than six (6) feet or reduce its depth to less than five (5) feet.

The Grantor agrees to construct a hard surface driveway, of at least fifteen (15) feet in width, adjacent to the water main. The access driveway shall be constructed of concrete or asphalt and shall conform to current Ohio Department of Transportation specifications.

If the Grantor desires to alter the premises in any way other than is expressly permitted herein, he must obtain the prior written approval of the Grantees. Upon receipt of such approval, the Grantor shall at his own expense relocate or reconstruct all or any portion of the water main and appurtenances which are affected by such alteration and, where necessary, grant a new easement of not less than fifty (50) feet in width under the same terms and conditions as herein provided. The relocated or reconstructed water main and appurtenances shall, upon completion, and approval by the Grantees, become the property of Grantee, the (City, Village, Township, District) of City of Brunswick.

If the Grantor violates any of the provisions of this easement, the Grantees, either jointly or separately and at the expense of the Grantor, may enter upon the premises and discontinue water service or make such alterations as are necessary to bring the premises into compliance with the provisions of this easement.

Whenever maintenance or work of any kind is performed on the premises under the terms of this easement, the Grantees, jointly and separately, shall bear no responsibility for restoration of the premises or their environs to their original topographical condition.

The Grantor indemnifies and holds harmless the Grantees from any and all damage, injury or loss to any person or property caused by, related to or resulting from any leaks in the water main or appurtenances or the maintenance, construction, reconstruction or relocation of said main or appurtenances, other than damage, injury or loss caused by, related to or resulting from the sole negligence of the Grantees. The Grantor further indemnifies and holds harmless the Grantees from any and all expense incurred and damage to the water main and appurtenances caused by, related to or resulting from the Grantor's construction or maintenance of any paving, walks, switch tracks, tunnels, sewers, ducts, pipes or pole line within or upon the premises or from any other use of the premises by the Grantor.

The Grantor hereby reserves the right to use the premises for the passage or transportation of personnel, materials or equipment, and to make such other use of the premises as is not expressly prohibited by or inconsistent with the terms of this easement.

The Grantor and the Grantees mutually agree that neither the recording of this instrument nor its acceptance by the Grantees shall be construed as a dedication of the premises or an agreement by the Grantees to accept the premises for dedication for public use as a street.

The Grantor covenants with the Grantees that it is well seized of the premises as a good and indefeasible estate in fee simple and has the right to grant and convey the premises in the manner and form above written. The Grantor further covenants that he will warrant and defend the premises with the appurtenances thereunto belonging to the Grantees against all lawful claims and demands whatsoever for the purposes described herein.

TO HAVE AND TO HOLD the above granted easement, right-of-way, water lines, appurtenances and additions installed by the Grantor, for the purposes above mentioned, unto the Grantees forever.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands at

Brecksville Ohio this 13th day of Feb., 2017.

Signed in the Presence of:

GRANTOR: The Drees Company

Mary M Bohus
MARY BOHUS
(print or type name)

Jim O'Connor
JIM O'CONNOR
(print or type name)

STATE OF OHIO)

) SS:

COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said County and State, personally appeared the above-named The Drees Company by Jim O'Connor, who acknowledged that (he, they) did sign the foregoing instrument and that the same is (his, their) free act and deed, personally and as such officer(s) and the free act and deed of said (corporation, partnership).



IN WITNESS WHEREOF, I have hereunto set my hand and official seal at

Brecksville Ohio, this 13 day of Feb.,
MARY M. BOHUS
Notary Public, State of Ohio
My Commission Expires 12-16-17

Mary M Bohus
NOTARY

The legal form and correctness
of the within instrument is
hereby approved:

Director of Law

Date: _____

City of Brunswick
(City, Village, Township, District)

Accepted by the Council of _____ by

(Resolution/Ordinance) No. _____

Passed _____, 20____.

Clerk or Assistant

(Date)

The City of Cleveland, by and through its Director of Public Utilities, does hereby accept the within easement and all the terms and conditions thereof this _____ day of _____, 20____, as authorized by Section 129.20 of the Codified Ordinances of Cleveland, Ohio, 1976, passed by the Council of the City of Cleveland on June 17, 1991.

Signed in the presence of:

CITY OF CLEVELAND

By: _____
Director of Public Utilities

The legal form and correctness
of the within instrument is
hereby approved:

Director of Law

Dated: _____

By: _____
Assistant Director of Law

This Instrument Prepared By:
Cunningham & Associates, Inc.

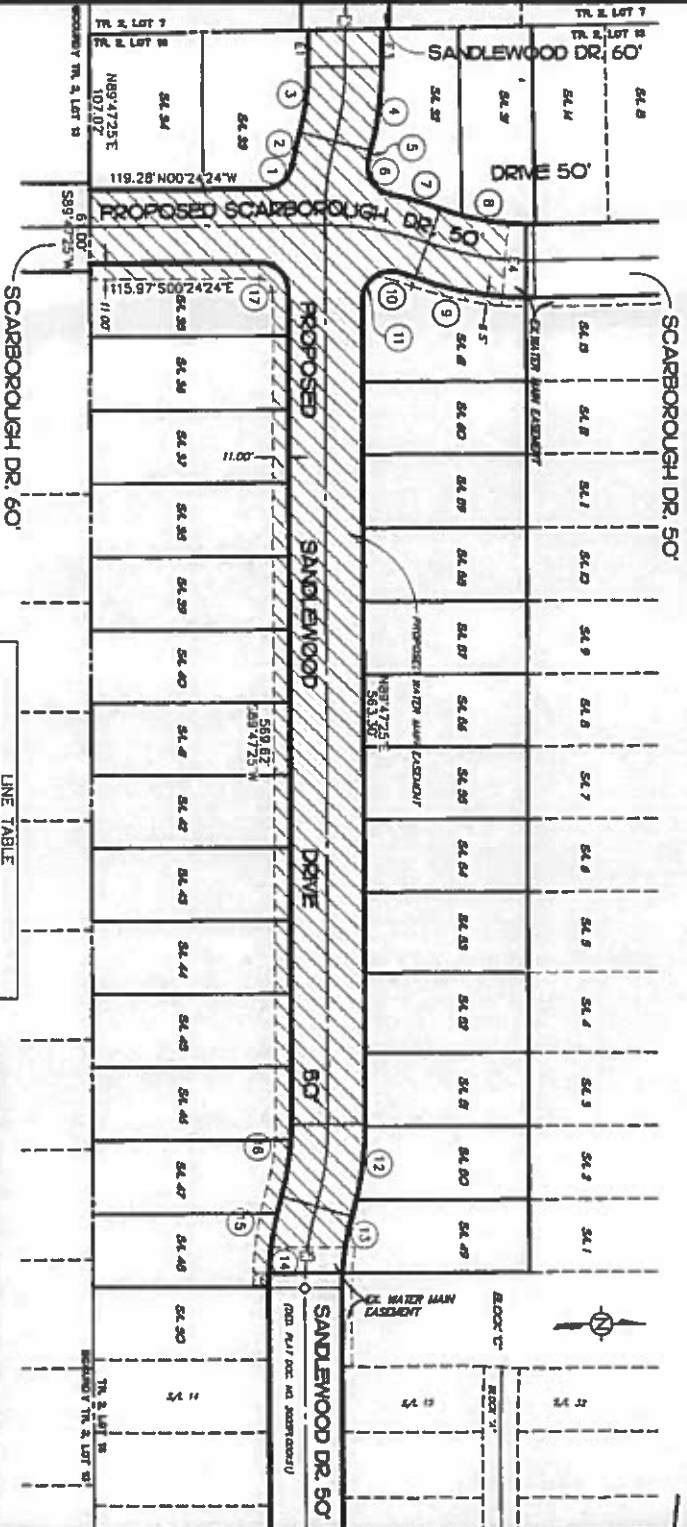
PP # 003-18D-10-260

EASEMENT SKETCH

TOWNSHIP BRUSMICK CITY BRUSMICK
 TRACT NO. 2 LOT NO. 18
 SUBDIVISION SLOAN'S 1ST ADDITION
 PROP. OWNER THE DEES COMPANY
 COUNTY OF MEDINA & STATE OF OHIO
 DATE JANUARY 2008 SCALE 1"=100'



- 1 R = 20.00 Δ = 60°31'07" T = 28.11 C = 25.85
- 2 R = 225.00 Δ = 5°50'28" T = 16.94 C = 25.85
- 3 R = 175.00 Δ = 14°49'56" T = 22.94 C = 22.92
- 4 R = 225.00 Δ = 14°49'56" T = 22.94 C = 22.92
- 5 R = 175.00 Δ = 14°49'56" T = 22.94 C = 22.92
- 6 R = 20.00 Δ = 91°17'56" T = 31.98 C = 28.66
- 7 R = 225.00 Δ = 8°56'08" T = 17.58 C = 15.05
- 8 R = 175.00 Δ = 13°02'27" T = 23.82 C = 21.52
- 9 R = 225.00 Δ = 13°02'27" T = 23.82 C = 21.52
- 10 R = 168.50 Δ = 8°55'21" T = 13.15 C = 26.21
- 11 R = 20.00 Δ = 56°23'40" T = 19.68 C = 10.72
- 12 R = 225.00 Δ = 16°15'37" T = 21.55 C = 21.54
- 13 R = 175.00 Δ = 7°03'23" T = 10.78 C = 10.78
- 14 R = 225.00 Δ = 7°03'23" T = 10.78 C = 10.78
- 15 R = 225.00 Δ = 13°45'40" T = 28.48 C = 26.21
- 16 R = 168.50 Δ = 13°45'40" T = 28.48 C = 26.21
- 17 R = 168.50 Δ = 13°45'40" T = 28.48 C = 26.21
- 18 R = 168.50 Δ = 13°45'40" T = 28.48 C = 26.21



LINE	LENGTH	BEARING
E1	25.00	N89°53'04"W
E2	50.01	N01°06'08"W
E3	26.03	S89°55'04"E
E4	56.50	S85°24'53"E
E5	50.50	S00°12'34"E
E6	11.01	S00°12'34"E

CUNNINGHAM & ASSOC. INC.
 CIVIL ENGINEERING & SURVEYING
 203 W. LIBERTY ST. MEDINA, OH 44056
 TELEPHONE (330) 725-5980
 PROJECT NO. H83