



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
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Administration Representatives

OCTOBER 23, 2017

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of regular Council Meeting Minutes dated October 9, 2017.
 - (a) Council Meeting Minutes dated October 9, 2017.
5. Mayor's Report:
 - (a) Proclamation to proclaim November 2017 as CRPS/RSD Awareness Month;
 - (b) Motion to approve the Mayor's recommendation to reappoint Carl Consiglio to the Zoning Board of Appeals retroactive to March 10, 2017, and Walter Wozniak to the Zoning Board of Appeals retroactive to February 24, 2017;
 - (c) Mayor's Update
6. Clerk of Council's Report
7. Council Committee Reports:
 - Economic Development.....Mr. Johnson
 - Services, Utilities, Technology & Cable.....Mr. Salzgeber
 - (47) Services Committee Meeting Minutes dated October 9, 2017
 - Finance Committee.....Mrs. Hanek
 - (49) Finance Committee Meeting Minutes dated October 9, 2017
 - Safety & Environment.....Mr. Hanek
 - (50) Safety Committee Meeting Minutes dated October 9, 2017
 - Planning & Zoning Committee.....Mr. Ousley
 - (46) Planning & Zoning Committee Meeting Minutes dated September 21, 2017
 - Parks, Recreation & Community Committee.....Mr. Abella Jr.
 - Building & Building Code Committee.....Mr. Capretta

8. Other Boards and Commissions

(a) Committee of the Whole Meeting Minutes dated September 25, 2017

9. Petitions from the Public on Legislation

10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

RES. NO. 86-17 - A resolution authorizing the City Manager into a five (5) year agreement with the Board of Health for the Medina County Combined General Health District to perform storm water sampling and inspection services in a total amount not to exceed \$20,000.00 - **3rd Reading** (Safety & Environment Committee, *Administration/Paul Barnett*)

ORD. NO. 87-17 - An ordinance amending Section 618.29 of the City of Brunswick Codified Ordinances - **3rd Reading** (Safety & Environment Committee, *Administration/Ken Fisher*)

b. 2nd Reading(s)

ORD. NO. 90-17 - An ordinance amending Council's Ordinance Number 96-12 and the City's Fund Balance Reserve Policy - **2nd Reading** (Finance Committee, *Administration/Todd Fisher*)

ORD. NO. 91-17 - An ordinance amending Section 666.14 of the Codified Ordinances of the City of Brunswick - **2nd Reading** (Safety & Environment Committee, *Administration/Ken Fisher*)

c. 1st Reading(s)

RES. NO. 96-17 - A resolution permitting the city administration to sell, through public internet auctions, personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired for the year 2018 - **1st reading** (To be brought from Committee-of-the-Whole, *Administration/Julie Murawski*)

ORD. NO. 97-17 - An ordinance establishing Section 1242.02(92) and (93) of the Codified Ordinances of the City of Brunswick by defining financial institutions and payday lenders - **1st Reading** (To be brought from Planning & Zoning, *Administration/Grant Aungst*)

ORD. NO. 98-17 - An ordinance establishing section 1260.04(u) of the codified ordinances of the City of Brunswick by including payday lenders as a conditionally permitted use in the C-G general commercial zoning district - **1st Reading** (To be brought from Planning & Zoning, *Administration/Grant Aungst*)

ORD. NO. 99-17 - An ordinance establishing Section 1262.04(h) of the Codified Ordinances of the City of Brunswick by including payday lenders as a conditionally permitted use in the C-O office commercial zoning district - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

RES. NO. 100-17 - An emergency resolution appointing Fijabi Julien-Gallam as Clerk of Council - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Pat Hanek*)

RES. NO. 101 -17 A resolution authorizing the City Manager to enter into an agreement with Medina County Port Authority for the continued location of a fiber optic cable access node in City Hall. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Robert Marok*)

RES. NO. 103-17 - An emergency resolution authorizing the City Manager to enter into an agreement with Medina County relative to local share payment for the North Carpenter Road Reconstruction Project - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

RES. NO. 104-17 -A Resolution ratifying and confirming the renewal of the existing agreement with the Medina County Public Defender Commission and the Medina County Commissioners for Indigent Defense Services in Medina Municipal Court for Municipal Code Violations from January 1, 2018 through December 31, 2018 - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

ORD. NO. 105-17 - An ordinance amending Section 1443.04(b) of the City of Brunswick Codified Ordinances by increasing permit fee unit costs for new construction by \$0.05 per square foot effective January 1, 2018 - **1st Reading** (To be brought from Building & Building Code Committee, *Administration/Gran Aungst*)

ORD. NO. 106-17 - An ordinance amending Section 1471.03 of the City of Brunswick Codified Ordinances by imposing a fee for foreclosure notices - **1st Reading** (To be brought from Building & Building Code Committee, (To be brought from Building & Building Code, *Administration/Grant Aungst*)

RES. NO. 107-17 - An emergency resolution authorizing the payment of “revenue sharing” monies to the Brunswick City School District resulting from the activation of revenue sharing conditions within the City’s Community Reinvestment Area (CRA) - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

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

15. New Business
 - (a) Oath of Office for Fijabi Julien-Gallam.
16. Adjournment

CITY OF BRUNSWICK, OHIO

MINUTES OF COUNCIL

MONDAY, OCTOBER 9, 2017

PRAYER AND PLEDGE OF ALLEGIANCE: THE REGULAR MEETING OF BRUNSWICK CITY COUNCIL WAS CALLED TO ORDER BY VICE MAYOR PATRICIA HANEK 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.

JOSEPH SALZGEBER MOVED TO EXCUSE MAYOR FALCONI FOR JUST CAUSE, SECONDED BY ALEX JOHNSON. ROLL CALL - AYES - 7, MICHAEL ABELLA JR., PATRICIA HANEK, BRIAN OUSLEY, NICHOLAS HANEK, JOSEPH SALZGEBER, ALEX JOHNSON AND ANTHONY CAPRETTA.

CORRESPONDENCE: THERE WAS NONE.

APPROVAL OF REGULAR COUNCIL MEETING MINUTES DATED SEPTEMBER 25, 2017.

ALEX JOHNSON MOVED TO APPROVE COUNCIL MEETING MINUTES DATED SEPTEMBER 25, 2017, 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.

MAYOR'S REPORT:

Mayor's Court Financial Report for the month ending September 2017 will be posted on the website and added to the minutes for the record.

Proclamation to proclaim October 20, 2017 as "Made in Medina County Day" in the City of Brunswick:

Vice Mayor Hanek read the Proclamation to proclaim October 20, 2017 as "Made in Medina County Day" in the City of Brunswick.

Mayor's recommendation to reappoint Walt Wozniak and Carl Consiglio to the Board of Zoning Appeals:

Vice Mayor Hanek asked if anyone had any concerns to contact Mayor Falconi.

Motion to approve the Mayor's recommendation to appoint Andrea Pallotta to the Medina County Health Board to fill the current term until January 2021:

Anthony Capretta moved to approve the Mayor's recommendation to appoint Andrea Pallotta to the

Medina County Health Board to fill the current term until January 2021, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

CLERK OF COUNCIL'S REPORT:

MRS. ORTIZ ANNOUNCED FOR THE NOVEMBER 7 GENERAL ELECTION THE MEDINA COUNTY BOARD OF ELECTION WAS OPEN FOR VOTING ON OCTOBER 11 THROUGH 13 FROM 8:00 TO 5:00 P.M., ON OCTOBER 16 THROUGH 27 FROM 8:00 A.M. TO 5:00 P.M. AND OCTOBER 30 THROUGH NOVEMBER 3 FROM 8:00 A.M. TO 7:00 P.M. THEY WERE ALSO OPEN ON SATURDAY NOVEMBER 4 FROM 8:00 A.M. TO 4:00 P.M. AND SUNDAY, NOVEMBER 5 FROM 1:00 P.M. TO 5:00 P.M. IF YOU WOULD LIKE TO GO DIRECTLY TO THE ELECTION BOARD TO VOTE.

COUNCIL COMMITTEE REPORTS:

Economic Development.....Mr. Johnson:

Alex Johnson had no report tonight.

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

Joseph Salzgeber moved to approve the Services, Utilities, Technology & Cable formal report dated September 25, 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.

Finance Committee.....Mrs. Hanek:

Patricia Hanek moved to approve the Finance formal report dated September 25, 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.

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

Nicholas Hanek moved to approve the Safety & Environment formal report dated September 25, 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 had no formal report this evening.

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

Michael Abella Jr. had no formal report tonight.

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

Anthony Capretta moved to approve the formal report dated September 25, 2017 as written, seconded by Alex Johnson. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

OTHER BOARDS AND COMMISSIONS : ALEX JOHNSON HAD NO COMMITTEE-OF-THE-WHOLE REPORT THIS EVENING.

PETITIONS FROM THE PUBLIC ON LEGISLATION : THERE WAS NONE.

READING OF LEGISLATION AND ACTION ON LEGISLATION:

3RD READING(S)

RES. NO. 80-17 - A resolution authorizing the City Manager to enter into an agreement with Interfinish, LLC for the design and installation of a new track at the Brunswick Community Recreation and Fitness Center in an amount not to exceed \$43,395.00 - 3rd Reading (Parks, Recreation and Community Committee, Administration/John Piepsny):

RES. NO. 80-17 - Michael Abella Jr. moved to adopt, seconded by Anthony Capretta. Roll Call - Ayes - 7, Brian Ousley, Alex Johnson, Michael Abella Jr., Anthony Capretta, Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 0. Motion Carried.

Mr. Piepsny stated this resolution will allow the City to replace the track that existed at the Brunswick Recreation Center. The facility was 26 years old and was starting to show wear especially when it was used 18 hours a day on the track. Some of the transition plates were a bit of a trip hazard. This will help make it safer for the members and guests.

RES. NO. 81-17 - An emergency resolution authorizing the City Manager to purchase three (3) marked police cruisers for the Division of Police from Statewide Ford in an amount not to exceed \$125,000.00 - 3rd Reading (Safety & Environment Committee, Administration/Chief Ohlin):

RES. NO. 81-17 - Nicholas Hanek moved to adopt, 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.

Chief Ohlin stated this will allow the Division of Police to begin the process for purchasing replacement cruisers for 2018. Typically they replace part of their fleet each year. However, due to ordering time lines and such it generally took a number of months to receive replacement vehicles. This allowed them to get the process started earlier than they typically had before. This will replace three existing police cars that have higher mileage and maintenance costs.

2ND READING(S)

RES. NO. 86-17 - A resolution authorizing the City Manager into a five (5) year agreement with the Board of Health for the Medina County Combined General Health District to perform storm water sampling and inspection services in a total amount not to exceed \$20,000.00 - **2nd Reading** (Safety & Environment Committee, *Administration/Paul Barnett*):

RES. NO. 86-17 - Nicholas Hanek moved this resolution to a third reading.

ORD. NO. 87-17 - An ordinance amending Section 618.29 of the City of Brunswick Codified Ordinances - **2nd Reading** (Safety & Environment Committee, *Administration/Ken Fisher*):

ORD. NO. 87-17 - Nicholas Hanek moved this ordinance to a third reading.

1ST READING(S)

RES. NO. 89-17 - An emergency resolution accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the County Auditor - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*):

RES. NO. 89-17 - Alex Johnson 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 noted this was to certify the property tax rates for the City of Brunswick. In order for the City to bill the tax rates they have to be filed with the County Auditor. If approved tonight he will file them in the morning. The tax rates were the same as they were last year. The City only had one voted tax rate by the people and that was the road levy. This will be the fourth year of this levy and according to the County Auditor it was estimated to collect about \$820,000 for the roads next year.

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

ORD. NO. 90-17 - An ordinance amending Council's Ordinance Number 96-12 and the City's Fund Balance Reserve Policy - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fisher*):

ORD. NO. 90-17 - Alex Johnson moved this ordinance to a second reading.

ORD. NO. 91-17 - An ordinance amending Section 666.14 of the Codified Ordinances of the City of Brunswick - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Ken Fisher*):

ORD. NO. 91-17 - Nicholas Hanek moved this ordinance to a second reading.

RES. NO. 92-17 - An emergency resolution in support of Issue17, a 2.3-Mill Bond Issue for the Brunswick City School District - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*):

RES. NO. 92-17 - Alex Johnson moved to suspend the rules, seconded by Joseph Salzgeber. Roll Call - Ayes - 6, Brian Ousley, Alex Johnson, Michael Abella Jr., Patricia Hanek, Nicholas Hanek, Joseph Salzgeber. Nays - 1,

Anthony Capretta. Motion Carried.

Mr. DeForest stated that this resolution was in support of the Brunswick City Schools Bond Issue which will go to the ballot in November. This 2.3 Mill Bond Issue would be to build a one consolidated middle school on site where Visintainer and Edwards were currently. It was advantageous for the community when there was a complimentary and supportive relationship between the schools and City Administration. Also, 37% of the cost will be taken from the State of Ohio to rebuild this school if this bond issue passed.

Alex Johnson moved to adopt, seconded by Nicholas Hanek. Roll Call - Ayes - 6, Patricia Hanek, Joseph Salzgeber, Brian Ousley, Nicholas Hanek, Michael Abella Jr., and Alex Johnson. Nays - 1, Anthony Capretta. Motion Carried.

RES. NO. 93-17 - An emergency resolution authorizing the City Manager to enter into a five year contract to engage Rea & Associates, Inc. to audit the City of Brunswick for the fiscal years ending, December 31, 2017 through December 31, 2021 - 1st reading (To be brought from Finance Committee, *Administration/Todd Fischer*):

RES. NO. 93-17 - Alex Johnson 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 explained according to state law the State Auditor's Office had the ability and right to audit all governments in the State of Ohio. They also oversee the Request for Proposals when they were not able to do that work through their staffing limitations. Our City was one of those. An Request for Proposals was put together and went through the process. The state scored that at 95% and the City received 5% score to contribute. After this process as done it came out that Rea & Associates were the best and lowest bid for that process. This was for an audit contract for a five-year period and at a cost slightly less than what the state charged last year.

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

RES. NO. 94-17 - An emergency resolution declaring the intention of the City of Brunswick to provide municipal services to a 5.5515 acre parcel of land (PPN 001-02D-02-006) on Center Road - 1st Reading (To be brought from Committee-of-the-Whole, *Revision of Res. No. 84-17, Administration/Ken Fisher*):

RES. NO. 94-17 - Alex Johnson 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. Fisher noted that the property owner of this parcel has filed an application to annex the property commonly known as the Brunswick Professional Building and the land behind it to the City of Brunswick. The hearing before the Medina County Commissioners was scheduled for November 14, 2017. The Ohio Revised Code required the Municipal Council submitted a resolution as to services to be provided to this particular parcel in the event the annexation petition was granted. It must be submitted no later than

twenty days before the hearing, hence the reason for an emergency. This did correct a prior resolution that misidentified the permanent parcel number.

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

ORD. NO. 95-17- An emergency Ordinance amending Ordinances #84-16, #15-17, #37-17 and #76-17 to include amendments to the appropriations budget for the year ending December 31, 2017 as incorporated in Exhibit "A" attached hereto- 1st Reading (To be brought from the Finance Committee, Administration/Todd Fischer):

ORD. NO. 95-17 - Alex Johnson 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 advised the Finance Committee went through the Budget Amendments. It was a net increase of about \$300,000 and some change. The largest component of this was the budget amendments to keep the budget for North Carpenter Road Improvement Project. That project would be the most expensive project that went through the city's books since he has been here with the estimated cost of \$12.1 million. The City share will just under \$3 million. These budget amendments will put everything in place to allow this to occur. The cash for the local share will also include the country will be due sometime between December and March of next year. The rest of the budget amendments listed were a net decrease. Exhibit "A" was the document that was prescribed by Ohio Revised Code. Exhibit "B" was for informational purposes only and was detailed out of every budget amendment with a description. If approved tonight, he will file this with the County Auditor's Office in the morning.

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

CITY MANAGER'S REPORT: MR. DEFOREST THANKED THE BRUNSWICK CITY SCHOOLS AND THE CLEVELAND CLINIC FOR PUTTING TOGETHER A PARTNERSHIP ALONG WITH THE CITY TO HAVE THE FIRST EVER COMMUNITY CPR CLASS. IT WILL BE HOSTED THIS SATURDAY, OCTOBER 14 AT THE BRUNSWICK CITY SCHOOLS. THERE WILL BE APPROXIMATELY 42 CITIZENS WHO WILL BE LEARNING CPR FROM VOLUNTEERS AND EMPLOYEES. HE HAD A REMINDER FOR ALL VETERANS. THERE WAS INFORMATION ON THE CITY'S WEBSITE THAT THEY WILL BE HOSTING THEIR FIRST EVER VETERAN'S BREAKFAST. IT WAS WEDNESDAY MORNING, OCTOBER 18 AT 8:00 A.M. AT THE BRUNSWICK RECREATION CENTER. THE VFW AND AMERICAN LEGION WILL BE HOSTING THIS YEAR'S VETERAN'S DAY CEREMONY AT CITY HALL ON FRIDAY, NOVEMBER 10 AT 11:00 A.M. HE ENCOURAGED MEMBERS OF THE COMMUNITY TO COME OUT AND SUPPORT THE VETERANS.

IN ADDITION, LEAF COLLECTION WAS MOVED UP THE SCHEDULE AND WILL START ON MONDAY, OCTOBER 23 IN WARD 4. IT WILL THEN MOVE TO WARD 2, 3 AND FINISH WITH WARD 1. THIS WAS THE FIRST RUN THROUGH THE CITY. IF YOU WANT ANY ADDITIONAL INFORMATION PLEASE CONTACT THE CITY OR CHECK THE WEBSITE.

ADMINISTRATIVE DEPARTMENTS: CHIEF OHLIN MENTIONED THE HOME DEPOT SAFETY DAYS. HE

THANKED THE COMMUNITY FOR COMING OUT TO SUPPORT THE INITIATIVE FOR HOME DEPOT. HE THANKED CHIEF BAIRD AND HIS CREW FROM THE DIVISION OF FIRE. THE DIVISION OF POLICE WAS ON SITE WITH A NUMBER OF OTHER PUBLIC SAFETY PARTNERS FROM THE AREA. MANY FAMILIES CAME OUT TO LEARN ABOUT THE DIFFERENT SERVICES PUBLIC SAFETY PROVIDED. THE WEATHER WAS GREAT. HE ALSO WANTED TO LET EVERYONE KNOW ABOUT AN INITIATIVE TO FORM A MEDINA COUNTY OPIATE RESPONSE TEAM. THIS WILL BENEFIT ALL COMMUNITY. MEDINA COUNTY SHERIFF'S DEPARTMENT AND ALTERNATIVE PATHS RECEIVED GRANT FUNDING TO ESTABLISH THIS INITIATIVE. THE INITIATIVE WILL KICK OFF SOMETIME IN THE NEAR FUTURE. THE PURPOSE WAS TO ESTABLISH A STANDARDIZED PURPOSE FOR THE RESPONSE BY COMMUNITY HEALTH PROVIDERS AND LAW ENFORCEMENT FOR PERSONS AND FAMILIES WHO HAVE EXPERIENCED AN OPIOID DRUG OVERDOSE IN MEDINA COUNTY. THE TEAM WILL MEET WITH AN INDIVIDUAL WHO HAS EXPERIENCED AN OVERDOSE TO ASSESS HIS OR HER NEEDS AND TO ENGAGE HIM OR HER IN AN APPROPRIATE TREATMENT WITH A CHEMICAL DEPENDENCY TREATMENT PROVIDER IN MEDINA COUNTY. A SPECIALIST FROM ALTERNATIVE PATHS WITH A LAW ENFORCEMENT REPRESENTATIVE FROM THE SHERIFF'S DEPARTMENT WHO WILL TALK TO ANYONE THAT THE BRUNSWICK POLICE DEPARTMENT REFERS TO THIS SERVICE.

CHIEF BAIRD NOTED THE TIME WILL CHANGE ON NOVEMBER 5, 2017 AND WE WILL FALL BACK. THIS WAS A GREAT TIME TO REMIND YOURSELVES TO CHANGE YOUR BATTERIES IN YOUR SMOKE DETECTORS AND CO DETECTORS. ALSO, IT WILL GET COLDER AND PEOPLE LIGHT THEIR FIREPLACES UP. THIS WAS A GOOD TIME TO GET FIREPLACES SERVICED BEFORE THEY WERE USED. IN ADDITION, TRICK-OR-TREATING WILL BE ON OCTOBER 31. REMEMBER THAT COSTUMES WERE FUN BUT CHILDREN WILL BE OUT IN THE DARK. THE COSTUMES SHOULD BE EASILY SEEN AT NIGHT WITH BRIGHT COLORS. WE WANT TO BE ABLE TO SEE THE CHILDREN WHEN THEY WERE OUT ON THE STREETS TO KEEP THEM SAFE. HE ENCOURAGED ADULTS TO ACCOMPANY THEIR CHILDREN AS THEY WENT OUT.

MR. FISCHER INFORMED THAT THE ADMINISTRATION COMPLETED THEIR FIRST ROUND OF BUDGET MEETINGS WITH ALL THE DEPARTMENTS AND THE DEPARTMENT HEADS. HE WILL BE PUTTING TOGETHER SOME CHANGES AND GOING THROUGH THE BUDGET DOCUMENT WITH THE CITY MANAGER. THE ULTIMATE GOAL WILL BE TO PRESENT THE BUDGET PROPOSAL TO COUNCIL ON NOVEMBER 15 AT 6:30 P.M.

MR. PIEPSNY STATED THE BRUNSWICK AREA HISTORICAL SOCIETY WILL BE HOSTING THE 2017 COUNTRY PUMPKIN FESTIVAL AT HERITAGE FARM ON OCTOBER 14 AND 15 FROM 10:00 A.M. TO 4:00 P.M. THIS WAS THE HISTORICAL SOCIETY'S BIGGEST EVENT OF THE YEAR. IT CONSISTED OF TWO FULL DAYS OF CRAFTS, EVENTS FOR CHILDREN, MUSEUM TOURS, AND MUCH MORE. LAST YEAR'S EVENTS ATTRACTED MORE THAN 20,000 VISITORS. THEY WERE HOPING IT WOULD BE BIGGER THIS YEAR. ALSO, THE SECOND ANNUAL MOMMY SON DANCE WILL NOVEMBER 4 FROM 6:00 P.M. TO 9:00 P.M. AT THE BRUNSWICK RECREATION CENTER. THE COST WAS \$10 PER PERSON AND IT INCLUDED PIZZA, MUNCHIES, DESSERT, A DJ AND SUPER HERO PHOTO BOOTH PLUS MORE.

MR. CAPRETTA ASKED IF THERE WAS A CERTIFICATE FOR THE CPR CLASSES AS A COUPLE PEOPLE ASKED HIM THAT QUESTION BEFORE THEY TOOK THE CLASS.

MR. DEFOREST INDICATED THAT ANYONE WHO SIGNED UP AND TOOK THE CLASS WILL RECEIVE A CARD THAT THEY WERE CERTIFIED FOR CPR AND AED'S. THE CITY WILL BE PAYING FOR THE CARDS AS IT WAS \$3.00 PER CARD PER PERSON. THEY EXPECTED TO SPEND APPROXIMATELY \$128 FOR THE COST OF THE CLASS.

OPEN FORUM: THERE WAS NONE.

UNFINISHED BUSINESS: THERE WAS NONE.

NEW BUSINESS : ALEX JOHNSON MOVED TO RESCHEDULE THE MONDAY, DECEMBER 25, 2017 COUNCIL MEETING TO MONDAY, DECEMBER 18, 2017 DUE TO THE HOLIDAY, SECONDED BY JOSEPH SALZGEBER. ROLL CALL - AYES - 7, NICHOLAS HANEK, BRIAN OUSLEY, MICHAEL ABELLA JR., JOSPEH SALZGEBER, ANTHONY CAPRETTA, ALEX JOHNSON, AND PATRICIA HANEK. NAYS - 0. MOTION CARRIED.

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

Respectfully submitted,


Barbara J. Ortiz, CMC

Clerk of Council

Vice Mayor Patricia Hanek

Adopted

SERVICES, UTILITIES, TECHNOLOGY & CABLE COMMITTEE

October 9, 2017

IN ATTENDANCE: Chairman Joseph Salzgeber, Committee Member Nicholas Hanek, City Manager/Safety Director Carl DeForest, Law Director Kenneth Fisher, Chief Jim Baird, Finance Director Todd Fischer, Parks & Recreation Director John Piepsny, Engineer Matt Jones, Fiji Julien-Gallam, Council Clerk Barbara Ortiz, News Media.

The meeting convened at: 6:15p.m.

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

Mr. Ousley arrived during the meeting.

STATUS UPDATE ON PROJECTS:

In the absence of Mr. Barnett, Mr. DeForest distributed handouts to the committee updating current projects; those handouts are attached to these minutes.

Mr. DeForest noted he has been getting positive feedback from the community of the Grafton Road project. Construction on Skyview was on hold due to a fiber optic cable that needs relocated.

The concrete panel program is nearly complete; the contractor is finishing up on Laurel Road.

Mr. DeForest also mentioned that Mr. Barnett and Mr. Lutz were instrumental in getting the concrete in front of City Hall done; it was done over the weekend. The contractor was surprised there was no wire or mesh under the old concrete and that was part of what was causing the deterioration over the years.

Mr. DeForest announced the household hazardous waste collection event will take place Saturday, October 14, at the Medina County Fairgrounds, and the Brunswick Service Garage.

Mr. DeForest also announced leaf collection was moved up one week, collection will start on October 23 in Ward 4.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mr. Hanek moved to adjourn at 6:18 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Salzgeber". The signature is stylized with a large, circular initial "J" and a long, sweeping horizontal stroke extending to the right.

Joseph Salzgeber
Chairman

FINANCE COMMITTEE MEETING

October 9, 2017

IN ATTENDANCE: Chairwoman Patricia Hanek, Committee Member Joseph Salzgeber, Committee Member Alex Johnson, Nicholas Hanek, Brian Ousley, City Manager/Safety Director Carl DeForest, Finance Director Todd Fischer, Parks & Recreation Director John Piepsny, Chief Jim Baird, Law Director Kenneth Fisher, Engineer Matt Jones, Fijabi Julien-Gallam, Council Clerk Barbara Ortiz, News Media.

The meeting convened at 6:20 p.m.

REVIEW LEGISLATION:

RES. NO. – 89-17 An emergency resolution accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the County Auditor

Mr. Fischer noted the tax rates were not changing from last year. In order for the City to collect property taxes the City has to certify the rates and file with the County Auditor.

Mr. Salzgeber moved this resolution to tonight's Council Meeting of October 9, 2017 as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

ORD. NO. 90-17 An ordinance amending Council's Ordinance Number 96-12 and the City's Fund Balance Reserve Policy

Mr. Fischer advised the Audit Committee reviewed the fund balance reserve policy at their last meeting, their recommendation was to update the policy. He noted it was last updated about five years ago. Mr. Fischer mentioned one of the reasons to amend the policy was due to the change in income tax revenue estimates.

Mr. Salzgeber moved this ordinance to tonight's Council Agenda of October 9, 2017 for three readings. Vote – 3 Ayes, 0 Nays.

RES. NO. 93-17 - An emergency resolution authorizing the City Manager to enter into a five year contract to engage Rea & Associates, Inc. to audit the City of Brunswick for the fiscal years ending, December 31, 2017 through December 31, 2021

Pursuant to Ohio Revised Code Section 115.56 the Auditor of States Office requires an annual audit, and they oversee the contract. Mr. Fischer noted the Auditor of States Office has allowed the City of Brunswick to go out for a five year contract.

The Administration went out for a Request for Proposals; the Auditor of States Office in consultation with the City of Brunswick recommended Rea & Associates.

Mr. Johnson moved this resolution to tonight's Council Agenda of October 9, 2017 as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

ORD. NO. 95-17 – An emergency ordinance amending Ordinances #84-16, #15-17, #37-17, and #76-17 to include amendments to the appropriations budget for the year ending December 31, 2017 as incorporated in Exhibit “A” attached hereto

Mr. Fischer advised this legislation represents a net increase to the City’s budget by approximately \$342,000.00. The majority of the costs are relating to the North Carpenter Road improvement project. He noted the City’s share of that project is just under \$3 million dollars. He noted the City has been setting aside money for multi years. The project is expected to be \$12 million dollars, and is expected to be a two year project that will hopefully start in 2018.

Mr. Fischer pointed out an error on Exhibit “B” the appropriation adjustment for \$55,000.00 was for professional services not Workers Comp as listed, and the account number should have been 54233.

Mr. Fischer mentioned the possibility of North Carpenter payment will be due in February or possibly December.

Mrs. Hanek asked how long the City has been putting aside money for North Carpenter, to which Mr. Fischer indicated since 2010 when he became Finance Director.

Mr. Salzgeber asked that the corrected exhibits be given to Fijabi.

Mr. Salzgeber moved this ordinance to tonight’s Council Agenda of October 9, 2017 as an emergency with suspension of the rules. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Fischer advised the September financial reports have been e mailed, if any questions ask him or Mrs. Ozanich.

Also, Mr. Fischer mentioned back in 1997, a special assessment was levied on thirty- two properties on Grafton Road. In 2018 they will no longer be assessed, so those properties should see a reduction in their tax bill.

Additionally, the Finance Department was working on legislation to finalize 2017, and they were working on the 2018 budget proposal.

ADJOURNMENT:

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

Respectfully submitted,



Patricia Hanek
Chairwoman

SAFETY & ENVIRONMENT COMMITTEE MEETING

October 9, 2017

IN ATTENDANCE: Chairman Nicholas Hanek, Committee Member Alex Johnson, Committee Member Anthony Capretta, Patricia Hanek, Brian Ousley, Michael Abella, Joseph Salzgeber, City Manager/Safety Director Carl DeForest, Finance Director Todd Fischer, Chief Jim Baird, Law Director Kenneth Fisher, Parks & Recreation Director John Piepsny, Engineer Matt Jones, Chief Brian Ohlin, Fijabi Jillian-Gallam, Council Clerk Barbara Ortiz, News Media.

The meeting convened at 6:30 p.m.

DISCUSSION OF ORDINANCE AMENDING SECTION 618.30 (e) OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES:

Mr. Hanek advised discussion will take place at the next regularly scheduled committee meeting.

REVIEW LEGISLATION:

ORD. NO. 91-17 – An ordinance amending Section 666.14 of the Codified Ordinances of the City of Brunswick

Mr. Fisher advised this ordinance amends Codified Ordinance Section 666.14 sexual predator residency requirement ordinance. As Council is aware the City's ordinance goes above and beyond state law, it not only restricts a person who has been convicted of a sexually oriented offense from residing within 1,000 feet of a school but also 1,000 feet of a school bus stop.

The change is because of a change in state law which no longer creates a required disability for a person having been labeled as a sexual predator, and City's code does. City code is more restrictive than state law.

In summary the legislation removes the requirement that a person has to be labeled a sexual predator. Mr. Fisher explained any person in essence convicted of a sexually oriented offense without being labeled a sexual predator will be restricted from residing 1,000 feet of a school and 1,000 feet of a school bus stop.

Mr. Hanek noted there were different tiers; he mentioned the changes in terminology.

Mr. Fisher stated the City has a more restrictive requirement; state law does not require the individual be labeled a sexual predator, this legislation removes the label of sexual predator, which is more restrictive. He reiterated the ordinance and state law are the same and that any person convicted of a sexually oriented offense cannot reside within 1,000 feet of a school or school bus stop.

Mr. Capretta interjected the committee needs to talk about the school bus stops at another meeting, he noted the bus stops have been changing; he asked Mr. Fisher if he was aware of that.

Mr. Fisher indicated the Administration was aware of that, he noted on a regular basis the law department and police department are addressing the issue, he stated the code is strictly enforced. However, the bus stops can be revisited if Council wishes.

Mr. Salzgeber echoed Mr. Hanek, noting the labeling system has changed, no one is labeled as a sexual predator anymore, it is now tier three, tier two, tier one based on the type of offense. He noted this legislation is basically housekeeping.

Mr. Fisher concurred; the legislation was a housekeeping measure.

Chief Ohlin addressed the bus stop issue; he advised the Police Department does get the most current information they can from the school transportation department, when an address is in question.

Mr. Capretta moved this ordinance to tonight's Council Agenda of October 9, 2017 for three readings. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Capretta thanked the Administration for getting radar out on Dennis Lane, several speeders were caught.

ADJOURNMENT:

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M Hanek', with a long horizontal flourish extending to the right.

Nicholas Hanek
Chairman

PLANNING AND ZONING COMMITTEE

September 21, 2017

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

The meeting convened at 6:07 p.m.

GENERAL DISCUSSION:

Mr. Aungst began a discussion relating to the creation of conditional permitting for vapes/cigarette shops and tattoo parlors. He understood there was a movement where vape shop owners were looking to become more prevalent becoming more of a corporate entity so that eventually they can open and run recreational marijuana business in the State of Ohio.

He is not looking to burden the Planning Commission, but his thought is to look at industries and planning and development for the highest and best use.

Mr. Ousley asked if there has been an influx of more people wanting to come to Brunswick.

Mr. Aungst has had some discussions with people and to the best of his knowledge there are five tattoo and body piercing facilities, and four vape/cigarette dedicated shops, he noted there is a cigar shop also. He pointed out this was not exclusive to Brunswick neighboring communities have their fair share of both, and this discussion is what is best for the community and making sure that everything is being followed correctly.

Mr. Ousley asked if the other communities started legislation, and Mr. Aungst did not know that detail, however, he knew there was discussion about it.

With looking at making conditional as a tool, Mr. Hanek asked if other communities were doing this and if this was a standard practice.

Mr. Aungst indicated per the Assistant Law Director it was, Mr. Incorvaia focuses on this type of law, and looks to govern and advise to continually look to improve areas, not looking to deny but looking to always improve the value and quality of life in areas. Mr. Aungst noted the businesses have to conform to what is required.

With some things being conditional, Mr. Hanek asked if it was a reflection of the long time that the City did not have a master plan.

Mr. Aungst noted that was part of it, also the Administration is starting to work on the Comprehensive Plan for the community.

Mrs. Hanek noted the Administration was putting the Comprehensive Plan in the 2018 budget. Looking at C-G districts she asked if a tattoo parlor was considered a personal service, Mrs. Plavecski indicated it was she also asked if a vape shop would be considered retail, and Mrs. Plavecski thought they would be considered a retail business since they are selling something.

It was brought to the attention of Mr. Hanek that there was a gas station selling certain types of paraphernalia and he asked if there was any way to control those types of sales.

In an ideal world Mr. Aungst stated you want people to stick to what they are supposed to be selling, however, alternative uses can be used for different things. Mr. Aungst noted the Division of Police monitor to the best of their ability.

Mr. Hanek asked what vape shops and head shops fall under, making those types of businesses conditional and placing in the right place in the community based on the nature of Brunswick, placing them in appropriate areas. Mr. Hanek noted he would like to make this as broad as possible.

Mr. Aungst indicated he will work with Mr. Incorvaia to get his thoughts and he will also have further discussion with other cities, and get back to the committee.

GENERAL DISCUSSION:

Mr. Aungst brought up an issue that pertains to zoning as well as building, in developing the department's budget, he was looking at ways to enhance their ability to do a better job and be more active in certain areas. With that, he mentioned a number of cities have created a foreclosure filing fee, so when homes are foreclosed upon there are fees that the banks pay to the cities. Mr. Aungst advised the Administration was proposing a fee of \$250.00.

The committee thought \$250.00 was low, especially when the City has to get involved to maintain the property. It was noted by Mr. Aungst that the \$250.00 was a threshold; however, if the committee thinks it should be higher, it can be. Mr. Aungst noted currently the fee in the City of Strongsville is \$250.00.

Mr. Aungst also brought up pricing for permits for commercial development, and updating those fees, the Administration proposed \$.05 increase per square foot for new home construction and commercial construction, the increase is not for residential permits.

Mr. Aungst commented this is to help the department to have more oversight in what they do.

Going back to the foreclosure fee; Mr. Ousley thought if the service department has to get involved and do the boarding up there should be additional fees for the time and material spent. He also mentioned putting someone on retainer to do the work, instead of the service department.

Mr. Aungst clarified the City is not in the business of making money, fees are put in place to assure the codes are being met and the right things are being done.

The committee had no issue going in this direction; Mr. Aungst will work with the legal department and bring information back to the committee.

Mr. Ousley brought up for discussion the possibility of putting a moratorium on apartment buildings not what is going on now but in the future. He would like the law department to take a look at that. To him, the City was getting built out on apartments. Mr. Ousley stated the small bedroom community of Brunswick is no longer.

Mr. Aungst interjected Brunswick is the metropolis of Medina County.

Mrs. Plavecski asked if there was a specific date that Mr. Ousley would like the moratorium to begin.

In response Mr. Ousley asked what was currently on the books, and Mrs. Plavecski indicated The Shire and the apartments at Brunswick Lake were approved and they have until March 2018.

Mr. Aungst thought this needs additional discussion, and the Administration needs to look at a City map to see where potentially someone could build another complex; also what needs to be looked at is what brings value to the community, and what is needed and not needed. He noted people are calling for first floor units.

Mr. Aungst also brought up the demographics of ages, with the continued increase with the senior population over time. Mr. Aungst was not opposed to a moratorium; however, more research needs done.

Mrs. Hanek commented the parcels on Pearl Road south of S.R. 303, in her opinion it was a good area for commercial building.

Mr. Ousley thought it would have been good to have retail on Pearl Road where the Shire is being built.

In response, Mr. Aungst noted there is a shopping plaza at Boston/Pearl.

Mrs. Plavecski mentioned the Corridor Plan and Comprehensive Plan did not address the senior population and the needs for senior housing, and assisted living housing.

Mrs. Hanek brought up the senior population and the shift in housing needs.

The committee brought up new development in the community, improvements to shopping plazas and new developments in the plazas, and filled retail floor space in the shopping plazas.

Mr. Jones interjected the committee may want to take into consideration re development projects when discussing the moratorium. He noted there are some existing apartment buildings that may be in a situation where they can use major upgrading. Mr. Jones would not want to restrict someone from cleaning up an existing place.

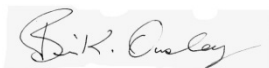
Mr. Ousley stated it would be for a brand new apartment complex.

Mr. Hanek did not want to include mixed uses in the moratorium.

ADJOURNMENT:

Being no further business, Mr. Hanek moved to adjourn at 6:50 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Ousley", is written over a light gray rectangular background.

Brian Ousley
Chairman

COMMITTEE OF THE WHOLE MEETING

September 25, 2017

IN ATTENDANCE Vice Mayor Patricia Hanek, Alex Johnson, Nicholas Hanek, Joseph Salzgeber, Brian Ousley, Anthony Capretta, Michael Abella Jr., City Manager/Safety Director Carl DeForest, Mayor Ron Falconi, Law Director Kenneth Fisher, Community & Economic Development Director Grant Aungst, Parks & Recreation Director John Piepsny, Service Director Paul Barnett, Engineer Matt Jones, Assistant Finance Director Lynnette Ozanich, Council Clerk Barbara Ortiz, MaryAnn Chandler, News Media.

The meeting convened at 6:45 p.m.

REVIEW COUNCILS 2018 BUDGET:

All of Council reviewed the proposed Council budget, there were no questions and all of Council was good with the proposed Council budget for 2018.

Mrs. Ortiz noted in the future Council may want to consider adding additional funds to Associations and Conferences for training of the new Council Clerk.

DISCUSSION OF A POSSIBLE RESOLUTION SUPPORTING THE SCHOOL BOND ISSUE:

Mr. DeForest presented information regarding supporting the bond issue for the Brunswick City Schools. He brought up the importance to consider the vitality long term health and wellbeing of the community and the cost benefit analysis in order to have a strong community you need strong businesses, strong schools, and a strong City Administration. Mr. DeForest commented this would be mutually beneficial to the City and Schools; and would stimulate the U. S.42 corridor especially south of S. R. 303.

Mr. DeForest thought it was important and asked for Council's consideration in supporting a resolution for the schools on the bond issue.

Mr. Johnson indicated he was absolutely in support of it.

Mr. Abella asked about the cost to the resident, Mr. DeForest noted the bond issue is for thirty six years and a home value of \$100,000 the monthly cost is \$6.71.

Mr. Hanek interjected the project and main thrust of the bond issue is to rebuild the Middle schools, and he was in support of it.

It was the understanding of Mr. Salzgeber that Superintendent Mike Mayell came to the Ward 2 meeting, and he spoke on the bond issue as being for infrastructure and repairs.

Mr. DeForest indicated this would be a Middle School rebuild project taking down both Edwards Middle School which is 95 years old, and also Visintainer Middle School.

There was a question about Willetts Middle School, and Mr. DeForest noted there were plans for that facility; however nothing has been clearly identified at this time.

Mr. Capretta indicated he would like to hear from Mr. Mayell and asked if he was going to be attending a Council meeting to speak on this.

To that Mr. DeForest reiterated Mr. Mayell was at the Ward 2 meeting and spoke on it then, however he can be invited to come to a Council meeting.

Mr. Capretta commented he would like to study this more, and he was not ready to support it at this time.

Mr. Salzgeber moved for the law department to draft legislation as an emergency for two readings. Vote – 7 Ayes, 0 Nays.

Mr. Hanek interjected no matter how the vote goes he will personally be supporting the issue.

The consensus of Council was for Superintendent Mayell to attend the next meeting.

REVIEW LEGISLATION:

RES. NO. 84-17 – An emergency resolution declaring the intention of the City of Brunswick to provide municipal services to a 5.5515 acre parcel of land (PPN 003-18D-03-080) on Center Road

Mr. Fisher noted this parcel of land includes the existing Brunswick Professional building and the parcel behind the building. Per Ohio Revised Code the City is required to adopt legislation identifying what municipal services will be provided by the City. The legislation is to be forwarded to the Board of County Commissioners twenty days prior to the November 14, 2017 hearing date, hence the reason for the emergency.

Mr. Abella moved this resolution to tonight's Council Agenda of September 25, 2017 as an emergency with suspension of the rules. Vote – 7 Ayes, 0 Nays.

GENERAL DISCUSSION:

Discussion of the desire for Medina County Park Department to enter into a lease agreement with the City of Brunswick for the operations and management of Brunswick Lake Park.

Mr. Piepsny noted the Medina County Park District has the lease on the Susan Hambley Nature Center and the asphalt fitness path around Brunswick Lake. The partnership is both effective and efficient having two government entities working together for the betterment of the residents of Brunswick.

Mr. Piepsny introduced Tom James, Director Medina County Park District, to talk about the desire of entering into a lease agreement for all of Brunswick Lake Park.

Mr. James commented that Medina County Park District was in the business of managing nature oriented parks, and he mentioned managing the nature center and the addition of the nature trail. He referred to the handout which was attached to these minutes.

It was the understanding of Mr. Salzgeber from past discussions that the Medina County Park District has monies available that the City does not.

Mr. James indicated they have more staff available he also mentioned their first focus would be extending the trail south eventually to Plum Creek.

Mr. Hanek wanted to know what happens to the park and lake if the park district runs the park. Residents were concerned about that. He asked Mr. James to go over the planning process and what input will residents have as to what happens to the park.

Mr. James indicated the development is a lengthy process, observations of the property through the change of seasons is an important step in creating a plan.

Mrs. Hanek interjected she would like to have an Ad Hoc committee to give the residents the opportunity to give their input.

From a historical perspective, Mr. Fisher noted the acreage was assembled by the City many years ago, and he explained it as being a Special Planning District 2 (SPD2).

Mr. James commented that a large percentage of the acreage is a conservation area and driven by requirements placed on what can be developed. He also asked for an explanation of an Ad Hoc committee, and Mrs. Hanek explained it is a temporary committee assembled for one purpose to give their input as to what they would want to see.

Mr. Hanek echoed the importance of getting feedback from Brunswick residents, and it was more of a partnership. He commented this was a historical piece of land.

Mr. James asked if they should continue with further negotiations, he also mentioned the lease agreement for the Nature Center expires December 31, 2017.

Mrs. Hanek asked if everybody was open to proceeding with further negotiations; and the committee was open to proceed with further negotiations.

ADJOURNMENT:

Being no further business, Mr. Salzgeber moved to adjourn at 7:14 p.m. Vote – 7 Ayes, 0 Nays.

Respectfully submitted,



Valerie Zak
Assistant Clerk of Council

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 10/23/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Barnett

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 86-17** - A resolution authorizing the City Manager into a five (5) year agreement with the Board of Health for the Medina County Combined General Health District to perform storm water sampling and inspection services in a total amount not to exceed \$20,000.00 - **3rd Reading** (Safety & Environment Committee, *Administration/Paul Barnett*)

BACKGROUND: The current contract is a 5 year agreement that terminates December 31, 2017. Previous resolution is 132-12. Terms of the contract are remaining the same. Costs for service have been updated.

PURPOSE AND EXPLANATION: This agreement will allow MCHD to provide storm water sampling at the direction of the City Engineer in order to be compliant with the City's NPDES permit required by the Ohio EPA.

IMPLEMENTATION SCHEDULE: This work will begin in 2018 and last 5 years.

FINANCIAL INFORMATION: MCHD storm water sampling - - \$4,000.00 per year for a total of \$20,000.00 - 224-0420-54267 - -

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

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

ADDITIONAL

INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BOARD OF HEALTH FOR THE MEDINA COUNTY COMBINED GENERAL HEALTH DISTRICT TO PERFORM STORM WATER SAMPLING AND INSPECTION SERVICES.

WHEREAS: The City requires storm water sampling and inspection services to facilitate compliance with the City's Ohio EPA National Pollutant Discharge Elimination System Permit for Storm Water Management; and

WHEREAS: The current agreement for the provision of such sampling and inspection services between the City and the Board of Health for the Medina County Combined General Health District expires as of December 31, 2017.

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 an Agreement with the Board of Health for the Medina County Combined General Health District 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. _____

BY:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A FIVE (5) YEAR AGREEMENT WITH THE BOARD OF HEALTH FOR THE MEDINA COUNTY COMBINED GENERAL HEALTH DISTRICT TO PERFORM STORM WATER SAMPLING AND INSPECTION SERVICES IN A TOTAL AMOUNT NOT TO EXCEED \$20,000.00.

WHEREAS: The City requires storm water sampling and inspection services to facilitate compliance with the City's Ohio EPA National Pollutant Discharge Elimination System Permit for Storm Water Management; and

WHEREAS: The current agreement for the provision of such sampling and inspection services between the City and the Board of Health for the Medina County Combined General Health District expires as of December 31, 2017.

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 an Agreement with the Board of Health for the Medina County Combined General Health District 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. 86-17

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A FIVE (5) YEAR AGREEMENT WITH THE BOARD OF HEALTH FOR THE MEDINA COUNTY COMBINED GENERAL HEALTH DISTRICT TO PERFORM STORM WATER SAMPLING AND INSPECTION SERVICES IN A TOTAL AMOUNT NOT TO EXCEED \$20,000.00.

WHEREAS: The City requires storm water sampling and inspection services to facilitate compliance with the City's Ohio EPA National Pollutant Discharge Elimination System Permit for Storm Water Management; and

WHEREAS: The current agreement for the provision of such sampling and inspection services between the City and the Board of Health for the Medina County Combined General Health District expires as of December 31, 2017.

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 an Agreement with the Board of Health for the Medina County Combined General Health District 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
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 10/23/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Ken Fisher

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 87-17** - An ordinance amending Section 618.29 of the City of Brunswick Codified Ordinances - **3rd Reading** (Safety & Environment Committee, *Administration/Ken Fisher*)

BACKGROUND: Section 618.29 of the Codified Ordinances of the City of Brunswick needed amending.

PURPOSE AND EXPLANATION: Amendment to Section 618.29 of the City of Brunswick Codified Ordinances regarding Leaving Animals Unattended in Vehicles.

IMPLEMENTATION SCHEDULE: 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?
Recommending three readings with the first reading on September 25, 2017.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE AMENDING SECTION 618.29 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES.

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

SECTION 1: That Section 618.29 of the Codified Ordinances is hereby amended to read as follows:

618.29 LEAVING ANIMALS UNATTENDED IN VEHICLES

- (a) No ~~person~~ animal shall ~~leave an animal~~ be left ~~unattended~~ in an enclosed portion of a vehicle ~~if any of the except under all the~~ following conditions exist:
- (1) ~~The~~ No animal ~~may be~~ is left unattended ~~in an enclosed portion of a vehicle~~ for more than five minutes;
 - (2) ~~No~~ A heat or cold advisory has been issued by a local or state authority or the National Weather Service; or
 - (3) The animal is ~~not~~ is younger than six months of age; ~~and Adequate water is provided to the animal.~~
- (b) ***
- (c) ***

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

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 87-17

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

AN ORDINANCE AMENDING SECTION 618.29 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES.

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

SECTION 1: That Section 618.29 of the Codified Ordinances is hereby amended to read as follows:

618.29 LEAVING ANIMALS UNATTENDED IN VEHICLES

- (a) No ~~person~~ animal shall ~~leave an animal be left~~ unattended in an enclosed portion of a vehicle ~~if any of the except under all the~~ following conditions ~~exist~~:
- (1) ~~The~~ No animal ~~may be~~ is left unattended ~~in an enclosed portion of a vehicle~~ for more than five minutes;
 - (2) ~~No~~ A heat or cold advisory has been issued by a local or state authority or the National Weather Service; ~~or~~
 - (3) The animal is ~~not~~ younger than six months of age; ~~and~~
~~Adequate water is provided to the animal.~~
- (b) ***
- (c) ***

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

PASSED: 1st Reading _____
2nd Reading _____
3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

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

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 10/23/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Todd Fischer

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 90-17** - An ordinance amending Council's Ordinance Number 96-12 and the City's Fund Balance Reserve Policy - **2nd Reading** (Finance Committee, *Administration/Todd Fisher*)

BACKGROUND: Over the past two decades, the compounded impacts of the economy, political environment, and increasing demand for services and capital needs have presented challenges in maintaining adequate cash reserves for the City of Brunswick. From 2002 through 2009, the City expended significantly more money than it was taking in, thus draining the cash reserves to levels that were unacceptable to the City and the Brunswick Citizens' Financial Audit Review and Advisory Committee. The most significant factor or identified cause of these practices was the implementation of long-term financial commitments without a corresponding long-term funding stream in place.

During mid 2010 through the date of this proposal, City Council, City Administration and the Committee have taken measures to restore the City's fiscal infrastructure, rebuild its cash reserves and revamp various fiscal and budgeting practices. As a part of these revamped practices, City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee established a fund balance reserve policy.

Upon the most recent review and discussion of the fund balance reserve policy during 2017 and with the City's Finance Committee on September 25, 2017, it is the desire of City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee to systematically increase the reserve levels and thus amend the fund balance reserve policy.

**PURPOSE AND
EXPLANATION:**

See the attached Fund Balance Reserve Policy - Exhibit A for proposed amendments.

Over the past two decades, the compounded impacts of the economy, political environment, and increasing demand for services and capital needs have presented challenges in maintaining adequate cash reserves for the City of Brunswick. From 2002 through 2009, the City expended significantly more money than it was taking in, thus draining the cash reserves to levels that were unacceptable to the City and the Brunswick Citizens' Financial Audit Review and Advisory Committee. The most significant factor or identified cause of these practices was the implementation of long-term financial commitments without a corresponding long-term funding stream in place.

During mid 2010 through the date of this proposal, City Council, City Administration and the Committee have taken measures to restore the City's fiscal infrastructure, rebuild its cash reserves and revamp various fiscal and budgeting practices. As a part of these revamped practices, City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee established a fund balance reserve policy.

Upon the most recent review and discussion of the fund balance reserve policy during 2017, it is the desire of City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee to systematically increase the reserve levels and thus amend the fund balance reserve policy.

IMPLEMENTATION

SCHEDULE:

Proposed schedule: Placed on Council agenda on October 9, 2017 with first reading , Second reading October 23, 2017 and final and third reading on November 13, 2017. After the 30 day period, it is anticipated that a revised policy would be in effect on December 13, 2017 if adopted by Council.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

No immediate financial impact. However if certain events were to arise that would allow the cash reserves to either fall below the minimum reserve or go above the maximum reserves, then certain conditions and actions as outlined in the amended policy would be required.

**RECOMMENDED
ACTION:**

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

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

**ADDITIONAL
INFORMATION:**



CITY OF BRUNSWICK, OHIO
ORDINANCE NUMBER

BY:

AN ORDINANCE AMENDING COUNCIL'S ORDINANCE NUMBER 96-12 AND THE CITY'S
FUND BALANCE RESERVE POLICY

WHEREAS: After the 2017 annual review of the City's Fund Balance Reserve Policy, it has been determined by this Council, the City Administration and the Brunswick Citizens' Audit Review and Advisory Committee that it is in the best interest of the City to amend the City's Fund Balance Reserve policy to maintain appropriate levels of unencumbered cash reserves in the General Fund.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the Fund Balance Reserve Policy, as attached hereto as Exhibit "A", is amended and hereby adopted.

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 _____

Rules Suspended:

AYES ____ NAYS ____

ADOPTED: _____

ATTEST: _____

Clerk of Council
Barbara J. Ortiz, CMC

CITY OF BRUNSWICK



FUND BALANCE RESERVE POLICY

Established October 2012 (Ordinance #96-12)-

Amended by Council 2017 (Ordinance #

Adopted by Council Ordinance #

BACKGROUND:

~~During the past twelve years~~Over the past two decades, the compounded impacts of the economy, political environment, and increasing demand for services and capital needs have presented challenges in maintaining adequate cash reserves for the City of Brunswick. From 2002 through 2009, the City expended significantly more money than it was taking in, thus draining the cash reserves to levels that were unacceptable to the City and the Brunswick Citizens' Financial Audit Review and Advisory Committee. The most significant factor or identified cause of these practices was the implementation of long-term financial commitments without a corresponding long-term funding stream in place.

During mid 2010 through the date of this proposal, City Council, City Administration and the Committee ~~began to~~ have taken measures to restore the City's fiscal infrastructure, rebuild its cash reserves and revamp various fiscal and budgeting practices. As a part of these revamped practices, ~~it is the desire of~~ City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee ~~to establish~~ this fund balance reserve policy. Upon the most recent review and discussion of the fund balance reserve policy during 2017, it is the desire of City Council, City Administration and the Brunswick Citizens' Financial Audit Review and Advisory Committee to systematically increase the reserve levels and thus amend the fund balance reserve policy.

OBJECTIVE:

It shall be the objective of the City to achieve a sound financial condition and to maintain appropriate levels of unencumbered cash reserves in the General Fund to:

- 1) Ensure the timely payment of all financial obligations.
 - 2) Reduce susceptibility to downturns in the economy or revenue shortfalls.
 - 3) Provide financial resources to pay for unanticipated emergencies.
 - 4) Comply with and meet debt covenants and obligations.
 - 5) Secure and maintain investment grade credit ratings.
-

RESERVE POLICY:

The City's General Fund accounts for all financial resources except those required to be accounted for in another fund. These financial resources are available for any purpose, provided they are expended or transferred according to the general laws of Ohio and the Charter of the City of Brunswick.

The City shall attempt to maintain a minimum General Fund unreserved undesignated cash fund balance reserve of no less than ~~\$2,500,000~~\$2,750,000 as of December 31, 2017. The minimum reserve shall systematically increase by an additional \$250,000 as of December 31 of each subsequent year, for an additional four years. As of December 31, 2021, the City shall attempt to maintain a minimum General Fund unreserved undesignated cash fund balance reserve of no less than \$3,750,000.

Council may legislatively designate the use of the General Fund unreserved undesignated cash reserves below the ~~\$2,500,000-established~~ minimum. If at the end of a fiscal year, the ~~General F~~und unreserved undesignated cash fund balance reserve falls below ~~\$2,500,000 the minimum~~, the City Manager shall prepare and submit his/her plan for expenditure reductions and/or revenue adjustments to City Council. City Council shall take action necessary to restore the unreserved, undesignated General Fund cash reserve fund balance reserve back to the ~~\$2,500,000 minimum~~ level, preferably within one year, but no more than three years after the last day of the fiscal year in which the minimum reserve level was breached.

In the event the General Fund unreserved, undesignated cash fund balance reserve exceeds ~~\$4,000,000-on~~ \$4,250,000 as of December 31, 2017; \$4,500,000 as of December 31, 2018; \$4,750,000 as of December 31, 2019; \$5,000,000 as of December 31, 2020; and \$5,250,000 as of December 31, 2021 and each fiscal year thereafter on the last day of the fiscal year, the excess may be used in one of or a combination of the following ways:

- One-time expenditures or set aside for future one time expenditures, including but not limited to debt principal reductions or capital improvements, which do not increase recurring operating costs;
- Other one-time costs, or the establishment of or increase in legitimate reservations or designations of any fund balance under the authority of Council;
- Start-up expenditures for new programs provided such action is accompanied by an approved multi-year projection of revenues and expenditures. The program shall not be authorized unless the projections are both reasonable and include revenue streams sufficient to cover the expenditures.

This policy and reserve requirements should be reviewed on an annual basis and, if appropriate, amended accordingly.



CITY OF BRUNSWICK, OHIO
ORDINANCE NUMBER 90-17

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

AN ORDINANCE AMENDING COUNCIL'S ORDINANCE NUMBER 96-12 AND THE CITY'S
FUND BALANCE RESERVE POLICY

WHEREAS: After the 2017 annual review of the City's Fund Balance Reserve Policy, it has been determined by this Council, the City Administration and the Brunswick Citizens' Audit Review and Advisory Committee that it is in the best interest of the City to amend the City's Fund Balance Reserve policy to maintain appropriate levels of unencumbered cash reserves in the General Fund.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the Fund Balance Reserve Policy, as attached hereto as Exhibit "A", is amended and hereby adopted.

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 _____

Rules Suspended:

AYES ____ NAYS ____

ADOPTED: _____

ATTEST: _____

Clerk of Council

Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 10/23/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Ken Fisher

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 91-17** - An ordinance amending Section 666.14 of the Codified Ordinances of the City of Brunswick - **2nd Reading** (Safety & Environment Committee, *Administration/Ken Fisher*)

BACKGROUND: Amendments to Section 666.14 of the Codified Ordinances was needed.

PURPOSE AND EXPLANATION: Amendments were needed to Section 666.14 of the Codified Ordinances of the City of Brunswick.

IMPLEMENTATION SCHEDULE: Recommendation for 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 for three readings.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE AMENDING SECTION 666.14 OF THE CODIFIED
ORDINANCES OF THE CITY OF BRUNSWICK.

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

SECTION 1: That Section 666.14 of the Codified Ordinances is hereby amended to read as follows:

“(a) No person who has been convicted of, is convicted of, or pleads or has pleaded ed guilty to, or pleads guilty to a child-victim oriented offense or a sexually oriented offense and has been classified as a sexual predator shall establish a residence or occupy residential premises within one thousand (1,000) feet of any school premises, school bus stop, preschool, child daycare center premises, public park, library, or public pool that is located within the City of Brunswick.

(b) If a person to whom subsection (a) hereof applies violates subsection (a) hereof by establishing a residence or occupying residential premises within one thousand (1,000) feet of any school premises, school bus stop, preschool, child daycare center premises, public park, library, or public pool that is located within the City of Brunswick, an owner or lessee of real property that is located within one thousand (1,000) feet of the school premises, school bus stop, preschool, child daycare center premises, public park, library, or public pool that is located within the City of Brunswick or the Director of Law has a cause of action for injunctive relief against such person. The city of Brunswick plaintiff shall not be required to prove irreparable harm in order to obtain the relief.

(c) The terms “child daycare center” and “preschool” shall have the same meaning as provided in Ohio Revised Code Section 2950.034, as may be amended from time to time.

(de) The Clerk of Council shall maintain a current list of all school bus stops in the City of Brunswick and shall make the same available for review upon request.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

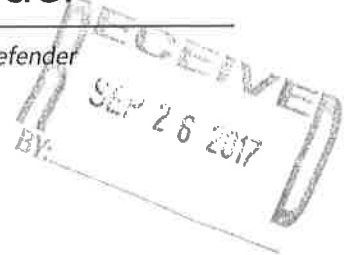
ATTEST: _____
Clerk of Council
Barb Ortiz



Office of the Ohio Public Defender

Timothy Young, State Public Defender

September 21, 2017



VIA CERTIFIED MAIL
70141820000055649419

Kenneth J. Fisher
Law Director
City of Brunswick
4095 Center Road
Brunswick, Ohio 44212

Dear Mr. Fisher:

This letter is being sent pursuant to a matter involving Mr. Brandon Price and Brunswick City Ordinance 666.14, titled Sexual Predator Residency Restrictions. The plain language of the local ordinance only applies to “sexual predators.” Mr. Price is not legally classified in that category and therefore the local ordinance cannot be applied to him.

In Medina County Court of Common Pleas Case No. 13CR0528, Mr. Price was convicted of five counts of pandering sexually oriented material involving a minor, all violations of R.C. 2907.322(A)(1). *See* August 6, 2014 Judgment Entry, attached. The Medina County Court of Common Pleas designated Mr. Price as a Tier II Sexual Offender. *Id.*

Brunswick City Ordinance 666.14, titled Sexual Predator Residency Restrictions states:

666.14 SEXUAL PREDATOR RESIDENCY RESTRICTIONS.

- (a) No person who has been convicted of, or pleads or has plead guilty to, a child-victim offense or a sexually oriented offense ***and has been classified as a sexual predator shall establish a residence or occupy residential premises within one thousand (1,000) feet of any school premises, school bus stop, preschool, daycare, public park, library, or public pool that is located within the City of Brunswick.***
- (b) If a person to whom subsection (a) hereof applies violates subsection (a) hereof by establishing a residence or occupying residential premises within one thousand (1,000) feet of any school premises, school bus stop, preschool, daycare, public park, library, or public pool, that is located within the City of

Brunswick, the Director of Law has a cause of action for injunctive relief against such person. The City of Brunswick shall not be required to prove irreparable harm in order to obtain the relief.

- (c) The Clerk of Council shall maintain a current list of all school bus stops in the City of Brunswick and shall make the same available for review upon request.

(Emphasis added.)

The plain language of the ordinance above specifically states that in order for Ordinance 666.14 to apply, the following requirements must be met:

1. The individual has been convicted of, or pleaded guilty to, one of the following:
 - a) A sexually oriented offense, or
 - b) A child-victim offense,

AND

2. The individual must be classified as a sexual predator.

While Mr. Price was convicted of a sexually oriented offense, he was not adjudicated a sexual predator. Mr. Price is designated as a Tier II registrant. In fact, a review of the Supreme Court of Ohio's caselaw indicates that Ordinance 666.14 cannot apply to *anyone* who has been subject to Senate Bill 10 (Ohio's Adam Walsh Act), such as Mr. Price.

In 1997, House Bill 180 went into effect. House Bill 180 was passed in order to make sexual-offender registration obligations stricter. House Bill 180 (and then Senate Bill 5) had three classifications: sexually oriented offender (the lowest level); habitual sexual offender (mid-level classification); and sexual predator (the highest classification). The following chart may assist in helping you to understand each classification's registration obligations:

Classification	Registration Duties	Community Notification
Sexually Oriented Offender	Once Annually for 10 Years	None
Habitual Sexual Offender	Every 180 Days for 20 Years	May Occur Every 180 Days for 20 Years
Sexual Predator	Every 90 Days for Life	May Occur Every 90 Days for Life



The following chart is a little more detailed:

	H.B. 180 (effective 1998)	S.B. 5 (effective 2003)
Periodic Verification (Sexually Oriented Offender)	Annually for 10 years	Annually for 10 years
Periodic Verification (Habitual Sexual Offender)	Twice a year for 20 years	Twice a year for 20 years
Periodic Verification (Sexual Predator)	Every 90 days for life	Every 90 days for life
Personal Offender Information provided to public	Name, residential address, offense of conviction	Name, offense, residential address, employment address
Where the offender must register	County of residence	County of residence, county of employment, county of school
Residency Restriction	None	All sex offenders are prohibited from residing within 1000 feet of a school

In *State v. Cook*, 83 Ohio St.3d 404, 409, 700 N.E.2d 570 (1998) and subsequently *State v. Ferguson*, 120 Ohio St.3d 7, 2008-Ohio-4824, 896 N.E.2d 110, the Supreme Court of Ohio ruled that House Bill 180 and Senate Bill 5 were remedial in nature, and therefore not subject to Ex Post Facto restrictions.

In 2007, Senate Bill 10 was enacted, and is based upon the federal Adam Walsh Act, Section 16901 et seq., Title 42, U.S.Code. The classification scheme for sex offenders changed under S.B. 10: an offender became subject to additional reporting and registration requirements and was subject to those requirements for a longer time.

The following chart best illustrates Senate Bill 10's increased registration duties:

Senate Bill 10's Classification System

Classification	Registration Duties	Community Notification
Tier I	Once Annually for 15 Years	None
Tier II	Every 180 Days for 25 Years	None
Tier III	Every 90 Days for Life	May Occur Every 90 Days for Life



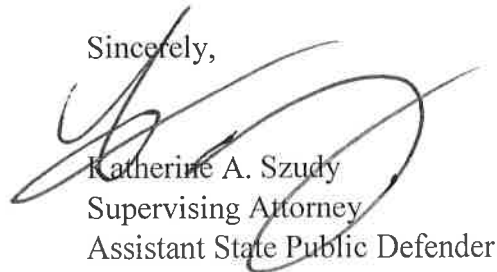
In *State v. Williams*, 129 Ohio St.3d 344, 2011-Ohio-3374, 952 N.E.2d 1108, the court held that the dramatic changes contained in S.B. 10's classification and registration requirements imposed punishment and therefore violate Article II, Section 28 of Ohio's Constitution. "Following the enactment of S.B. 10, all doubt has been removed: R.C. Chapter 2950 is punitive."¹ Accordingly, Senate Bill 10 may not be applied to person whose crime was committed before the legislation was enacted.

The classification schemes vary in a number of different ways—most notably, the names of the classification categories. Under Senate Bill 10, a person must be designated as a Tier I, Tier II, or Tier III offender. Brunswick Ordinance 666.14 only applies to sexual predators—i.e., the highest classification as defined by House Bill 180.

As such, while individuals like Mr. Price are subject to the residency restrictions in R.C. 2950.034, Ordinance 666.14 is inapplicable. Mr. Price has not been adjudicated as a sexual predator. Therefore, the prohibition of living within 1,000 feet of a bus stop cannot be applied to him.

If you have any questions or concerns, please do not hesitate to contact me. You may e-mail me at Kathy.Szudy@OPD.Ohio.gov or call me directly at 614.644.1614. Also, if you plan on imposing the restrictions as set forth in Ordinance 666.14, please respond to this letter detailing your reasoning for doing so. Thank you in advance for your time.

Sincerely,



Katherine A. Szudy
Supervising Attorney
Assistant State Public Defender

KAS:gjb
Attachment
769793

¹*Williams* at ¶15.



IN THE COURT OF COMMON PLEAS
GENERAL DIVISION
MEDINA COUNTY, OHIO

COMMON PLEAS COURT

2014 AUG -6 AM 10:47

DAVID B. WADSWORTH
MEDINA COUNTY
CLERK OF COURTS

STATE OF OHIO

CASE NO. 13CR0528

Plaintiff

v.

JUDGE JAMES L. KIMBLER

BRANDON PRICE

Defendant

**SENTENCING
JUDGMENT ENTRY**

On July 31, 2014, Defendant's sentencing hearing was held pursuant to R.C. 2929.19. Present were Assistant Medina County Prosecutor, Matt Razavi, representing the State of Ohio, and Attorney L. Ray Jones, representing the Defendant. The Defendant was also present and afforded all rights pursuant to Crim. R. 32.

The Court finds that the Defendant entered a plea of not guilty at arraignment on September 19, 2013. The Defendant appeared in Court on June 6, 2014 for trial before the Court. Upon hearing the testimony and the evidence, the Court made a finding of guilty on five (5) Counts of "Pandering Sexually Oriented Matter Involving a Minor," violation of R.C. 2907.322(A)(1), felonies of the second degree, and ordered a presentence investigation prior to sentencing. The Court hereby finds the Defendant guilty of five (5) Counts of "Pandering Sexually Oriented Matter Involving a Minor," violation of R.C. 2907.322(A)(1), felonies of the second degree.

The Court finds the Defendant has been convicted of five (5) Counts of "Pandering Sexually Oriented Matter Involving a Minor," violation of R.C. 2907.322(A)(1), felonies of the second degree.

The Court then imposed a prison term of two (2) years with credit for forty-nine (49) days served to run concurrently with all other current sentences. However, execution of sentence is hereby stayed pending the outcome of his appeal. The Defendant's bond is hereby continued with the condition of home arrest.

In imposing the above term, the Court made the following findings:

IPY

The prison term for this offense would adequately punish the offender and/or protect the public from future crime by this offender and/or others.

The Court has further notified the Defendant that post release control is required. The Court also informed the Defendant that the post-release control would be for a term of five (5) years as well as the consequences for violating conditions of post release control imposed by the Parole Board under R.C. 2967.28. As part of this sentence the Defendant is ordered to serve any term of post-release control imposed by the Ohio Parole Board and any prison term for any violation of that post-release control.

The Defendant shall submit to a DNA sample and a DNA sample shall be collected pursuant to R.C. 2901.07.

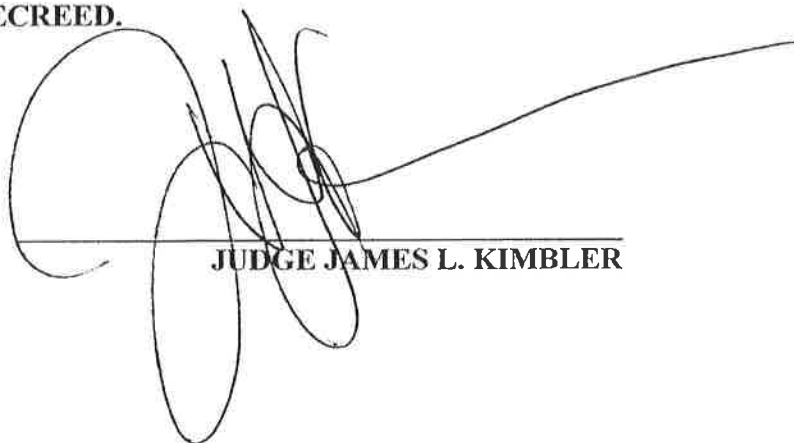
The Defendant is ordered conveyed to the custody of the Ohio Department of Rehabilitation and Correction. Credit for time spent in jail awaiting sentencing as set forth above is granted as well as future custody days while the Defendant awaits transport to the Lorain Correctional Institution.

The Defendant was designated as a Tier II Sexual Offender and was advised of his duties to register under the law.

The defendant was afforded all of his appellate rights.

All court costs are waived.

SO ORDERED, ADJUDGED and DECREED.



JUDGE JAMES L. KIMBLER

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 91-17

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

AN ORDINANCE AMENDING SECTION 666.14 OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK.

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

SECTION 1: That Section 666.14 of the Codified Ordinances is hereby amended to read as follows:

“(a) No person who has been convicted of, is convicted of, or pleads or has pleaded ed guilty to, or pleads guilty to a child-victim oriented offense or a sexually oriented offense ~~and has been classified as a sexual predator~~ shall establish a residence or occupy residential premises within one thousand (1,000) feet of any school premises, school bus stop, preschool, child daycare center premises, public park, library, or public pool that is located within the City of Brunswick.

(b) If a person to whom subsection (a) hereof applies violates subsection (a) hereof by establishing a residence or occupying residential premises within one thousand (1,000) feet of any school premises, school bus stop, preschool, child daycare center premises, public park, library, or public pool that is located within the City of Brunswick, an owner or lessee of real property that is located within one thousand (1,000) feet of the school premises, school bus stop, preschool, child daycare center premises, public park, library, or public pool that is located within the City of Brunswick or the Director of Law has a cause of action for injunctive relief against such person. The ~~city of Brunswick~~ plaintiff shall not be required to prove irreparable harm in order to obtain the relief.

(c) The terms “child daycare center” and “preschool” shall have the same meaning as provided in Ohio Revised Code Section 2950.034, as may be amended from time to time.

(de) The Clerk of Council shall maintain a current list of all school bus stops in the City of Brunswick and shall make the same available for review upon request.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barb Ortiz

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 10/23/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 96-17** - A resolution permitting the city administration to sell, through public internet auctions, personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired for the year 2018 - **1st reading** (To be brought from Committee-of-the-Whole, *Administration/Julie Murawski*)

BACKGROUND: City Council is required to adopt an annual resolution permitting the City to utilize the internet auction provisions of O.R.C. Section 721.15

PURPOSE AND EXPLANATION: In order to allow the City Administration to see, through public internet auctions, personal property, including motor vehicles acquired for the use of municipal offices and departments, and road machinery, equipment, tools or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired, legislation must be adopted by City Council annually.

IMPLEMENTATION

SCHEDULE: This legislation would be effective January 1, 2018.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

If emergency or suspension of the rules, why the request?
This legislation is required to be read three (3) times.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

A RESOLUTION PERMITTING THE CITY ADMINISTRATION TO SELL, THROUGH PUBLIC INTERNET AUCTIONS, PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES ACQUIRED FOR THE USE OF MUNICIPAL OFFICERS AND DEPARTMENTS, AND ROAD MACHINERY, EQUIPMENT, TOOLS, OR SUPPLIES, WHICH ARE NOT NEEDED FOR PUBLIC USE, OR ARE OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED FOR THE YEAR 2018.

WHEREAS: Ohio Revised Code Section 721.15 permits municipalities to sell obsolete/unfit items by internet auction; and

WHEREAS: An annual Resolution adopted by City Council is required to permit the City to utilize the internet auction provision of ORC Section 721.15.

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

SECTION 1: That this Council hereby permits the City Administration to utilize the internet auction for the sale of personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired for the year 2018.

SECTION 2: That the Clerk of Council shall cause notice of the adoption of this resolution to be published, in a newspaper of general circulation in the City, of the City's intent to sell unneeded, obsolete or unfit municipal personal property by internet auction. The notice shall include a summary of the information provided in this Resolution and shall be published at least two (2) times. The second and any subsequent notice shall be published not less than ten (10) nor more than twenty (20) days after the previous notice.

SECTION 3: That the Clerk of Council shall cause a notice to be posted continually throughout the calendar year in a conspicuous place in the offices of the Clerk of Council and the City Council and shall cause said notice to be posted continuously throughout the year on the City website.

SECTION 4: That the City shall conduct the internet auction via eBay (or other similar bidding site as long as notice is given) using the parameters provided by the auction site. Minimum price or reserve may be set, but is not required by law.

SECTION 5: That bidding shall continue for no less than fifteen (15) days, including Saturdays, Sundays and legal holidays, and shall be set for each item as noted on the internet auction site.

SECTION 6: That all terms and conditions of sale, including but not limited to pick-up and delivery, method of payment, sales tax, complete descriptions and/or pictures of the items, shall be specified for each item on the internet auction site.

SECTION 7: That the highest bidder upon the close of the open bidding period will be deemed to be the successful bidder of the internet auction. Upon the close of the auction, the City shall remit an invoice to the successful bidder for the amount of the bid. The successful bidder shall remit the entire payment within ten days of receipt of the invoice. Acceptable forms of payment include cashier's check, certified check, or money order. Other payment arrangements may be made by the City where circumstances warrant. Payment options such as on-line payment systems and PayPal or similar services are acceptable payment options. Notwithstanding the foregoing, all payment options are subject to the approval of the City's Finance Director.

SECTION 8: That all communication with the successful bidder shall occur in writing. Arrangements and costs associated with delivery to the successful bidder shall be the sole responsibility of the successful bidder. Risk of loss will be transferred to the successful bidder upon the tendering of the goods to the shipping company chosen by the successful bidder.

SECTION 9: That all items shall be sold without warranty in "AS IS" condition. All advertisements, listings, and notices shall be subject to the following language:

"The City of Brunswick, its officers, employers and agents offer this item for sale "AS IS" without any warranty or condition, express, implied or statutory. The City of Brunswick, its officers, employers and agents, specifically disclaim any implied warranties of title, merchantability, fitness for a particular purpose and non-infringement."

SECTION 10: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 11: 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

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 96-17

BY: Committee-of-the-Whole

A RESOLUTION PERMITTING THE CITY ADMINISTRATION TO SELL, THROUGH PUBLIC INTERNET AUCTIONS, PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES ACQUIRED FOR THE USE OF MUNICIPAL OFFICERS AND DEPARTMENTS, AND ROAD MACHINERY, EQUIPMENT, TOOLS, OR SUPPLIES, WHICH ARE NOT NEEDED FOR PUBLIC USE, OR ARE OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED FOR THE YEAR 2018.

WHEREAS: Ohio Revised Code Section 721.15 permits municipalities to sell obsolete/unfit items by internet auction; and

WHEREAS: An annual Resolution adopted by City Council is required to permit the City to utilize the internet auction provision of ORC Section 721.15.

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

SECTION 1: That this Council hereby permits the City Administration to utilize the internet auction for the sale of personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired for the year 2018.

SECTION 2: That the Clerk of Council shall cause notice of the adoption of this resolution to be published, in a newspaper of general circulation in the City, of the City's intent to sell unneeded, obsolete or unfit municipal personal property by internet auction. The notice shall include a summary of the information provided in this Resolution and shall be published at least two (2) times. The second and any subsequent notice shall be published not less than ten (10) nor more than twenty (20) days after the previous notice.

SECTION 3: That the Clerk of Council shall cause a notice to be posted continually throughout the calendar year in a conspicuous place in the offices of the Clerk of Council and the City Council and shall cause said notice to be posted continuously throughout the year on the City website.

SECTION 4: That the City shall conduct the internet auction via eBay (or other similar bidding site as long as notice is given) using the parameters provided by the auction site. Minimum price or reserve may be set, but is not required by law.

SECTION 5: That bidding shall continue for no less than fifteen (15) days, including Saturdays, Sundays and legal holidays, and shall be set for each item as noted on the internet auction site.

SECTION 6: That all terms and conditions of sale, including but not limited to pick-up and delivery, method of payment, sales tax, complete descriptions and/or pictures of the items, shall be specified for each item on the internet auction site.

SECTION 7: That the highest bidder upon the close of the open bidding period will be deemed to be the successful bidder of the internet auction. Upon the close of the auction, the City shall remit an invoice to the successful bidder for the amount of the bid. The successful bidder shall remit the entire payment within ten days of receipt of the invoice. Acceptable forms of payment include cashier's check, certified check, or money order. Other payment arrangements may be made by the City where circumstances warrant. Payment options such as on-line payment systems and PayPal or similar services are acceptable payment options. Notwithstanding the foregoing, all payment options are subject to the approval of the City's Finance Director.

SECTION 8: That all communication with the successful bidder shall occur in writing. Arrangements and costs associated with delivery to the successful bidder shall be the sole responsibility of the successful bidder. Risk of loss will be transferred to the successful bidder upon the tendering of the goods to the shipping company chosen by the successful bidder.

SECTION 9: That all items shall be sold without warranty in "AS IS" condition. All advertisements, listings, and notices shall be subject to the following language:

"The City of Brunswick, its officers, employers and agents offer this item for sale "AS IS" without any warranty or condition, express, implied or statutory. The City of Brunswick, its officers, employers and agents, specifically disclaim any implied warranties of title, merchantability, fitness for a particular purpose and non-infringement."

SECTION 10: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 11: 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: 10/23/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 97-17** - An ordinance establishing Section 1242.02(92) and (93) of the Codified Ordinances of the City of Brunswick by defining financial institutions and payday lenders - **1st Reading** (To be brought from Planning & Zoning, *Administration/Grant Aungst*)

BACKGROUND: The proposed ordinance would establish sections in the Codified Ordinances of the City whereby financial institutions and payday lenders are defined.

PURPOSE AND EXPLANATION: The proposed ordinance would provide definitions and clarification of financial institutions and payday lenders for future planning purposes in accordance with the Ohio Revised Code

IMPLEMENTATION SCHEDULE: It is recommended that City Council consider the proposed Ordinance for its first reading, then refer to Planning Commission for a public hearing, after which time it will be returned for second and third readings before adoption by City Council, pending any recommended revisions.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

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

ADDITIONAL

INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING SECTION 1242.02(92) and (93) OF THE
CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY DEFINING
FINANCIAL INSTITUTIONS AND PAYDAY LENDERS.

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

SECTION 1: That Section 1242.02(92) and (93) of the Codified Ordinances are hereby
established to read as follows:

“(92) Financial Institution: A bank organization or holding company of a bank
organization, as defined in Ohio Revised Code Chapter 5726, as may be amended
from time to time.

(93) Payday Lender: A nonbank financial organization, as defined in Ohio
Revised Code Chapter 5726, as may be amended from time to time, as licensed
pursuant to Ohio Revised Code Chapter 1321.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 97-17

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

AN ORDINANCE ESTABLISHING SECTION 1242.02(92) and (93) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY DEFINING FINANCIAL INSTITUTIONS AND PAYDAY LENDERS.

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

SECTION 1: That Section 1242.02(92) and (93) of the Codified Ordinances are hereby established to read as follows:

“(92) Financial Institution: A bank organization or holding company of a bank organization, as defined in Ohio Revised Code Chapter 5726, as may be amended from time to time.

(93) Payday Lender: A nonbank financial organization, as defined in Ohio Revised Code Chapter 5726, as may be amended from time to time, as licensed pursuant to Ohio Revised Code Chapter 1321.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

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

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 10/23/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 98-17** - An ordinance establishing section 1260.04(u) of the codified ordinances of the City of Brunswick by including payday lenders as a conditionally permitted use in the C-G general commercial zoning district - **1st Reading** (To be brought from Planning & Zoning, *Administration/Grant Aungst*)

BACKGROUND: The proposed Ordinance would establish a section in the Codified Ordinances of the City of Brunswick to include payday lenders as defined in the previous Ordinance, as a conditionally permitted use in the C-G general commercial zoning district.

PURPOSE AND EXPLANATION: The proposed Ordinance would provide clarification of payday lenders as a conditionally permitted use in the C-G general commercial zoning district for future planning purposes

IMPLEMENTATION SCHEDULE: It is recommended that City Council consider the proposed Ordinance for its first reading, then refer to Planning Commission for a public hearing, after which time it will be returned for second and third readings before adoption by City Council, pending any recommended revisions.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

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

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING SECTION 1260.04(u) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY INCLUDING PAYDAY LENDERS AS A CONDITIONALLY PERMITTED USE IN THE C-G GENERAL COMMERCIAL ZONING DISTRICT.

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

SECTION 1: That Section 1260.04(u) of the Codified Ordinances is hereby established to read as follows:

“(u) Payday Lenders.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 98-17

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

AN ORDINANCE ESTABLISHING SECTION 1260.04(u) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY INCLUDING PAYDAY LENDERS AS A CONDITIONALLY PERMITTED USE IN THE C-G GENERAL COMMERCIAL ZONING DISTRICT.

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

SECTION 1: That Section 1260.04(u) of the Codified Ordinances is hereby established to read as follows:

“(u) Payday Lenders.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 10/23/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 99-17** - An ordinance establishing Section 1262.04(h) of the Codified Ordinances of the City of Brunswick by including payday lenders as a conditionally permitted use in the C-O office commercial zoning district - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: The proposed Ordinance would establish a section in the Codified Ordinances of the City of Brunswick to include payday lenders as defined in the previous Ordinance, as a conditionally permitted use in the C-O office commercial zoning district.

PURPOSE AND EXPLANATION: The proposed Ordinance would provide clarification of payday lenders as a conditionally permitted use in the C-O office commercial zoning district for future planning purposes

IMPLEMENTATION SCHEDULE: It is recommended that City Council consider the proposed Ordinance for its first reading, then refer to Planning Commission for a public hearing, after which time it will be returned for second and third readings before adoption by City Council, pending any recommended revisions.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

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

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING SECTION 1262.04(h) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY INCLUDING PAYDAY LENDERS AS A CONDITIONALLY PERMITTED USE IN THE C-O OFFICE COMMERCIAL ZONING DISTRICT.

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

SECTION 1: That Section 1262.04(h) of the Codified Ordinances is hereby established to read as follows:

“(h) Payday Lenders.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 99-17

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

AN ORDINANCE ESTABLISHING SECTION 1262.04(h) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY INCLUDING PAYDAY LENDERS AS A CONDITIONALLY PERMITTED USE IN THE C-O OFFICE COMMERCIAL ZONING DISTRICT.

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

SECTION 1: That Section 1262.04(h) of the Codified Ordinances is hereby established to read as follows:

“(h) Payday Lenders.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barbara J. Ortiz, CMC

THE CITY OF BRUNSWICK
PROPOSED LEGISLATION



DATE: 10/23/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Patricia Hanek

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 100-17** - An emergency resolution appointing Fijabi Julien-Gallam as Clerk of Council - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Pat Hanek*)

BACKGROUND: The present Clerk of Council will retire effective November 24, 2017 and the position of Clerk of Council has been offered and accepted.

PURPOSE AND EXPLANATION: Appoint Fijabi Julien-Gallam as Council Clerk of the City of Brunswick effective October 9, 2017.

IMPLEMENTATION SCHEDULE: Adopt on October 23, 2017 as an emergency with suspension of the rules.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Starting salary is \$50,000/annually with start date as of October 9, 2017 per approved new hire paperwork. Council also adopted budget amendments on October 9, 2017 to allow for cross training and a temporary overlap period with two Council Clerks from October 9, 2017 through November 24, 2017. November 24, 2017 is the anticipated retirement of Council Clerk, Barb Ortiz.

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?
To adopt on October 23, 2017 as an emergency with the suspension of the rules.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION APPOINTING FAJABI JULIEN-GALLAM
AS CLERK OF COUNCIL.

WHEREAS: The present Clerk of Council Barbara J. Ortiz will retire effective November 24, 2017; and

WHEREAS: City Council has offered the position of Clerk of Council to Fajabi Julien-Gallam effective as of October 9, 2017.

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

SECTION 1: That Fajabi Julien-Gallam is hereby appointed Clerk of Council effective as of October 9, 2017 under the present salary and benefits Ordinance.

SECTION 2: That Barbara J. Ortiz shall continue to provide primary Clerk of Council services, including the training of Fajabi Julien-Gallam as successor Clerk of Council, until her retirement effective November 24, 2017.

SECTION 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to ensure appointment of a new Clerk of Council by November 24, 2017. 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. 100-17

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION APPOINTING FIJABI JULIEN-GALLAM
AS CLERK OF COUNCIL.

WHEREAS: The present Clerk of Council Barbara J. Ortiz will retire effective November 24, 2017; and

WHEREAS: City Council has offered the position of Clerk of Council to Fijabi Julien-Gallam effective as of October 9, 2017.

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

SECTION 1: That Fijabi Julien-Gallam is hereby appointed Clerk of Council effective as of October 9, 2017 under the present salary and benefits Ordinance.

SECTION 2: That Barbara J. Ortiz shall continue to provide primary Clerk of Council services, including the training of Fijabi Julien-Gallam as successor Clerk of Council, until her retirement effective November 24, 2017.

SECTION 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to ensure appointment of a new Clerk of Council by November 24, 2017. 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: 10/23/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Robert Marok

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 101 -17** A resolution authorizing the City Manager to enter into an agreement with Medina County Port Authority for the continued location of a fiber optic cable access node in City Hall. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee,*Administration/Robert Marok*)

BACKGROUND: The City of Brunswick houses Medina County Port Authority Fiber Node equipment as part of a cooperative agreement between the port authority and the City of Brunswick. This agreement covers the legal status of the cooperation and equipment placement

PURPOSE AND EXPLANATION: This lease agreement is a no cost agreement between the Medina County Port Authority and the City of Brunswick for the placement Medina County Fiber Node Equipment inside of the City of Brunswick's server room

IMPLEMENTATION SCHEDULE: This is renewal of agreement already in place with modification made to cover the changes at the Medina County Port Authority and the operation of the Fiber Network

FINANCIAL INFORMATION: lease agreement - - not applicable - - - -1

FINANCIAL SUMMARY: This is a \$1 lease agreement to show execution of space leased

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:**

FIBER OPTIC CABLE ACCESS NODE LOCATION AGREEMENT

This Fiber Optic Cable Access Node Location Agreement (“Agreement”) is made this ____ day of September, 2017 by and between the Medina County Port Authority (“Port Authority”), a port authority created by the County of Medina, Ohio (“County”) pursuant to the laws of the State of Ohio (“State”), including Revised Code §4582.21, et seq. (“Port Act”), and the City of Brunswick, a municipal corporation organized and existing under its charter and the Constitution and laws of the State (“Site Owner”), under the circumstances described in the following Recitals:

A. The Port Authority is, pursuant to the Port Act, constructing an approximately 154+/- mile fiber network generally known as the Medina County Fiber Network (“Fiber Network” or “MCFN”) throughout much of Medina County and into Cuyahoga County to the north and Summit County to the east, as generally depicted in Exhibit A hereto.

B. The Fiber Network owned by the Port Authority will generally consist of a 144-strand fiber optic cable in a two-loop configuration, with lateral cabling as necessary (“Fiber Optic Cable”), together with all equipment necessary to light the Fiber Optic Cable and drive signal throughout the Fiber Network (“Core Network Equipment”), to be made available for lease to and use by governmental, nonprofit, civic and business end-users throughout the County and along the route of the Fiber Optic Cable.

C. Forty-eight (48) strands of the Fiber Optic Cable are reserved for, and will be made available by the Port Authority to, state and local governmental users (“Governmental Portion”) pursuant to lease or other use agreements, including so-called indefeasible right-of-use or “IRU” agreements, and the Port Authority has leased the remaining ninety-six (96) strands of the Fiber Optic Cable (“Leased Strands”) to the Medina County Economic Development Corporation (“Development Corporation”), an Ohio nonprofit community improvement corporation, for use in promoting the commercial development of the Fiber Network, and thereby promoting business, economic and community development in the County, through leases or other grants of use of the Leased Strands to private nonprofit and for-profit non-governmental users.

D. The Site Owner is the fee owner of that real property generally known as the City of Brunswick Municipal Center (“City Hall”) located at 4095 Center Road, Brunswick, Ohio 44212 (“Site”) and, for the term of this Agreement and on the terms and conditions set forth herein, has agreed to host one of the Access Node Switches within the information technology center at City Hall located in the data center room of City Hall and, for that purpose, has agreed to: (i) provide secure space in the Technology Center to the Port Authority for the installation, operation and maintenance of one Access Node Switch, with such space (“Collocation Space”) meeting at least the minimum requirements, including requirements as to electrical power, temperature and humidity control, and available free space described in Exhibit B hereto, incorporated herein by this reference (“Collocation Requirements”), (ii) grant a license to the Port Authority, across the Site, into and through City Hall, into the Technology Center, and to the Collocation Space, at substantially the location[s] depicted in Exhibit C hereto, incorporated herein by this reference (as revised and replaced in accordance herewith, including in connection with any relocations of the Collocation Space or the Fiber Optic Cable, the “Fiber Cable License Area”), to permit the Port Authority to install, maintain, repair, remove and replace, a 144-strand fiber optic cable connector (“Fiber Cable Connector”) extending from the Fiber Optic Cable (network backbone) route in the public right-of-way to the Collocation Space and back to the

public right-of-way as further described herein (“Fiber Cable License”), and (iii) provide such access rights to the Port Authority and the Development Corporation.

E. In consideration of delivery of the Site Owner Deliverables, with agreement of the Site Owner, the Port Authority and Development Corporation: 1) have agreed to waive the “entrance” charges otherwise payable by the Site Owner in the event that the Site Owner chooses to connect to the Fiber Network, it being understood that such costs are variable and would generally depend on the Site Owner’s existing technological environment at the Site and the distance from the Fiber Network backbone to the connection with the Site Owner’s system at the Site, that this will constitute a one-time waiver of the cost to connect initially to the Fiber Network pursuant to an agreement with the Port Authority or Development Corporation (“Site Owner Network Use Agreement”); and 2) that all ongoing charges for the use of the Fiber Network after any such initial connection will be payable in accordance with any such Site Owner Network Use Agreement.

NOW THEREFORE, in consideration of the premises and the covenants and agreements set forth herein, and for \$1.00 in hand paid and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto mutually covenant and agree, each for itself and its successors and assigns, as follows:

Section 1. Effective Date; Term. This Agreement shall take effect on and as of the date first set forth above or, if later, on the date when this Agreement and all required acknowledgments, consents and joinders of interested parties identified herein shall have been signed. The initial term of this Agreement shall end 60 months from the date set forth above, the term of this Agreement shall automatically be extended for one additional year of the following year, without the need for any further action on the part of either party hereto unless either the Port Authority or the Site Owner shall have given notice to the other, prior to the applicable Non-Extension Deadline, that the term of this Agreement shall not be so extended; provided, further, however, that the Site Owner may not give any notice of non-extension hereunder during the term of any Site Owner Network Use Agreement. Except for the Site Owner during the term of a Site Owner Network Use Agreement, such a notice of non-extension may be given by either party at any time during the term of this Agreement and prior to the applicable Non-Extension Deadline, and any such notice of non-extension shall be given to the other party in accordance with Section 11 of this Agreement.

Section 2. Collocation Space; Common Areas. The Collocation Space within the Technology Center, it being understood and agreed that the Collocation Space shall be approximately 100 square feet satisfying the Collocation Requirements, may be relocated within the Technology Center on sixty (60) days’ notice from the Site Owner to the Port Authority, to meet the reasonable needs of the Site Owner as to the use of the Technology Center, and that the Collocation Space is not expected to be separately caged so long as the Technology Center is locked and secured by the Site Owner at all times when it is not staffed by authorized representatives of the Site Owner. To the extent that the Collocation Requirements are identified with alternatives in Exhibit B, the Table identifies those Collocation Requirements applicable to the Site. In addition to the Collocation Space, the Port Authority, and the Manager, and their respective identified employees and other agents and representatives, shall be permitted to use the common areas and facilities of City Hall and the Site in the ordinary course of their activities with respect to the Access Node Switch.

Section 3. The Site Owner hereby grants to the Port Authority, throughout the term of this Agreement, a non-exclusive right and license to install, maintain, repair, remove and from time to time replace, and to permit others to install, maintain, repair, remove and from time to time, with advanced notice unless in the case of a network emergency, replace on its behalf, the Fiber Cable Connector (including related conduit or other facilities for carrying or supporting the Fiber Cable Connector) from the Fiber Optic Cable (network backbone) route in the public right-of-way to the Collocation Space and back to the public right-of-way, and to do so above, below and across the surface of the Fiber Cable License Area; provided, that, except to the extent otherwise approved by the Site Owner in writing (which may be by approval of the plans and specifications for the installation of the Fiber Cable Connector): (i) the Fiber Cable Connector shall be underground to the extent outside the City Hall building and (ii) to the extent inside the City Hall building, the Fiber Cable Connector shall be behind walls, beneath floors and above ceilings in areas common to other similar facilities of the Site Owner; and provided, further, that the Port Authority's use of the Fiber Cable License Area shall not interfere to any material extent with the Site Owner's use of the City Hall building or the Site.

Section 4. Access After Installation. After installation of the Access Node Switch and the Fiber Cable Connector, in accordance with the Collocation Requirements, the Port Authority, the Manager and their respective identified employees, contractors and representatives ("Authorized Parties"), shall be permitted access to the Technology Center on a 24-hour per day, seven-day per week, 365 (or 366) day per year basis, subject to such reasonable written security measures as shall be consistent with the policies of the Site Owner with respect to access to the Technology Center for its own employees, contractors and representatives and provided to the Port Authority and Manager. During normal business hours for the Technology Center, any Authorized Parties shall be given access to the Technology Center on arrival and compliance with such security measures; provided, that except in the case of an emergency, such Authorized Parties shall use commercially reasonable efforts to contact the Technology Center by telephone or e-mail prior to arrival. At all times other than normal business hours, the Site Owner shall provide access to the Technology Center as soon as practicable after a request by telephone or e-mail from any Authorized Party and shall, in any event, provide such access within four (4) hours from the time of the first contact relating to any issue. Under no circumstances will the Port Authority or the Manager or their representatives move or otherwise disturb any property of the Site Owner except with the written approval and under the supervision of authorized representatives of the Site Owner.

Section 6. Property of Other Parties. Under no circumstances will the Port Authority, the Development Corporation, the Manager, or any employee, contractor, agent or representative of any thereof move, remove, re-position or otherwise disturb any property of the Site Owner located within the Technology Center or the Fiber Cable License Area except with the prior written approval and under the direct supervision of an authorized representative of the Site Owner. Under no circumstances will the Site Owner, any other tenant or user of the Technology Center, or any employee, contractor, agent or representative of any thereof move, remove, re-position or otherwise disturb any property included in the Fiber Cable Connector or the Access Node Switch or any other property of the Port Authority, the Development Corporation, or the Manager and reasonably related thereto and located within the Collocation Space or the Fiber Cable License Area except with the prior written approval and under the direct supervision of an authorized representative of the Port Authority or Manager.

Section 7. Changes in Collocation Space. The Site Owner shall immediately contact the Port Authority and the Manager in the event that it determines to make network or other changes reasonably likely to affect the positioning, location or capabilities of the Collocation Space or the location of the Technology Center and, in any event but subject to written waiver, will give notice at least sixty (60) days before requiring that the Access Node Switch or any material related equipment, cabling or gear be moved or repositioned (within the Technology Center) to a new Collocation Space meeting the Collocation Requirements. Subject to such notice, the Port Authority will arrange for the required movement or repositioning, but at the sole cost of the Site Owner, which shall pay or reimburse the reasonable costs and expenses within thirty (30) days of a request signed by an authorized representative of the Port Authority.

The Site Owner shall promptly contact the Port Authority and the Manager in the event that it determines to sell or lease the Site or the City Hall building to any other person and, in any event but subject to written waiver, shall: (i) give written notice to the Port Authority and the Manager at least one-hundred twenty (120) days before effectuating any such transfer, (ii) cooperate with the Port Authority, the Manager and any prospective purchaser or lessee to preserve the rights of the Port Authority and the Manager under this Agreement and, to the extent necessary for that purpose, require any transferee to assume obligations of the Site Owner hereunder or provide for a reasonable transition period (not less than 120 days) for the Port Authority and Manager to relocate the Access Node Switch, Fiber Cable Connector and related facilities (at the expense of the Site Owner or transferee if during the term of this Agreement), and (iii) if requested by the Port Authority, use its best efforts to assign this Agreement to any transferee.

Section 8. Site Owner Network Use Agreement. In consideration of delivery of the Site Owner Deliverables in accordance with this Agreement, the Port Authority and, by its Acknowledgment and Waiver attached hereto, the Development Corporation hereby waive the entrance charges otherwise payable by the Site Owner in the event that the Site Owner chooses to connect to the Fiber Network pursuant to a Site Owner Network Use Agreement. The foregoing waiver is irrevocable and constitutes a one-time waiver of the cost to connect initially to the Fiber Network pursuant to a negotiated Site Owner Network Use Agreement and all ongoing charges for the use of the Fiber Network after any such initial connection will be payable in accordance with such Site Owner Network Use Agreement. It is understood and agreed that entering into any such Site Owner Network Use Agreement is in the discretion of the parties and their respective boards; however, on request of the Site Owner, subject to such approval, the Port Authority will negotiate in good faith to enter into a mutually-acceptable Site Owner Network Use Agreement based on the pricing schedule previously provided to the Site Owner, such other pricing schedule as is then in effect for the services provided, or such other prices as are mutually agreed.

Section 9. Insurance. Each of the parties hereto shall be responsible for insuring its own property against such casualties and other risks as it shall deem necessary. Each party shall purchase and maintain (or cause to be purchased and maintained) such insurance as will protect it from liabilities that may arise out of or result from activities under this Agreement including Commercial General and/or Umbrella/Excess Liability Insurance. The Commercial General Liability Insurance shall include premises-operations (including explosion, collapse and underground coverage), elevators, independent contractors, completed operations, all including

broad form property damage coverage, and shall have limits of not less than \$1,000,000 per occurrence.

Section 10. Representations. By signing below, the Port Authority and the Site Owner each hereby represents that this Agreement is duly authorized, executed and delivered on its behalf, and this Agreement is valid and binding agreement of the Port Authority and the Site Owner, respectively. In addition, each of the parties represents to the other: (i) each will comply with the terms of this Agreement, (ii) any system configurations will not affect the operation or performance of the network components owned and operated by the other party as part of its network, and (iii) any equipment installed at the Site will adhere to FCC specifications and will not interfere with the operation or performance of the network components owned and operated by the other party as part of its network. Each party is solely responsible for and will conduct its own routine, unscheduled and emergency equipment and network maintenance, and only through qualified contractors or other representatives, and will immediately notify the other of any network or equipment malfunctions or breakdowns of which they are aware if such equipment malfunctions or breakdowns might reasonably affect the equipment, network or facilities of the other.

Section 11. Notices. Notices under this Agreement shall be in writing and delivered by certified mail, return receipt requested, by facsimile or electronic mail (as long as such facsimile or electronic mail is followed by delivery by a nationally recognized overnight courier service), or by nationally recognized overnight courier to the persons whose names and business addresses appear below and such notice shall be deemed given on the date of receipt, or refusal of delivery, by the receiving Party:

In the case of the Port Authority:
Medina County Port Authority
144 North Broadway Street,
Medina, OH 44256
Telephone: (330) 722-9215
e-mail: bdentler@medinacounty.org
Attention: Ron Paydo, Chair

In the case of the Site Owner:
City of Brunswick
4095 Center Road,
Brunswick, Ohio 44212
Telephone: 330-558-6875
email: rmarok@brunswick.oh.us
Attention: Rob Marok

Any notice addressee may change the address, e-mail address and/or facsimile number to which future notices under this Agreement are to be delivered by giving notice to the other notice addressees in accordance with this Section. The Development Corporation may become a notice addressee under the circumstances described in its Acknowledgment and Waiver attached hereto.

Section 12. Amendment; Termination. This Agreement may not be amended, supplemented, changed or otherwise modified except with the consent of both parties. Except as otherwise provided herein as to termination by non-extension of the Agreement term, this Agreement may not be terminated by either party without the consent of the other except upon a material breach of this Agreement and only after notice of such breach has been given (in accordance with Section 11 of this Agreement) and a reasonable opportunity (not less than thirty days) to cure has been provided following such notice.

Section 13. Assignments; Collateral Assignment to Trustee. Except as may be specifically contemplated hereby, this Agreement may not be assigned by either party without the written consent of the other. The Site Owner acknowledges that the Port Authority has financed the Fiber Network under a Trust Indenture dated as of December 1, 2010 between the Port Authority and The Huntington National Bank, as Trustee, and has made a collateral assignment of all agreements relating to the Fiber Network to that Trustee (and its successors as such) and hereby consents to that assignment.

Section 14. General Provisions; Entire Agreement. This Agreement, including the exhibits hereto, constitutes the entire understanding of the Port Authority and the Site Owner with respect to the subject matter hereof and, supersedes all oral and other written agreements, prior to the effective date with respect thereto. This Agreement shall inure to the benefit of and shall be binding upon the Port Authority and the Site Owner and, each of their respective successors, any permitted assigns and their respective employees, contractors, agents and representatives. This Agreement may be executed in counterpart and in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same agreement. Delivery of signatures and signed counterparts may be by any recognized means including by facsimile and electronic transmission and any signature so delivered shall be deemed an original signature for all purposes of this Agreement.

Section 15. Governing Law. This Agreement is and shall be deemed to be a contract made under the laws of the State and for all purposes shall be governed by and construed, without regard to choice of law provisions, in accordance with the substantive laws of the State.

[Balance of Page Intentionally Left Blank; Signature Page Next]

IN WITNESS WHEREOF, the parties hereto, by their respective duly authorized representatives, have each caused this Agreement to be signed and delivered to the other as of the date first set forth above.

Medina County Port Authority

City of Brunswick

By: _____
Ron Paydo, Chair

By: _____
Name: _____
Title: _____

Acknowledgment and Waiver by Development Corporation

The Medina County Economic Development Corporation, by the undersigned authorized officer, hereby acknowledges the execution and delivery of the foregoing Fiber Optic Cable Access Node Location Agreement between the Medina County Port Authority and the "Site Owner" thereunder ("Agreement"), acknowledges the terms of the Agreement, acknowledges that they relate to and may affect rights of the Development Corporation pertaining to the Leased Strands and the Management Agreement, acknowledges that the Port Authority is authorized to act on behalf of the Development Corporation as to matters under the Management Agreement and hereby extends that authorization to all matters under the Agreement unless and until the Development Corporation shall give notice, in accordance with the Agreement to the Site Owner, that it has retained a separate manager for the Leased Strands, and irrevocably and unconditionally waives any right it may have to consent or object to the Agreement or any of its terms, all as of the date first set forth above.

Medina County Economic Development Corporation

By: _____
Authorized Officer

Exhibit A
Depiction of Fiber Network Route

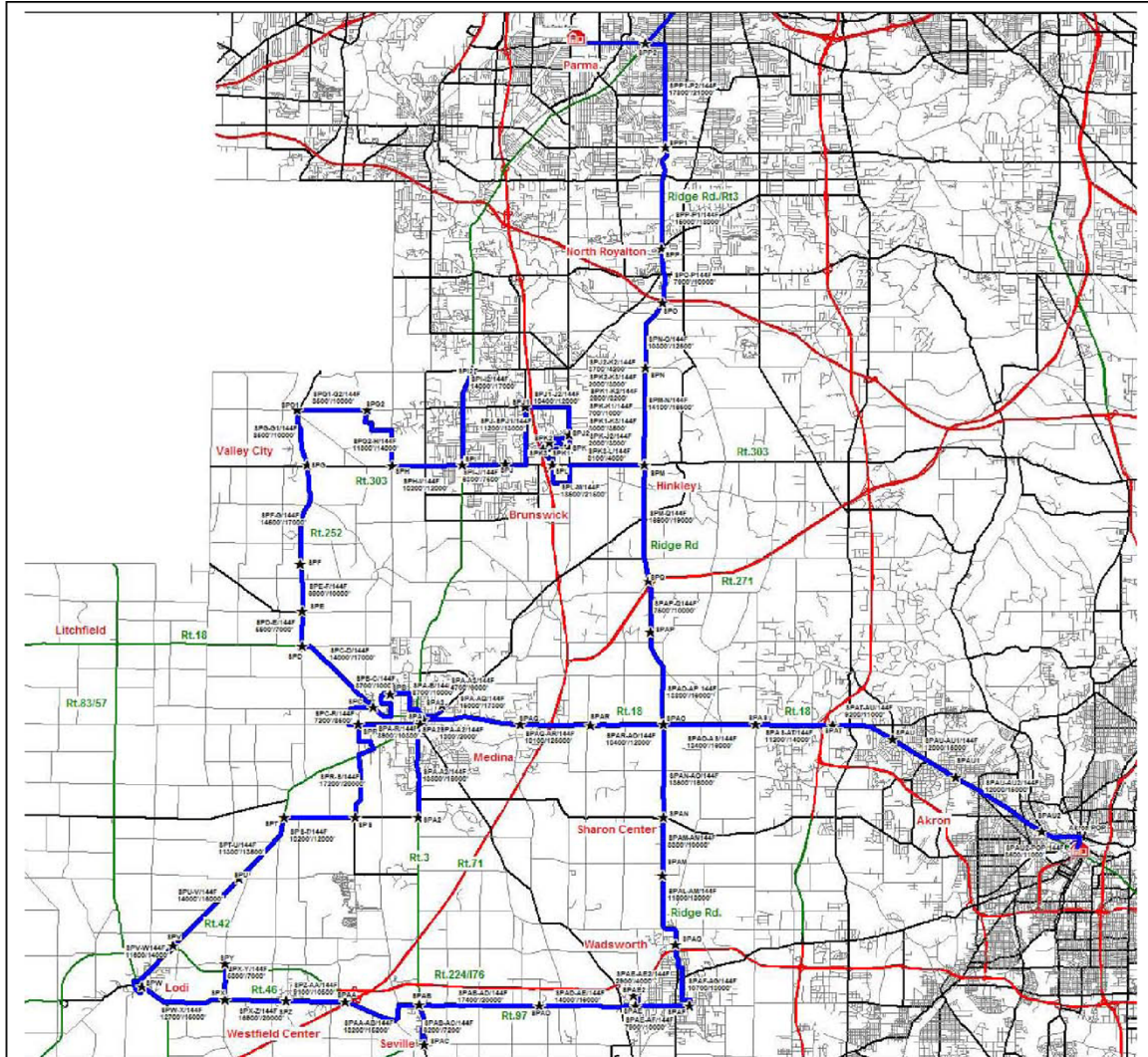
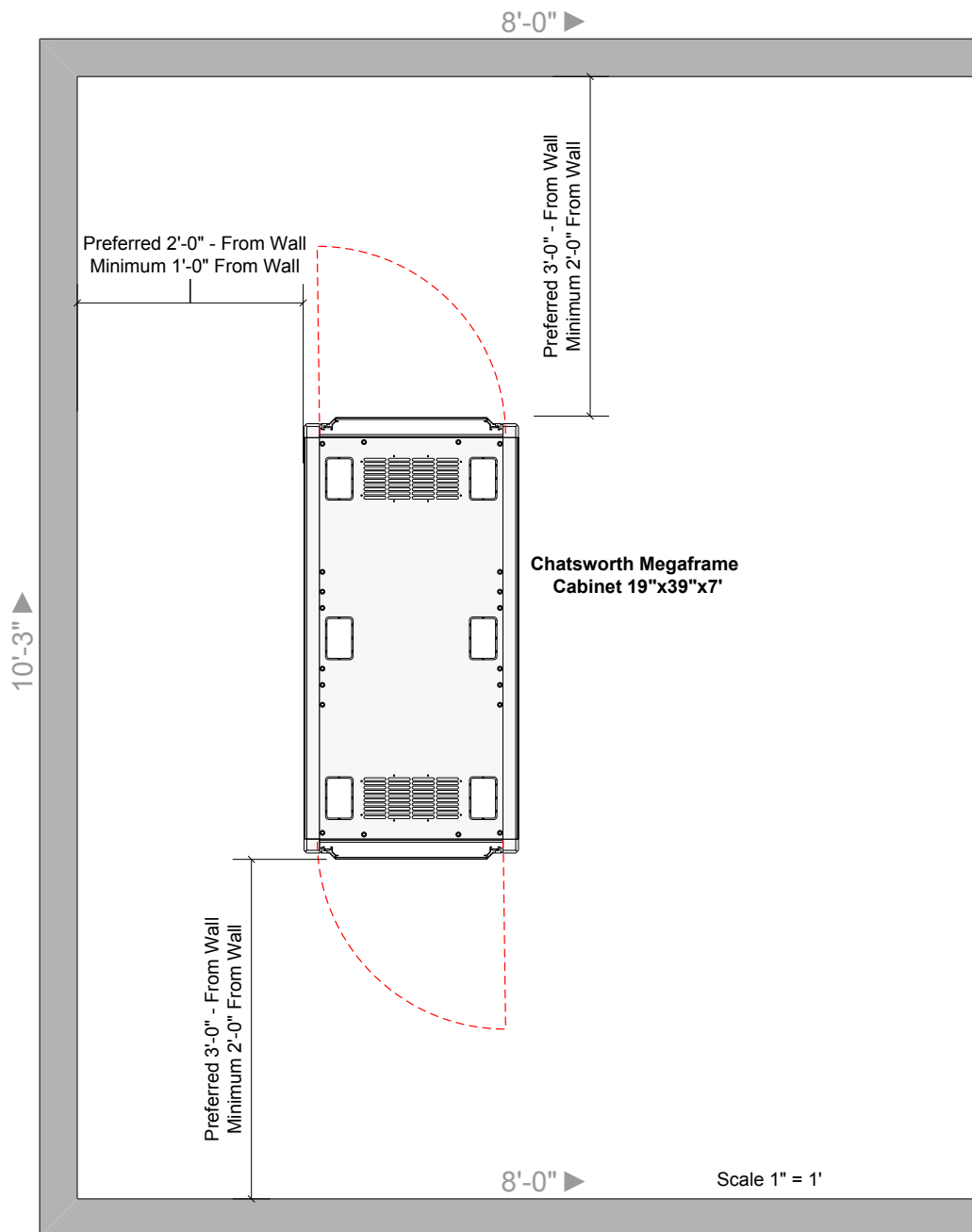


Exhibit B

Minimum Collocation Requirements

Requirements	X = Yes
<i>Site must have:</i>	
• Space with Ambient Temperature between 65 and 72 degrees Fahrenheit	X
• Space with relative Humidity between 30% and 52%	X
• 24x7x365 Access to Facility	X
• Building UPS and or Generator	X
<i>Preferred Space and Power:</i>	
• 28" x 46" x 7' height of free floor space for placement of locking cabinet	X
• Dual 220VAC/30Amps for Power Distribution Unit	X
• Space with fire suppression system preferably chemical not water.	
• Clearance of at least 3' from front and rear of cabinet	X
<i>Alternatives as to Space and Power:</i>	
• 18 Rack Units in existing rack or cabinet	
• Dual 120VAC/20 Amp	
• Supplied UPS for site installation	
<i>Preferred Installation:</i>	
• 19" x 39" x 7' locking cabinet	X
• All equipment will be placed into the cabinet	X
• Electrical and UPS (If required) will be installed in the cabinet	X
• UPS will be able to carry load for 1 hour	X
• Generator on premise to carry equipment while power is not present	X
• Proper Environmental conditions to protect equipment from heat damage	X
<i>Alternative installation:</i>	
• Install 19" x 7' two post rack or place equipment in existing 19" racking system	
• Power can be maintained with (2) 120VAV/20Amp Circuits	



CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE MEDINA COUNTY PORT AUTHORITY FOR THE CONTINUED LOCATION OF A FIBER OPTIC CABLE ACCESS NODE IN CITY HALL.

WHEREAS: The Medina County Port Authority has requested that the City authorize the continued location of a Fiber Optic Cable Access Node in City Hall to service the Medina County Fiber Network.

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

SECTION 1: That the City Manager is hereby authorized and directed to enter into an Agreement with the Medina County Port Authority, as attached hereto as Exhibit "A" and incorporated herein by reference, for the continued location of a Fiber Optic Cable Access Node in City Hall to service the Medina County Fiber Network.

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 immediate passage is necessary to allow for the immediate installation of the Fiber Optic Cable Access Node to service the Medina County Fiber Network. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 101-17

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

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE MEDINA COUNTY PORT AUTHORITY FOR THE CONTINUED LOCATION OF A FIBER OPTIC CABLE ACCESS NODE IN CITY HALL.

WHEREAS: The Medina County Port Authority has requested that the City authorize the continued location of a Fiber Optic Cable Access Node in City Hall to service the Medina County Fiber Network.

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

SECTION 1: That the City Manager is hereby authorized and directed to enter into an Agreement with the Medina County Port Authority, as attached hereto as Exhibit "A" and incorporated herein by reference, for the continued location of a Fiber Optic Cable Access Node in City Hall to service the Medina County Fiber Network.

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 immediate passage is necessary to allow for the immediate installation of the Fiber Optic Cable Access Node to service the Medina County Fiber Network. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barb Ortiz

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 10/23/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Barnett

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 103-17** - An emergency resolution authorizing the City Manager to enter into an agreement with Medina County relative to local share payment for the North Carpenter Road Reconstruction Project - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

BACKGROUND: The reconstruction of North Carpenter is anticipated to be performed through the Ohio Department of Transportation(ODOT). The cost of the project is being payed 80% by ODOT and 20% local funds. This section of North Carpenter abuts both City of Brunswick residents and Brunswick Hills Township residents. The City of Brunswick is responsible for a portion of the 20% local funds and Medina County is responsible for the remaining portion for Brunswick Hills Township.

PURPOSE AND EXPLANATION: The proposed agreement attached will allow the City of Brunswick to collect the Medina County remaining portion of the local funds. Once received, the City will forward both the Medina County share and the City of Brunswick share to ODOT to meet the estimated 20% local share of the project required. Upon completion of the project, ODOT will finalize the actual local share amount and either bill or reimburse the City of Brunswick to make us whole. In turn, the agreement allows for us to either bill or reimburse Medina County to make them whole.

IMPLEMENTATION SCHEDULE: As soon as possible. We will not be signing the required SIB loan documents until this agreement is in place which will dictate when the project will be advertised and awarded.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: \$164,665.88 is the calculated estimated remaining portion owed to the City of Brunswick. Once received, the City anticipates remitting an estimated total local share of \$2,417,500 to ODOT/State Treasurer. The City of Brunswick's current calculate share of the local construction cost equal \$1,929,165 and Medina County's share equals \$488,335. The County's share will be paid out of the North Carpenter Paving Fund #347 and the City of Brunswick's share will come from the Road Improvement Fund #333 and/or the North Carpenter Paving Fund #347. NOACA anticipates pledging \$12,127,500 towards this project, which will not come from local funds. The overall estimated project costs as of today, including interest, construction, engineering and all other

estimated costs are approximately \$14.6 million.

**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 October 23 meeting to be able to finalize the requirements set forth by ODOT to allow the project to meet a February 2018 contract award.

**ADDITIONAL
INFORMATION:**

AGREEMENT

This Agreement is entered into by and between the County of Medina, by its Board of County Commissioners (the “County”) and the City of Brunswick, by its City Manager (the “City”).

WHEREAS, the parties hereto recognize the need for and propose the improvement of a portion of North Carpenter Road between State Route 303 and Boston Road, including, without limitation, reconstruction of pavement, sidewalks, storm sewers and traffic controls (the “Project”);

WHEREAS, the Project is located within both the City and Brunswick Hills Township;

WHEREAS, the local share for the Project is 20% (the “Local Share”), which will be paid by the County and City as provided herein;

WHEREAS, the Ohio Department of Transportation (“ODOT”) will be awarding and administering the design/build contract for the Project (the “Contract”);

WHEREAS, by and through Resolution No. _____ the Board of County Commissioners authorized the execution of this Agreement with the City; and

WHEREAS, by and through Resolution No. _____ the Council of the City of Brunswick authorized the City Manager to enter into this Agreement with the County.

NOW, THEREFORE, in consideration of these premises and the mutual covenants hereinafter set forth, it is agreed as follows:

SECTION I - FUNDING

- A. The Local Share shall be allocated between the County and the City based upon the percentage of the total Project that lies within each jurisdiction as calculated as follows:

Funding split - 1997 until time of award of Contract	Brunswick City	Medina County	Total Frontage
Frontage (feet)	16698.23	6461.59	23159.82
Percentage	72.1	27.9	100.0

Funding split - Time of award of Contract through construction	Brunswick City	Medina County	Total Frontage
Frontage (feet)	17435.00	4408.56	21843.56
Percentage	79.8	20.2	100.0

- B. No later than January 26, 2018, the County shall submit its portion of the Local Share to the City for remission to the ODOT, in accordance with the Estimated Project Remaining Cost Summary contained hereinbelow, which total Local Share payment is due to ODOT in February of 2018.
- C. Upon completion of the Project, any refund or additional amounts owed shall be apportioned between the parties based upon the percentage of the total Project that lies within each jurisdiction in accordance with the below Estimated Project Cost Summary.

SECTION II - ESTIMATED PROJECT COST

- A. **An Estimated Remaining Project Cost of \$164,665.88 to Medina County** is provided in **Exhibit A** for budgetary purposes only. Final costs shall be based upon the actual costs of construction and construction administration.

SECTION III - AMENDMENTS

Amendments, modifications, or changes to this Agreement shall not be effective unless in writing and approved by both parties to this Agreement.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the dates indicated below.

CITY OF BRUNSWICK

BOARD OF COUNTY COMMISSIONERS
MEDINA COUNTY

Carl S. DeForest, City Manager

Adam Friedrich, Commissioner

Date: _____

Date: _____

Patricia G. Geissman, Commissioner

Date: _____

William Hutson, Commissioner

Date: _____

Approved as to form:

Approved as to form:

Kenneth J. Fisher, Law Director

By: _____

Title: _____

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN AGREEMENT WITH MEDINA COUNTY RELATIVE
TO LOCAL SHARE PAYMENT FOR THE NORTH CARPENTER ROAD
RECONSTRUCTION PROJECT.

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

SECTION 1: That the City Manager is hereby authorized to enter into an Agreement with Medina County, as attached hereto as Exhibit "A", for the North Carpenter Road Reconstruction Project.

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 meet Ohio Department of Transportation deadlines to allow for the Project to meet a February 2018 contract award deadline. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 103-17

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

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN AGREEMENT WITH MEDINA COUNTY RELATIVE
TO LOCAL SHARE PAYMENT FOR THE NORTH CARPENTER ROAD
RECONSTRUCTION PROJECT.

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

SECTION 1: That the City Manager is hereby authorized to enter into an Agreement with Medina County, as attached hereto as Exhibit "A", for the North Carpenter Road Reconstruction Project.

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 meet Ohio Department of Transportation deadlines to allow for the Project to meet a February 2018 contract award deadline. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

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

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 10/23/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 104-17** -A Resolution ratifying and confirming the renewal of the existing agreement with the Medina County Public Defender Commission and the Medina County Commissioners for Indigent Defense Services in Medina Municipal Court for Municipal Code Violations from January 1, 2018 through December 31, 2018 - **1st Reading** (To be brought from Committee-of-the-Whole, Administration/Ken Fisher)

BACKGROUND:

**PURPOSE AND
EXPLANATION:**

**IMPLEMENTATION
SCHEDULE:**

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

Costs are dependent on the number of appointed Public Defenders. Local budgets are established by City Council and expenses paid out of the Law Department's adopted budget. Amounts paid will be subject to sufficient Council appropriations and certified purchase orders pursuant to Ohio Revised Code Section 5705.41 D.

**RECOMMENDED
ACTION:**

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

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

ADDITIONAL

INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. _____

BY:

A RESOLUTION RATIFYING AND CONFIRMING THE RENEWAL OF THE EXISTING AGREEMENT WITH THE MEDINA COUNTY PUBLIC DEFENDER COMMISSION AND THE MEDINA COUNTY COMMISSIONERS FOR INDIGENT DEFENSE SERVICES IN MEDINA MUNICIPAL COURT FOR MUNICIPAL CODE VIOLATIONS FROM JANUARY 1, 2018 THROUGH DECEMBER 31, 2018.

WHEREAS: The Ohio Public Defender is requiring that the Medina County Public Defender Commission enter into an updated agreement with the City for the provision of indigent defense services in Medina Municipal Court for municipal code violations containing a recognizable term and necessary clauses required by Ohio Administrative Code Section 120-1-09;

WHEREAS: On October 10, 2011, this Council adopted Resolution No. 72-11, which authorized the City Manager to enter into such Agreement from January 1, 2012 through December 31, 2012;

WHEREAS: On October 22, 2012, this Council adopted Resolution No. 100-12, which authorized the renewal of the existing Agreement from January 1, 2013 through December 31, 2013;

WHEREAS: On October 28, 2013, this Council adopted Resolution No. 86-13, which authorized the renewal of the existing Agreement from January 1, 2014 through December 31, 2014;

WHEREAS: On October 27, 2014, this Council adopted Resolution No. 82-14, which authorized the renewal of the existing Agreement from January 1, 2015 through December 31, 2015;

WHEREAS: On November 9, 2015, this Council adopted Resolution No. 88-15, which authorized the renewal of the existing Agreement from January 1, 2016 through December 31, 2016;

WHEREAS: On November 14, 2016, this Council adopted Resolution No. 64-16, which authorized the renewal of the existing Agreement from January 1, 2017 through December 31, 2017; and

WHEREAS: The Agreement must be renewed annually by Resolution of this Council pursuant to the requirements of the Ohio Public Defender's Office.

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

SECTION 1: This Council hereby ratifies and confirms the renewal of the exiting Agreement

with the Medina County Public Defender and the Medina County Commissioners for indigent defense services in Medina Municipal Court for municipal code violations from January 1, 2018 through December 31, 2018.

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

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 104-17

BY: Committee-of-the-Whole

A RESOLUTION RATIFYING AND CONFIRMING THE RENEWAL OF THE EXISTING AGREEMENT WITH THE MEDINA COUNTY PUBLIC DEFENDER COMMISSION AND THE MEDINA COUNTY COMMISSIONERS FOR INDIGENT DEFENSE SERVICES IN MEDINA MUNICIPAL COURT FOR MUNICIPAL CODE VIOLATIONS FROM JANUARY 1, 2018 THROUGH DECEMBER 31, 2018.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barbara J. Ortiz, CMC

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE AMENDING SECTION 1443.04(b) OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES BY INCREASING PERMIT FEE UNIT COSTS FOR NEW CONSTRUCTION BY \$0.05 PER SQUARE FOOT EFFECTIVE JANUARY 1, 2018.

WHEREAS: Upon consultation with the Chief Building Official, the Building and Building Code Committee has recommended an increase in permit fee unit costs for new construction by \$0.05 per square foot, to be effective January 1, 2018.

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

SECTION 1: That Section 1443.04(b) of the Codified Ordinances is hereby amended to read as follows:

“Effective January 1, 2018, permit fee unit cost for new construction is determined by the following method which is inclusive for Plumbing, HVAC and Electrical. The fee multiplier will be reviewed quarterly by the Division of Building, and if deemed necessary ~~by~~ the Chief Building Official or designee, will consult with the Building and Building Code Committee for adjustment recommendations.

Use Group	Fee
Type A	Floor Area x \$1.15/SF
Type B	Floor Area x \$1.15/SF
Type E	Floor Area x \$1.15/SF
Type F	Floor Area x \$0.80/SF
Type H	Floor Area x \$1.15/SF
Type I	Floor Area x \$1.15/SF
Type M	Floor Area x \$1.15/SF
Type R	Floor Area x \$0.80/SF
Unfinished Basement	Floor Area x \$0.40/SF
Garage Floor Area	Floor Area x \$0.40/SF
Finished Basement	Floor Area x \$0.80/SF
Type S	Floor Area x \$0.80/SF
Type U	Floor Area x \$0.55/SF

Example (for illustrative purposes only)

New single family detached – unfinished basement – attached two car garage

Use Group – Type R	Gross Square Feet	x Multiplier	Fee Amount
House	2320	\$0.80	\$1,856.00
Garage	576	\$0.40	\$230.40
Unfinished Basement	1160	\$0.40	\$464.00
		Subtotal Fees	\$2,550.40
State of Ohio Assessment		1% (0.01)	\$25.50
		Total Building Permit Fee	\$2,575.90

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

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 105-17

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

AN ORDINANCE AMENDING SECTION 1443.04(b) OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES BY INCREASING PERMIT FEE UNIT COSTS FOR NEW CONSTRUCTION BY \$0.05 PER SQUARE FOOT EFFECTIVE JANUARY 1, 2018.

WHEREAS: Upon consultation with the Chief Building Official, the Building and Building Code Committee has recommended an increase in permit fee unit costs for new construction by \$0.05 per square foot, to be effective January 1, 2018.

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Use Group	Fee
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Type E	Floor Area x \$1.15/SF
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Type H	Floor Area x \$1.15/SF
Type I	Floor Area x \$1.15/SF
Type M	Floor Area x \$1.15/SF
Type R	Floor Area x \$0.80/SF
Unfinished Basement	Floor Area x \$0.40/SF
Garage Floor Area	Floor Area x \$0.40/SF
Finished Basement	Floor Area x \$0.80/SF
Type S	Floor Area x \$0.80/SF
Type U	Floor Area x \$0.55/SF

Example (for illustrative purposes only)

New single family detached -- unfinished basement -- attached two car garage

Use Group – Type R	Gross Square Feet	x Multiplier	Fee Amount
House	2320	\$0.80	\$1,856.00
Garage	576	\$0.40	\$230.40
Unfinished Basement	1160	\$0.40	\$464.00
		Subtotal Fees	\$2,550.40
State of Ohio Assessment		1% (0.01)	\$25.50
		Total Building Permit Fee	\$2,575.90

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE AMENDING SECTION 1471.03 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES BY IMPOSING A FEE FOR
FORECLOSURE NOTICES.

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

SECTION 1: That Section 1471.03 of the Codified Ordinances is hereby amended to read as follows:

“Any person who files a complaint in any court of competent jurisdiction for foreclosure involving real property located within the City of Brunswick shall notify the City of the filing of the foreclosure complaint and shall file a complete copy of the foreclosure complaint with the Chief Building Official or designee within ten (10) days after filing of the complaint with the relevant court. Effective January 1, 2018, the fee for filing such foreclosure notice shall be Two Hundred Fifty Dollars (\$250.00), which shall be payable at the time of filing the notice and foreclosure complaint with the City.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Barb Ortiz

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 106-17

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

AN ORDINANCE AMENDING SECTION 1471.03 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES BY IMPOSING A FEE FOR
FORECLOSURE NOTICES.

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

SECTION 1: That Section 1471.03 of the Codified Ordinances is hereby amended to read as follows:

“Any person who files a complaint in any court of competent jurisdiction for foreclosure involving real property located within the City of Brunswick shall notify the City of the filing of the foreclosure complaint and shall file a complete copy of the foreclosure complaint with the Chief Building Official or designee within ten (10) days after filing of the complaint with the relevant court. Effective January 1, 2018, the fee for filing such foreclosure notice shall be Two Hundred Fifty Dollars (\$250.00), which shall be payable at the time of filing the notice and foreclosure complaint with the City.”

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council

Barb Ortiz

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION



DATE: 10/23/2017

TO: Vice Mayor Patricia Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Todd Fischer

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 107-17** - An emergency resolution authorizing the payment of “revenue sharing” monies to the Brunswick City School District resulting from the activation of revenue sharing conditions within the City’s Community Reinvestment Area (CRA) - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

BACKGROUND: The Brunswick City Council did create the Brunswick Community Reinvestment Area (CRA) and received state certification for same on February 9th, 1987; and

The City of Brunswick has offered to qualifying prospect enterprises the tax incentives provided for in said CRA for the purpose of creating jobs and capital investment within the City; and

Ohio Revised Code, Section 5709.82(D) states, “annually, the legislative authority of a municipal corporation shall pay to the city school district within the territory of which the exempted property is located an amount equal to fifty per cent of the difference between the amount of taxes levied and collected by the municipal corporation on the incomes of “new employees” in the calendar year ending on the day the payment is required to be made. If the amount of those taxes must be estimated at the time the payment is made, payments in subsequent years shall be adjusted to compensate for any departure of those estimates from the actual amount of those taxes; and

In calendar year 2017, the City of Brunswick has identified six such qualifying businesses.

PURPOSE AND EXPLANATION: See background.

IMPLEMENTATION SCHEDULE: Recommended passage on second reading so that timely payment can be made.

FINANCIAL INFORMATION: Income Tax Revenue Sharing Payment 2017 - - General Fund - 001-0880-53209 - - 134935.75

FINANCIAL

SUMMARY:

**RECOMMENDED
ACTION:**

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

If emergency or suspension of the rules, why the request?
The Emergency Clause after two readings is necessary to make timely payment but also allow enough time to calculate the most accurate estimate for the 2017 year.

**ADDITIONAL
INFORMATION:**

If the amount is estimated at the time the payment is made, payments in subsequent years shall be adjusted to compensate for any departure of those estimates from the actual amount of those taxes.

Tax Information is confidential and protected according to Ohio Revised Code Section 718.

CITY OF BRUNSWICK, OHIO
RESOLUTION NO.

BY:

AN EMERGENCY RESOLUTION AUTHORIZING THE PAYMENT OF
“REVENUE SHARING” MONIES TO THE BRUNSWICK CITY SCHOOL
DISTRICT RESULTING FROM THE ACTIVATION OF REVENUE
SHARING CONDITIONS WITHIN THE CITY’S COMMUNITY
REINVESTMENT AREA (CRA).

WHEREAS: The Brunswick City Council did create the Brunswick Community Reinvestment Area (CRA) and received state certification for same on February 9th, 1987; and

WHEREAS: The City of Brunswick has offered to qualifying prospect enterprises the tax incentives provided for in said CRA for the purpose of creating jobs and capital investment within the City; and

WHEREAS: Ohio Revised Code, Section 5709.82(D) states, “annually, the legislative authority of a municipal corporation shall pay to the city school district within the territory of which the exempted property is located an amount equal to fifty per cent of the difference between the amount of taxes levied and collected by the municipal corporation on the incomes of “new employees” in the calendar year ending on the day the payment is required to be made. If the amount of those taxes must be estimated at the time the payment is made, payments in subsequent years shall be adjusted to compensate for any departure of those estimates from the actual amount of those taxes; and

WHEREAS: In calendar year 2017, the City of Brunswick identified six such qualifying businesses.

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

SECTION 1: That this Council does hereby authorize the Director of Finance to draw a check on the General Fund of the City of Brunswick in the amount of **\$134,935.75** made payable to the Brunswick City Schools.

SECTION 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason to ensure timely payment but also allow enough time to calculate the most accurate estimate for the 2017 year. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading____
2nd Reading____
3rd Reading____

Rules Suspended: AYES __NAYS __

ADOPTED: _____ AYES __ NAYS __

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

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 107-17

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

AN EMERGENCY RESOLUTION AUTHORIZING THE PAYMENT OF
“REVENUE SHARING” MONIES TO THE BRUNSWICK CITY SCHOOL
DISTRICT RESULTING FROM THE ACTIVATION OF REVENUE
SHARING CONDITIONS WITHIN THE CITY’S COMMUNITY
REINVESTMENT AREA (CRA).

WHEREAS: The Brunswick City Council did create the Brunswick Community Reinvestment Area (CRA) and received state certification for same on February 9th, 1987; and

WHEREAS: The City of Brunswick has offered to qualifying prospect enterprises the tax incentives provided for in said CRA for the purpose of creating jobs and capital investment within the City; and

WHEREAS: Ohio Revised Code, Section 5709.82(D) states, “annually, the legislative authority of a municipal corporation shall pay to the city school district within the territory of which the exempted property is located an amount equal to fifty per cent of the difference between the amount of taxes levied and collected by the municipal corporation on the incomes of “new employees” in the calendar year ending on the day the payment is required to be made. If the amount of those taxes must be estimated at the time the payment is made, payments in subsequent years shall be adjusted to compensate for any departure of those estimates from the actual amount of those taxes; and

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PASSED: 1st Reading____
2nd Reading____
3rd Reading____

Rules Suspended: AYES __NAYS __

ADOPTED: _____ AYES __ NAYS __

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