



BRUNSWICK CITY COUNCIL AGENDA

Brandon Lambert Ward 3	Kristy Piper At-Large	Tim Smith At-Large	Kenneth Fisher Law Director	Carl S. DeForest City Manager	Ron Falconi Mayor	Laura Timura Clerk of Council	Nicholas Hanek Ward 2	Michael Abella Jr. Ward 1	Jospeh Delsanter At-Large	Anthony Capretta Ward 4
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Administration Representatives

FEBRUARY 13, 2023

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of regular Council Meeting Minutes dated January 23, 2023.
5. Mayor's Report:
 - (a) Mayor's Court Financial Report for the month ending January 2023 will be posted on the website and added to the minutes for the record;
 - (b) Proclamation in recognition of Division of Police Employee of the Year Officer Matt Sandella
 - (c) Motion to approve Mayor's recommendation to appoint Russell Hopkins to the Board of Zoning Appeals to fulfill an unexpired term expiring February 24, 2023, and to fulfill a 3-year term expiring February 24, 2026.
 - (d) Mayor's recommendation to appoint Vincent Carl to the Board of Zoning Appeals
 - (e) Mayor's recommendation to reappoint Thomas Miller to the Board of Zoning Appeals
 - (f) Mayor's recommendation to appoint Richard Prospal to the Board of Building Code Appeals
 - (g) Mayor to appoint Jason Ivory to the CRA Housing Council retroactive to January 1, 2023
 - (h) Mayor's Update
6. Clerk of Council's Report
7. Council Committee Reports:
Economic Development Committee.....Mr. Lambert
Services, Utilities, Technology & Cable Committee.....Mr. Smith

Finance Committee.....Mr. Hanek
 Safety & Environment Committee.....Mr. Capretta
 Planning & Zoning Committee.....Mr. Delsanter
 Planning & Zoning Committee Meeting Minutes dated January 23, 2023
 Parks, Recreation & Community Committee.....Mrs. Piper
 Parks, Recreation & Community Committee Meeting Minutes dated January 23, 2023
 Building & Building Code Committee.....Mr. Abella

8. Other Committees, Boards and Commissions

(a) Committee of the Whole Meeting Minutes dated January 23, 2023, and February 6, 2023.

9. Petitions from the Public on Legislation

10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

b. 2nd Reading(s)

ORD. NO. 119-2022 - An ordinance amending Section 1260.04(v) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 120-2022 - An ordinance amending Section 1261.04(s) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 121-2022 - An ordinance establishing Section 1270.04(e) of the City of Brunswick Codified Ordinances. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 122-2022- An ordinance establishing Sections 1278.02(a)(4) and 1278.02(a)(5) of the City of Brunswick Codified Ordinances. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 123-2022- An ordinance amending Section 1282.08(b) of the Codified Ordinances of the City of Brunswick. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 3-2023 - An ordinance amending the Conceptual Development Plan of the Senior Development Special Planning District No. 5. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

RES. NO. 4-2023 - An emergency resolution authorizing the City Manager to enter into a one (1) year contract for property, automobile, inland marine, general liability, public officials liability, public officials liability, police liability, boiler and machines, crime coverage, cyber coverage, employment practice and umbrella insurance coverage - **2nd Reading** (Committee-of-the-Whole, *Administration/Kayla Pawlowski*)

c. 1st Reading(s)

ORD. NO. 5-2023 - An emergency ordinance establishing a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit applications for zoning, occupancy and/or building permit approvals for Vape and Smoke Shop uses in the C-N Neighborhood Commercial District, C-G General Commercial District, GW-C Gateway Commercial District and Brunswick Town Center Special Planning District No. 2 (Main Street District, Northwest Neighborhood and Southeast Neighborhood) and the issuance of such approvals. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

RES. NO. 6-2023 - An emergency resolution authorizing the City Manager to enter into an agreement with Air Force One, Inc. for capital improvements at the Brunswick Community Recreation and Fitness Center in an amount not to exceed \$494,999.34. - **1st Reading** (To be brought from Parks, Recreation & Community Committee, *Administration/Taylor Petkovsek*)

RES. NO. 7-2023 - A resolution commending Anthony Capretta for his years of service both to the City of Brunswick and to the City Council. - **1st Reading** (To be brought from Committee-of-the-Whole, *Brandon Lambert/Council*)

RES. NO. 8-2023 - An emergency resolution declaring the intention of the City of Brunswick to provide municipal services to a 5.1207 acre parcel of land (PPN 017-03C-01-015) on Center Road - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

ORD. NO. 9-2023- An emergency ordinance amending ordinance #103-2022 to include amendments to the Appropriation Budget for the year ending December 31, 2023 as incorporated in Exhibit "A" attached hereto. - **1st Reading** (To be brought from the Finance Committee, *Administration/Todd Fischer*)

ORD. NO. 10-2023 - An emergency ordinance to transfer and advance funds. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

11. City Manager's Report

12. Open Forum

13. Unfinished Business
14. New Business
15. Adjournment

PLANNING AND ZONING COMMITTEE

January 23, 2023

IN ATTENDANCE: Committee Member Kristy Piper, Committee Member Brandon Lambert, Anthony Capretta, Nicholas Hanek, Michael Abella, City Manager Carl DeForest, Community & Economic Development Director Grant Aungst, Keith Kuczma, Law Director Kenneth Fisher, Clerk of Council Laura Timura, News Media.

The meeting convened at 6:33 p.m.

Mr. Lambert moved to excuse Mr. Delsanter for just cause. Vote – 2 Ayes, 0 Nays.

DISCUSSION ITEMS:

ORD. NO. 3-2023 – An ordinance amending the Conceptual Development Plan of the Senior Development Special Planning District No. 5. – **1st Reading** (To be brought from Planning & Zoning Committee. *Administration/Grant Aungst*)

Mr. Aungst indicated this was for the Special Planning District No. 5 which is the property behind the water towers. In the past, it was an approved site for a Senior Living District as a Special Planning District and the owners have decided to focus on other opportunities. The company Provision Senior Living which owns, develops, and manages, wants to move this forward per Planning Commission's recommendation. It is a large development with 89 units that will include assisted care and memory care. Memory care will be on one floor, while assisted living is on three floors. He noted from the peak of Pearl Road down to the bottom it is over a 25-foot drop where the facility would be. Mr. Aungst stated this development would assist in stormwater management of the area for Keller-Hanna Drive, Alice Avenue, and Ganyard Avenue. He disclosed there has been a lot of discussion and there was a lot of public comment at the last Planning Commission Meeting. Mr. Aungst commended the community members who spoke and asked intelligent and detailed questions and was able to focus on the engineering. Mr. Aungst specified they seemed very pleased with the responses. He asked that this be moved to tonight's Council Agenda to be approved for 3 readings in 30 days.

Mr. Lambert moved Ordinance Number 3-2023 to tonight's Council Agenda of January 23, 2023, for 3 readings. Vote – 2 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Lambert mentioned the moratorium with vape shops and the discussions regarding them over the past couple of weeks. He wants to send it to legal and make a motion to have it placed on the next Planning & Zoning Committee meeting.

Mr. Hanek informed Mrs. Timura to assign, numerate and place it on the next Council Agenda as an emergency with suspension of the rules.

Mr. Fisher noted the legislation had been written already.

Mr. Hanek indicated a motion was not necessary because it had already been written. However, it did not make it on the agenda and copies were provided for all of Council. Mr. Hanek mentioned a motion was not necessary and that he would assign it to the next meeting.

Mr. Fisher commented it would only need to be put into the system.

Mr. Aungst indicated working with the law department and that every year a review is performed with the CRA Housing Council. Every year a review is performed to see who has a CRA in their community. He noted finding that some people need to be reappointed to the board so everyone is up to date. Two members per the Ohio Revised Code are appointed by the Mayor and do not have to be vetted by Council, two members will be appointed by Council, and one member by the Planning Commission (already appointed John Rocha). Of the five members, two members must be residents of the City of Brunswick. He asked to reappoint everyone that is already on the board.

Mr. Hanek mentioned that he would assign it to the next meeting of Committee-of-the-Whole.

Mr. Capretta asked if all of the members were realtors.

Mr. Aungst stated Gary, David, Kevin, and Rich were realtors and have been volunteering their time for many years.

ADJOURNMENT:

Being no further business, Mr. Lambert moved to adjourn at 6:40 p.m. Vote – 2 Ayes, 0 Nays.

Respectfully submitted,



Kristy Piper

PARKS, RECREATION & COMMUNITY COMMITTEE

January 23, 2023

IN ATTENDANCE: Chairwoman Kristy Piper, Committee Member Anthony Capretta, Brandon Lambert, Nicholas Hanek, Michael Abella, Park & Recreation Director Taylor Petkovsek, City Manager Carl DeForest, Community & Economic Development Director Grant Aungst, Clerk of Council Laura Timura, Former Member of the Commemorative Affairs Board Liz Baloun, Keith Kuczma, News Media.

The meeting convened at 6:20 p.m.

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

Mr. Abella arrived at 6:23 p.m.

DISCUSSION ITEMS:

(a) Earth Day Parks Cleanup Event April 15

Mrs. Petkovsek indicated the City hosted a Parks Cleanup Event last year that was successful for its first year. She noted a planned event on April 15th with a tentative start time of 11:00 a.m. until the work is completed. The Parks and Recreation Department with the help of the community will be planting five trees again this year. Mrs. Petkovsek hopes to have the cleanup at Pepperwood Park. She mentioned planting trees, cleaning up, and the access points to Pepperwood where the playground is just walkways from the street. She is thinking about painting the signs green and white to make them more noticeable. Mrs. Petkovsek would like to begin promoting and asked if anyone had any issues with the day or time.

Mrs. Piper stated the time and day would work.

(b) Daddy Daughter Dance March 25

Ms. Petkovsek disclosed the Daddy Daughter Dance is scheduled for Saturday, March, 25th, and is a popular event hosted at the Recreation Center. She noted having upwards of 300 participants attend. Ms. Petkovsek mentioned the City took a couple of years off due to COVID-19. The event used to be hosted in February around Valentine's Day. Last year when the event was brought back it was pushed back into March because of an increase in Covid-19 numbers. She commented on receiving great reviews from the dads that attended because they weren't bundling them up and the weather was more conducive to the dance. Mrs. Petkovsek stated there was a Little Darlin' Dance from 12:00 p.m. to 2:00 p.m. geared towards ages 4 and under. However, they are not enforcing the age requirements. She specified the big girl dance was from 5:30 p.m. to 8:30 p.m. and noted that with ages 5 and up things can get a little rowdy. The theme is Welcome to the Jungle and includes food, DJ, photos, and gift bags. The prices are remaining the same as they have been.

Mrs. Petkovsek specified looking for sponsors this year and has sponsorship opportunities for as low as \$50 up to \$400 and by looking for sponsors for the event the prices could be kept low.

Mrs. Piper asked when tickets would go on sale.

Mrs. Petkovsek indicated they are ready to go and will begin advertising on February 1st.

(c) Park Spotlight

Mrs. Petkovsek specified spotlighting Pepperwood Park because that is where they anticipate hosting the cleanup event. This is a Ward 4 neighborhood park consisting of 3 different parcels, big Linden and little Linden could be accessed off of Linden and Pepperwood and are open space areas. The Parks Department removed many dead trees and was allowed to clean up space this year. She noted the more fun part of Pepperwood was the playground area, tennis courts, basketball court, and a small lake to fish in. The playground was built in 2020 and one of the few the Parks Department did not build only because of the staff shortage in 2020. It was elected to have the playground company build it. The walkway entrances are somewhat different from the Venus pickup done last year and residents will be required to park on the street. People will be able to park on Pepperwood, Baywood, and Marsh streets, and she will be sure to include that on the flyer for residents to know where to park.

Mrs. Petkovsek stated the area was great with a lot of space. She noted that it was a hidden gem for the residents living in the area.

(d) Fireworks

Mrs. Petkovsek announced that fireworks are being considered for Monday, July 3rd, and using the same company obtained last year. They appear to be reliable and the administration has not had any issues with them. The budget was set for \$15,000 again and a quote was received. An agreement would need to be entered on that purchase. Considering it falls on a Monday, it is possible a celebration could happen. She disclosed not being able to do that for quite a few years.

Mr. Capretta asked if a parade would occur.

Mrs. Petkovsek asserted there have been no discussions pertaining to a parade. However, discussion of a concert on the Recreation Center lawn was proposed considering the fireworks are held at the high school. She noted having the outside concession stand which is not used often. Mrs. Petkovsek mentioned it would be an opportunity to get a crowd at the Recreation Center and that the facility could be kept open a little later that day. She brought a brochure from 2000 and explained that it used to be a free day at the Recreation Center with fireworks. It tied into the former Summer Celebration that was held next door, however, if looking to expand what is done around the 4th of July, the thought of a summer concert would be a nice option at the Recreation Center.

(e) Storybook Trails

She specified Mr. Hanek brought Storybook Trails to her attention. It is a grant opportunity through ODNR. The City could potentially receive up to 80% of project funding for the program and receive \$5,000 to \$10,000 for the grant. She explained it would be a trail in the City and it would have different stops along the trail where there would be a book for children to read. She stated having already talked to the library about forming a partnership with them. Mrs. Petkovsek mentioned that Rolling Hills Park used to have a pretty cool trail. She believes over time the staffing levels became something that was not being maintained and was pushed off to the side. There is enough space for a Storybook Trail and she mentioned people form partnerships with other entities by rotating books throughout the year. Mrs. Petkovsek indicated the library seems to be very excited about it. Costs can be saved by having the Parks Department or Service Department build the stands that hold the book and maintain the trails. It seems to be a pretty inexpensive project that could be cool and highlight Rolling Hills Park because it is a nice location. In the long term, it would be something that could be easily maintained by putting a little money upfront if a grant was received. Mrs. Petkovsek stated the stories are changed throughout the season and are always changing. The stands are built for storybooks that could easily be swapped out.

Mrs. Piper stated that it was a great idea.

Mrs. Petkovsek described trying a Kids' Day Off, which is new to the Recreation Center. She noted residents had a lot of interest in trying to find something for their kids to do on an odd day off from school. Mrs. Petkovsek mentioned February 8th will be the first Kids' Day Off where they can be dropped off for one day and will be taken care of, swim, play in the gym, and have activities.

Mrs. Petkovsek mentioned this year in the 2023 budget there is money to purchase 3 new playgrounds, for Hopkins, James, and Rolling Hills. She noted Hopkins Park was built in 2000 and the life of the playground, if it is well maintained, is about 15 to 17 years. She commented that Rolling Hills Park was built between 2000 and 2008. She would like to accomplish all 3 playgrounds this year. Mrs. Petkovsek indicated the reason for her heads up is that she is working on playground ideas using the Ohio Buys Cooperative Purchasing Program and would not have to bid for the playgrounds. The site being used has 2022 pricing available through March 31st and would like to complete this by then to take advantage of the pricing. She noted they have an additional 35% off of some playground sets and the deadline for those is March 28th. She hopes to be able to do three readings as an emergency to present the first time on February 27th and have everything to go if approved and make the purchase before the pricing increases.

Mrs. Piper thanked Mrs. Petkovsek and explained that February 8th is a Teacher in Service Day and there is no school that day.

GENERAL DISCUSSION:

Mr. Hanek thanked Mrs. Petkovsek for discussing the Storybook Trail idea and working with the library. He noted always being happy to see community coordination and believes it is an excellent idea in a very nice park.

Mrs. Baloun indicated that she was very happy. She asked if she and all of the former Commemorative Affairs members come to all of the meetings.

Mrs. Piper responded that she would definitely keep her in the loop and invite her.

Mr. Capretta addressed Shenandoah Park and the street light was still out. He noted speaking with Mr. DeForest regarding the issue.

Mrs. Petkovsek responded that a resident brought it to her attention sometime in December. The electric company was reached out to and they said it was a park light that did not have any electricity going to it any longer. She believes there was some sort of stormwater project that happened in the area and the line was cut. Mrs. Petkovsek mentioned looking for an alternative to getting that lit.

Mr. Capretta asked if the City would need to go through the electric company.

Mrs. Petkovsek replied the City electrician is helping with the project along with herself and Mr. Barnett.

ADJOURNMENT:

Being no further business, Mr. Capretta moved to adjourn at 6:33 p.m. Vote – 2 Ayes, 0 Nays.

Respectfully submitted,



Kristy Piper



COMMITTEE OF THE WHOLE MEETING

January 23, 2023

IN ATTENDANCE: Vice Mayor Nicholas Hanek, Anthony Capretta, Kristy Piper, Michael Abella Jr., Brandon Lambert, City Manager/Safety Director Carl DeForest, Community & Economic Development Director Grant Aungst, Law Director Kenneth Fisher, Love Insurance Cathy Rice, Clerk of Council Laura Timura, News Media.

The meeting convened at 6:40 p.m.

Mr. Lambert moved to excuse Mr. Delsanter and Mr. Smith for just cause. Vote – 5 Ayes, 0 Nays.

MOTION ITEMS:

- (a) Advertise for bids for rental and maintenance of uniforms, walk-off mats, and shop towels for a three (3) year term.**

Mr. DeForest is asking for authorization for uniforms, walk-off mats that are throughout the City buildings, and shop towels in the service maintenance area. The uniforms are for the Streets, Parks, and Building Department and the current contract expires on April 30, 2023. He noted wanting to bid in February to receive the bids back in time to be able to come back to Council and ask for acceptance of the bids to sign another 3-year contract.

Mr. Capretta moved to advertise for bids for the rental and maintenance of uniforms, walk-off mats, and shop towels for a three (3) year term. Vote – 5 Ayes, 0 Nays.

REVIEW LEGISLATION:

RES. NO. 4-2023 – An emergency resolution authorizing the City Manager to enter into a one (1) year contract for property, automobile, inland marine, general liability, public officials liability, public officials liability, police liability, boiler and machines, crime coverage, cyber coverage, employment practice and umbrella insurance coverage – **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Kayla Pawlowski*)

Mr. Hanek explained that due to the two unexpected absences for just cause, it cannot be read tonight as an emergency with suspension of the rules. However, it can be read and moved to 2nd reading and at the next Council meeting passed retroactively.

Mr. DeForest mentioned this was something done annually and that resident expert Cathy Rice with Love Insurance was present to provide insurance information. Hopefully, it can be passed as an emergency with suspension of the rules in February because it becomes effective on February 1st.

Ms. Rice thanked everyone for having her at the meeting. She noted being the City of Brunswick's insurance agent for many years. Ms. Rice mentioned the City was a great customer and appreciates the business. She stated going to the marketplace for the reports again this year and that Travelers was doing a great job. Ms. Rice described a few changes to the coverages, the biggest one being the property values increased by 5% to keep up with inflation. She specified a blanket limit that covers all of the locations for the blanket. The deductibles have been kept the same at a 15 million-dollar total limit for liability coverages including dam failure and other professional coverages. She detailed making changes to the cyber coverage and was able to receive optional quotes. The best one came back with Travelers and all of the coverages will be with them this year. Moving from cyber coverage last year they were able to get the premium down a little bit. They were able to get the deductible down from the expiring deductible. The City had a \$50,000 deductible and went down to a \$30,000 deductible. That was great news and the City did a great job getting all of the cyber up to code, MFA, and everything else. The insurance company was able to secure better coverage and pricing. This would be a one-year deal starting February 1, 2023.

Mr. Lambert moved Resolution Number 4-2023 to tonight's agenda of January 23, 2023, for 2 readings. Vote – 5 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

EXECUTIVE SESSION:

- (a) Motion to go into Executive Session to discuss the appointment, employment, dismissal, discipline, demotion, or compensation of a public employee.**

Mr. Lambert made a motion to go in Executive Session to discuss the appointment, employment, dismissal, discipline, demotion, or compensation of a public employee, seconded by Mrs. Piper. Roll Call – Ayes – 5, Mr. Hanek, Mr. Lambert, Mr. Abella, Mr. Capretta, Mrs. Piper. Nays – 0 Nays.

Mr. Lambert moved to adjourn from Executive Session.

ADJOURNMENT:

Being no further business, Mr. Lambert moved to adjourn the Committee of the Whole Meeting at 7:02 p.m. Vote – 5 Ayes, 0 Nays.

Submitted Respectfully,

Elisabeth Wagner

Elisabeth Wagner
Assistant Clerk of Council



COMMITTEE OF THE WHOLE MEETING

February 6, 2023

IN ATTENDANCE: Vice Mayor Nicholas Hanek, Joseph Delsanter, Michael Abella Jr., Tim Smith, Kristy Piper, Brandon Lambert, Mayor Ron Falconi, Clerk of Council Laura Timura, News Media.

The meeting convened at 6:00 p.m.

Mr. Delsanter moved to excuse Mr. Capretta for just cause. Vote – 6 Ayes, 0 Nays.

Mr. Hanek asked that the record reflect that Councilman Capretta had no part in tonight's deliberations.

EXECUTIVE SESSION:

(a) Motion to go into Executive Session to consider the appointment of a public official.

Mr. Lambert moved to move to Executive Session to consider the appointment of a public official, seconded by Michael Abella Jr. Roll Call – Ayes – 6, Mr. Hanek, Mr. Lambert, Mr. Abella, Mr. Delsanter, Mr. Smith, Mrs. Piper. Nays - 0.

Mr. Smith moved to adjourn from Executive Session. – Vote – 6 Ayes, 0 Nays.

Mr. Abella moved to take a 10-minute recess. Vote – 6 Ayes, 0 Nays.

The Committee-of-the-Whole reconvened.

Mr. Delsanter moved to appoint Keith Kuczma as Ward 4 Councilman to an unexpired term expiring December 31, 2023, effective March 13, 2023. Vote – 6 Ayes, 0 Nays.

ADJOURNMENT:

Being no further business, Mr. Abella moved to adjourn the Committee of the Whole Meeting at 7:11 p.m. Vote – 6 Ayes, 0 Nays.

Submitted Respectfully,

Laura Timura
Clerk of Council

PROPOSED LEGISLATION



DATE: 2/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 119-2022** - An ordinance amending Section 1260.04(v) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: The location of vape and smoke shops has been amended in the C-G General Commercial District, whereby they shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries where religious or educational institutions are located. The distance shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line on which a religious or educational institution is located.

PURPOSE AND EXPLANATION: The proposed legislation will further regulate the location of vape and smoke shops in the C-G District.

IMPLEMENTATION SCHEDULE: First reading on December 19, 2022; then refer back to the Planning Commission for a public hearing.

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?
Recommend adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 119-2022

BY: Mr. Delsanter, Mr. Lambert, Mrs. Piper

AN ORDINANCE AMENDING SECTION 1260.04(v) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY IMPOSING ADDITIONAL RESTRICTIONS FOR VAPE AND SMOKE SHOPS.

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

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

“(v) Vape and smoke shops; shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries upon which any of the following are located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line upon which any of the following are located~~which shall not be permitted within one thousand (1,000) feet of:~~

- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
- (2) A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers. ~~School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.~~
- (3) A playground that is open to the public or City park.”

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
Laura E. Timura

PROPOSED LEGISLATION



DATE: 2/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 120-2022** - An ordinance amending Section 1261.04(s) of the Codified Ordinances of the City of Brunswick by imposing additional restrictions for vape and smoke shops. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: The location of vape and smoke shops in the GW-C Gateway Commercial District has been amended, whereby they shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries where religious or educational institutions are located. The distance shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line on which a religious or educational institution is located.

PURPOSE AND EXPLANATION: The proposed legislation will further regulate the location of vape and smoke shops in the GW-C District.

IMPLEMENTATION SCHEDULE: First reading on December 19, 2022; then refer back to the Planning Commission for a public hearing.

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?
Recommend adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 120-2022

BY: Mr. Delsanter, Mr. Lambert, Mrs. Piper

AN ORDINANCE AMENDING SECTION 1261.04(s) OF THE CODIFIED ORDINANCES OF THE CITY OF BRUNSWICK BY IMPOSING ADDITIONAL RESTRICTIONS FOR VAPE AND SMOKE SHOPS.

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

SECTION 1: That Section 1261.04(s) of the Codified Ordinances is hereby amended to read as follows:

“(s) Vape and smoke shops shall not be permitted within 3,500 feet of any parcel or unified site within or outside of the City of Brunswick corporate boundaries upon which any of the following are located, which shall be measured from the nearest point of the parcel on which the vape/smoke shop is located to the nearest property line upon which any of the following are located, which shall not be permitted within one thousand (1,000) feet of:

- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
- (2) A public or private educational facility, including, without limitation, child care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, junior colleges and universities, trade schools, tutorial services and commercial learning centers. ~~School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.”~~
- (3) A playground that is open to the public or City park.”

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: _____ YES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 2/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 121-2022** - An ordinance establishing Section 1270.04(e) of the City of Brunswick Codified Ordinances. - **2nd Reading** (Planning & Zoning Committee, Administration/Grant Aungst)

BACKGROUND: In order to provide visibility into business establishments for safety forces, Section 1270.04(e) is established whereby exterior/interior window graphics shall not exceed twenty-five percent (25%) of the glass area.

PURPOSE AND EXPLANATION: The proposed legislation will allow safety forces to have visibility into businesses.

IMPLEMENTATION SCHEDULE: First reading on December 19, 2022; then refer back to the Planning Commission for a public hearing.

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?
Recommend adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING SECTION 1270.04(e) OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES.

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

SECTION 1: That Section 1270.04(e) of the Codified Ordinances is hereby established to read
as follows:

“(e) Window Graphics. Exterior/interior window graphics shall not exceed
twenty-five percent (25%) of the glass area.”

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
Laura E. Timura

PROPOSED LEGISLATION



DATE: 2/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 122-2022-** An ordinance establishing Sections 1278.02(a)(4) and 1278.02(a)(5) of the City of Brunswick Codified Ordinances. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: Section 1278.02(a)(4)(a) and (b) will require Planning Commission review of parking and landscaping requirements when a new tenant/business moves into a vacant space that exceeds 15,000 square feet or 25% of the site, and if the space has been vacant for more than four months. Section 1278.02(a)(5)(a) and (b) will allow review of the parking and landscaping by the Community and Economic Development Director, Chief Building Official, and City Engineer when a new tenant/business moves into a vacant space that is below 15,000 square feet or 25% of the site.

PURPOSE AND EXPLANATION: The proposed legislation will ensure compliance with parking and landscaping code requirements when a new tenant/business occupies a building that has been vacant for more than four months.

IMPLEMENTATION SCHEDULE: First reading on December 19, 2022; then refer back to the Planning Commission for a public hearing.

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?

Recommend adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE ESTABLISHING SECTIONS 1278.02(a)(4) AND
1278.02(a)(5) OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES.

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

SECTION 1: That Section 1278.02(a)(4) of the Codified Ordinances is hereby established to read as follows:

“(4) Upon new tenant/occupied space, all parking and landscape design shall be reviewed by the Planning Commission and meet the requirements of Chapter 1276 if either of the following apply:

- (a) The space exceeds 15,000 square feet or 25% of the gross leasable area of the site.
- (b) The space has been empty for four (4) months or more.

(5) Upon new tenant/occupied space, all parking and landscape design shall be reviewed by the Community and Economic Development Director, Chief Building Official and City Engineer and meet the requirements of Chapter 1276 if either of the following apply:

- (a) The space is less than 15,000 square feet or 25% of the gross leasable area of the site.
- (b) The space has been empty for four (4) months or more.”

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
Laura E. Timura

PROPOSED LEGISLATION



DATE: 2/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 123-2022-** An ordinance amending Section 1282.08(b) of the Codified Ordinances of the City of Brunswick. - **2nd Reading** (Planning & Zoning Committee, Administration/Grant Aungst)

BACKGROUND: Section 1282.08(b) is being amended to require that all tenant/occupied building spaces on a unified site shall meet the minimum interior landscape requirements.

PURPOSE AND EXPLANATION: The proposed legislation will ensure that sufficient interior landscaping will be provided for all buildings on a unified site.

IMPLEMENTATION

SCHEDULE: First reading on December 19, 2022; then refer back to the Planning Commission for a public hearing.

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?
Recommend adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN ORDINANCE AMENDING SECTION 1282.08(b) OF THE CODIFIED
ORDINANCES OF THE CITY OF BRUNSWICK.

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

SECTION 1: That Section 1282.08(b) of the Codified Ordinances is hereby amended to read as follows:

“(b) Interior Landscaping. Parking areas shall provide interior landscaping, as provided in Section 1282.06(h). Interior landscaping shall equal a minimum of 20 square feet per parking space, exclusive of foundation landscaping or any other landscaping required by Section 1282.06. Such landscaping shall be in areas of uncompacted, well-drained soil within or directly adjacent to the parking and circulation areas. All tenant/occupied buildings spaces on a unified site shall meet the minimum interior landscaping requirements.”

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
Laura E. Timura

PROPOSED LEGISLATION



DATE: 2/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 3-2023** - An ordinance amending the Conceptual Development Plan of the Senior Development Special Planning District No. 5. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: The Planning Commission held a public hearing at their meeting on January 19, 2023, and recommended approval to City Council of the Provision Living senior development SPD-5 (former Sanctus) revised conceptual plan, including the detailed site plan, and development guidelines, attached as Exhibits "A" and "B".

PURPOSE AND EXPLANATION: Pursuant to Section 1268.07(c) and (d), respectively, of the Codified Ordinances of the City of Brunswick, changes to the conceptual development plan of more than a cosmetic nature shall also be approved by City Council by ordinance. Additionally, once a Special Planning District is created, it may only be changed through the Charter provisions for zoning amendments.

IMPLEMENTATION

SCHEDULE: Immediately.

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?
Recommend approval.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 3-2023

BY: Mr. Delsanter, Mr. Lambert, Mrs. Piper

AN ORDINANCE AMENDING THE CONCEPTUAL DEVELOPMENT PLAN
OF THE SENIOR DEVELOPMENT SPECIAL PLANNING DISTRICT NO. 5.

WHEREAS: On February 25, 2019, City Council adopted Ordinance No. 13-19 adopting the Conceptual Development Plan for the Senior Development Special Planning District No. 5, which Conceptual Development Plan consisted of the Design Guidelines and Conceptual Site Plan as attached thereto as Exhibits “A” and “B” respectively.

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

SECTION 1: That the Conceptual Development Plan for the Senior Development Special Planning District No. 5, as recommended by the Planning Commission for approval on January 19, 2023, is hereby amended to consist of the revised Design Guidelines and the revised Conceptual Site Plan, as attached hereto as Exhibits “A” and “B” respectively.

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 _____

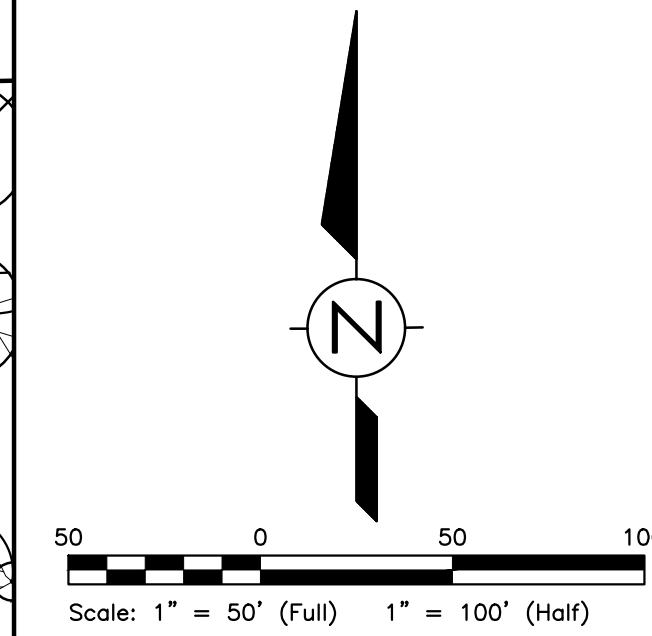
3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura

West & East Neighborhood – Trees					
ID	Qty.	Common Name	Botanical Name	Size	Root / Remarks
Deciduous Trees					
TCC	7	Littleleaf Linden	<i>Tilia cordata</i> 'Greenspire'	2.5" to 3.0" Cal.	B&B
UAV	11	Valley Forge Elm	<i>Ulmus americana</i> 'Valley Forge'	2.5" to 3.0" Cal.	B&B
ARB	48	Bowhall Red Maple	<i>Acer rubrum</i> 'Bowhall'	2.5" to 3.0" Cal.	B&B
QIM	13	Shingle Oak	<i>Quercus imbricaria</i> 'Shingle Oak'	2.5" to 3.0" Cal.	B&B
CFE	22	Franz Fontaine Hornbeam	<i>Corallipus betulus</i> 'Franz Fontaine'	2.5" to 3.0" Cal.	B&B
PA	4	London Planetree	<i>Platanus acerifolia</i>	2.5" to 3.0" Cal.	B&B
Ornamental Trees					
BPY	3	Young's Weeping Birch	<i>Betula pendula</i> 'YoungII'	2.5" Cal.	B&B
MPX	8	Prairifire Crabapple	<i>Malus x 'Prairifire'</i>	2.5" Cal.	B&B
PXY	2	Yoshino Cherry	<i>Prunus x yedoensis</i>	2.5" Cal.	B&B
AGS	10	Autumn Brilliance Serviceberry	<i>Amelanchier x grandiflora</i> 'Autumn Brilliance'	2.5" Cal.	B&B
CCE	3	Appalachian Red Redbud	<i>Cercis canadensis</i> 'Appalachian Red'	2.5" Cal.	B&B
MRJ	4	Red Jewel Crabapple	<i>Malus x 'Red Jewel'</i>	2.5" Cal.	B&B
ACC	3	Rainbow Pillar Serviceberry	<i>Amelanchier canadensis</i> 'glennform'	2.5" Cal. – 7' to 8' Ht.	B&B / Multi-stemmed
CCA	2	Eastern Redbud	<i>Cercis canadensis</i>	2.5" Cal.	B&B
Evergreen Trees					
PAB	20	Norway Spruce	<i>Picea abies</i>	7' to 8' Ht.	B&B
PSW	66	Eastern White Pine	<i>Pinus strobus</i>	7' to 8' Ht.	B&B
PSI	3	Austrian Pine	<i>Pinus nigra</i>	7' to 8' Ht.	B&B
Villa entrance typical – Shrubs					
Deciduous Shrubs					
FVB	140	Bronx Forsythia	<i>Forsythia viridissima</i> 'Bronxensis'	15" to 18"	Cont.
VON	260	Dwarf Cranberry Bush	<i>Viburnum opulus</i> 'Nanum'	18" to 24"	Cont.
Evergreen Shrubs					
BGM	48	Green Mountain Boxwood	<i>Buxus x 'Green Mountain'</i>	24" to 30"	Cont.
BVV	114	Vardar Valley Boxwood	<i>Buxus sempervirens</i> 'Vardar Valley'	18" to 24"	Cont.
Perennials					
SRA	1,482	Angelina Stonecrop	<i>Sedum rupestre</i> 'Angelina'	1 Gal.	Cont.
Ornamental Grasses					
LMV	352	Variegata Lilyturf	<i>Liriope muscari</i> 'Variegata'	1 Gal.	Cont.
Groundcovers					
HHE	12	Myrtle, Periwinkle	<i>Vinca minor</i>	1 Gal.	Cont.
Climbing Vines					
Annals					
Bulbs					
Notes: Plant material size refers to Height unless otherwise noted Notes: Typical for Villas					



Timothy Merkosky
4039 Gonyard Avenue
P.P. #003-188-31-392

GANYARD AVE. 50'

Margaret R. Waller
4038 Ganyard Avenue
P.P. #003-18B-31-373

PROVISION LIVING BRUNSWICK
CITY OF BRUNSWICK LOCATED IN COUNTY OF MEDINA

CUNNINGHAM & ASSOCIATES, INC.
CIVIL ENGINEERING and SURVEYING
203 W. LIBERTY ST. MEDINA, OHIO 44236 330-725-5980

DRAWN BY: <u>TEM</u>
DATE: <u>6/30/22</u>
CHECKED BY: _____
DATE: _____
PROJECT No. <u>19-147</u>
ACAD FILE No. <u>M:\...19147-LS.dwg</u>

Provision Living at Brunswick

DATE: 12/2/22

Design Guidelines

Special Planning District Number 5 (SPD-5)

1) DEFINITION

- a) This SPD-5 is defined as a self-contained, care-based, residential development for individuals fifty-five years of age and older, or for individuals less than fifty-five years of age when residing with a spouse or sibling fifty-five years of age or older. All residents will have some degree of services and medical care available to them.

2) SITE PLANNING CRITERIA

- a) **Ancillary Facilities.** This senior-living development shall contain the following ancillary facilities: a multipurpose activity room, dining room, health and counseling office, meeting room, a lounge area, area for passive and active recreation, and any and all other amenities required to meet the needs of the senior residents.
- b) **Special Safety and Convenience Features.** This senior-living development shall be designed specifically for seniors, incorporating necessary safety and convenience features.
 - i) The site amenities provided should be more attractive than for multifamily projects, since the elderly people spend nearly all their time on the site.
 - ii) The yards and passive recreation areas should be extensive in quantity and fully landscaped.
 - iii) There should be a composition of small, intimate, private yard and court areas for a variety of passive activities.
 - iv) All pedestrian walkways designed for the use by residents shall be accessible. In addition, at least one accessible route within the site shall be provided from any public transportation stops, accessible parking, all resident facilities, accessible passenger loading zones, and public streets or sidewalks to an accessible entrance to each housing unit.
- c) **The Neighborhoods.** The site shall be divided into two neighborhoods to provide specific regulations for each side. The West Neighborhood shall be approximately 6.3 acres on the West side of the property. The East Neighborhood shall be approximately 9.9 acres on the East side of the property. The specific regulations for each neighborhood shall be specified in this SPD-5 guidelines.

3) BASIC DEVELOPMENT STANDARDS FOR THE ENTIRE DEVELOPMENT SITE

- a) **Minimum front yard setback:** 30 feet
- b) **Minimum side yard setback:** 50 feet
- c) **Minimum rear yard setback:** 50 feet
- d) **Landscaping Requirements**
 - i) The front yard to the West of the SPD-5 development shall be landscaped and shall not be used for parking or any other purpose, except driveways to reach designated parking areas. The following shall be allowed in this area: a sign and retaining wall with fall-

- protection fence that is properly landscaped to soften the façade. The fall-protection fencing shall be approximately 3-4 feet tall, built of wrought iron, or similar material. See Chapter 1282 Landscaping and Screening and 1270 Signs for other regulations.
- ii) The South side yard shall be landscaped to provide a buffer between the residential neighborhood to the South and the SPD-5 development area. This area may be used for stormwater management, including wetland and stream enhancement. The SPD-5 development will not increase water detention on the properties to the South and will improve water drainage for those properties.
 - (1) The buffer area to the South shall be maximized by thoughtful placement of built components, such as buildings and roads to the North of this buffer. The natural vegetation, and especially large trees, within this buffered area shall be protected to the extent possible. The construction process, addressing of drainage issues, and stream enhancement efforts shall be done with sensitivity and care to avoid damage to trees and root systems within this buffered area. Where it is impossible to save trees during the construction process, drainage work, and stream enhancement efforts, appropriate trees shall be replanted.
 - iii) The North side yard shall be landscaped to provide a buffer between the church property to the North and the SPD-5 development area. This area accommodates a large wetland area in the East neighborhood. In the West neighborhood, this area may accommodate necessary retaining walls with fall-protection fence that are properly landscaped to soften the façade, outdoor patios and recreation areas, and sidewalks that could link to activities on the church property. The fall-protection fencing shall be approximately 3-4 feet tall, built of wrought iron, or similar material. Landscaping will be provided in this yard area to screen loading areas, dumpsters, and other utility uses. An access road and staff parking will be located in this area and will be properly screened from the church property.
 - (1) The natural vegetation, and especially large trees, within the buffered area to the North shall be protected, to the extent possible. Construction shall be done with sensitivity and care to avoid damage to trees and root systems within this buffered area.
 - iv) The rear yard to the East of the SPD-5 development shall be landscaped to provide a buffer between the residential neighborhood to the South and East and the SPD-5 development area. This area shall provide an easement to the City of Brunswick that will allow for the use of a public, connection drive from Alice Avenue to Gaynard Avenue. A private access drive to the SPD-5 development area will be located in this area from the new connection drive. This access point shall be gated with a "breakaway" gate used only for emergencies. A turn-around road is located in this area for emergency vehicles and visitors. All drives shall be located a minimum of 10 feet from the property line and shall be landscaped.
 - (1) The natural vegetation, and especially large trees, within the buffered area to the East shall be protected, to the extent possible. Construction shall be done with sensitivity and care to avoid damage to trees and root systems within this buffered area. Additional trees of appropriate species, both evergreen and deciduous, will also be added in this East end buffer to enhance the buffer's effectiveness.
 - v) Trees of an appropriate species and mature size shall be planted along the main roadways on both sides, and in other locations, as appropriate to add shade, reduce wind, and enhance aesthetics of the site. Thought shall be given in the selection and placement of new trees to the following:
 - (1) The tree species' hardiness, appropriateness for the climate, and susceptibility to disease and pests.
 - (2) The tree species' messiness, speed of growth, and maintenance requirements

- (3) The appropriateness of the mature trees size, shape, and overall aesthetic appeal to the scale and texture of the built and natural environment in which it will be placed
- (4) The root structure's potential damage to walks, roadways, foundations, pipes, and other structural elements
- (5) The potential rubbing of a mature tree's branches on buildings
- (6) A growing tree's potential for interference with snow removal and clear sight lines of vehicular traffic.
- vi) The landscape design shall be regulated by chapter 1282 Landscaping and Screening.
- e) **Lighting Standards:** Lighting shall be provided near all circulation areas, buildings, and recreation areas where appropriate. The lighting design shall follow the guidelines below to promote safety, conserve resources, reduce effects on neighbors, and avoid light pollution.
 - i) Exterior lighting shall be designed and located at a pedestrian scale consistent with pedestrian movements and the neighborhood.
 - ii) The site shall be lite in a way that promotes use of the area after dark and addresses safety concerns.
 - iii) Lighting shall be spaced together closely to create an even lighting of the sidewalk, features a white light, and be concealed or shielded to avoid glare.
 - iv) Lighting poles and fixtures shall be compatible with the function and design of the feature and the aesthetics of the property.
 - v) The position of a lamp along a pedestrian walkway shall not exceed fifteen feet in height above the surface of the walkway.
 - vi) Total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit, which is 2.5 lumens per SF of hardscape. The following shall be provided to the zoning commission prior to final plat approval:
 - (a) A calculation of the total square footage of hardscape in the project, the total allowable lumens, and the total lumens and foot-candles of outdoor lighting to be installed.
 - (b) A table showing all exterior luminaires to be installed, their output in lumens, and the height at which they will be installed.
 - (c) In addition, all exterior lighting shall comply with the requirements, as outlined in 1276.14 of the City of Brunswick Planning and Zoning Code.
- f) **Common Open Space:** Each SPD-5 development shall provide common open space equal to a minimum of thirty percent (30%) of the development area. Common open space includes outdoor areas or enclosed recreational areas designed for use by all the residents, and their guests. Common open space includes lawns and other landscaped areas, natural areas, paved terraces and sitting areas, and indoor or outdoor recreation areas. Common open space excludes all areas within 20 feet of a building wall, vehicle parking or circulation areas, unless the space is a designated recreational space (e.g. courtyards, terraces, walking paths, lawns).
- g) **Parking and Road Standards**
 - i) All parking spaces shall be 9 feet by 19 feet.
 - ii) All drives between 90-degree parking spaces shall be 24 feet.
 - iii) All other drives shall be a minimum of 20 feet.
 - iv) The West entry drive shall match the width of the existing access road from Pearl and then shall taper to a minimum of 25 feet to the property line. From the property line, the road shall taper to 22 feet.
- h) **Stormwater Standards**

- i) All stormwater and drainage requirements as outlined in Section 1230.01 and Sections 1234 and 1236 will apply to this SPD-5. Where conflicts arise between these sections, the more stringent standard shall be followed.

4) THE WEST NEIGHBORHOOD

a) PERMITTED USES:

i) Congregate Living

- (1) These types of residences include services provided on-site, within the building, that provide basic daily needs for the residents. Such services may include, but are not limited to housekeeping, transportation and basic daily care. Such facilities may include, but are not limited to dining, spa, beauty/barber shop, fitness, activity, indoor living spaces, and outdoor living/activity spaces. Types of permitted congregate living are as follows:

(2) Assisted Living

- (a) A coordinated array of supportive personal and health services, available 24 hours a day, to residents who need those services in a residential setting. Promotes self-direction and participation in decisions that emphasize independence, privacy, dignity, and homelike surroundings. Such facilities may include, but are not limited to dining, spa, beauty/barber shop, fitness, activity, indoor living spaces, and supervised outdoor living spaces.
- (b) Each unit shall contain: a sleeping area/bedroom, closet, bathroom, kitchenette, living space.

(3) Memory Care

- (a) Assisted or Skilled Nursing care specifically for those who have Alzheimer's, dementia, or other age-associated memory impairments. Such facilities may include, but are not limited to dining, spa, beauty/barber shop, fitness, activity, indoor living spaces, and secured outdoor living spaces.
- (b) Each unit shall contain: a sleeping area/bedroom, closet, and bathroom.

(4) Skilled Nursing

- (a) Residential facility providing daily nursing and/or rehabilitative care that can be performed only by or under the supervision of skilled medical personnel. Such facilities may include, but are not limited to dining, and indoor living/activity spaces.
- (b) Each unit shall contain: a sleeping area, closet, and bathroom.

ii) Accessory Structures

- (1) The dumpster enclosure shall have 3 sides of masonry that matches the façade of the congregate living building, with the 4th side being an opaque gate for access, as specified on the conceptual development plan and in these regulations. This enclosure shall be buffered with landscaping.
- (2) The generator enclosure shall have walls that sufficiently screen the enclosed equipment, approximately 7 to 10 feet in height, clad in a mix of materials including masonry to match the congregate living building, as specified on the conceptual development plan and in these regulations. This enclosure shall be buffered with landscaping.
- (3) An entry sign that matches in style, design, and materials the congregate living building, and as regulated by Chapter 1270.
- (4) Other accessory structures shall be permitted in the recreation areas to provide shelter, recreational activity space, and/or storage for recreational activities. These structures

shall match the style, design, and materials of the independent living buildings, be secondary in scale, and no more than 25 feet tall.

b) SITE AND BUILDING REQUIREMENTS

- i) Minimum lot area: 6.3-acre neighborhood area
- ii) Minimum floor area per unit: Minimum 330 square feet per unit, plus minimum 120 square feet for each additional bedroom or bed. Any 330 square foot unit will be a studio unit consisting of a living area and private bathroom and will not include a kitchenette.
- iii) Maximum building height: 50 feet, this will accommodate a 3-story building and keeps with the scale of the surrounding buildings.
- iv) Density: a maximum of 15 units per acre
- v) Accessibility Standards:
 - (1) All facilities shall meet the accessibility standards as outlined in the Ohio Administrative Code 4101:1-11-01
- vi) Building Design Standards:
 - (1) Buildings shall have a maximum of 112 units.
 - (2) The front façade of the building shall provide a varying shape to break up the face of the building and to avoid walls in excess of 50 feet.
 - (3) A single style of material covering the exterior of a building shall not exceed 50% of the total façade. There shall be a minimum of 3 materials used on the building, one of which must be masonry.
 - (4) Style and materials shall match those used in the East Neighborhood.
 - (a) West Neighborhood will utilize cementitious, or like material, siding; while East Neighborhood will utilize a similar style, high quality vinyl siding.
 - (5) Earth tones will prevail in the color scheme throughout the West Neighborhood.
 - (6) All overhangs must be a minimum of 12 inches.
 - (7) All roofs will maintain at least a 4/12 pitch, with the predominant roof structures at a minimum of 6/12 pitch. Long rooflines shall be broken up through the use of gables, dormers, or other design elements.
 - (8) A means, such as a snow retention system, will be installed to ensure the safety of pedestrians from the dangers of snow falling from roof surfaces onto pedestrians below.
 - (9) Roofing colors shall be complementary to and darker than the predominant siding material.
 - (10) All exterior materials shall be low maintenance and durable, with resistance to moisture, wind, and sunlight.
 - (11) Windows throughout the development shall be generous in size and number to allow for sunlight to enter the interior spaces. Windows shall have a consistent mullion design throughout the development.
- vii) Building Spacing:
 - (1) The congregate living building, including their terraces, decks and patios, shall be separated by at least 30 feet to other buildings, except when windows of living areas and patios, decks and terraces face each other, they shall be separated by at least 40 feet, unless visions obscuring landscaping, walls or fences are provided between such patios, decks, or terraces.
- viii) Recreation Space: minimum of 60 square feet of common recreation space per unit is required. This space shall be grouped in large blocks, secured where necessary, and well landscaped.
- ix) Private Open Space: not required for congregate living facilities because of safety concerns. (see supporting documents for references)

- x) Parking Requirements: there shall be a minimum of .5 parking spaces per dwelling unit, per Table 1276.1. See Chapter 1276 Parking and Site Design.

5) THE EAST NEIGHBORHOOD

a) PERMITTED USES:

i) Independent Living with Services

- (1) These residents will be participants in the on-site, medical care community while maintaining a degree of independence. They will benefit from services that may include, but are not limited to transportation, home health assistance, meals, maintenance, housekeeping, and concierge services. These residences may be attached units with private garages and entrances.
- (2) Each unit shall contain: a bedroom, closet, bathroom, kitchen, living space, at least a 1 car-garage, and 60 square feet of private open space such as a patio.

ii) Club House structure

- (1) The club house shall match the style, design and materials of the independent living buildings, be no more than 25 feet tall and as specified on the conceptual development plan and in these regulations. This building shall be buffered with landscaping.

iii) Accessory Structures

- (1) The maintenance and storage building shall match the style, design, and materials of the independent living buildings, be no larger than 30 feet by 30 feet, be no more than 25 feet tall, and as specified on the conceptual development plan and in these regulations. This building shall be buffered with landscaping.
- (2) Other accessory structures shall be permitted in the recreation areas to provide shelter, recreational activity space, and storage for recreational activities. These structures shall match the style, design, and materials of the independent living buildings, be secondary in scale, and no more than 25 feet tall.

b) SITE AND BUILDING REQUIREMENTS IN THE EAST NEIGHBORHOOD

- i) Minimum lot area: 9.9-acre neighborhood area, 16.2 acres for total site
- ii) Minimum floor area per unit: Minimum 1000 square feet for each one-bedroom unit; plus minimum 120 square feet for each additional bedroom
- iii) Maximum building height: 35 feet, this will accommodate a single-story building and keeps with the scale of the surrounding neighborhood.
- iv) Density: a maximum of 5 units per acre
- v) Accessibility Standards:
 - (1) All housing units shall have at least one accessible entrance. To the extent feasibly, all entrances and exterior private spaces for use by residents such as porches, decks, balconies, and walks shall be accessible. Where accessibility to secondary entrances and private spaces is not feasible, there shall not be more than two steps to these areas.
- vi) Building Design Standards:
 - (1) Buildings shall have a maximum of 4 units attached in a single building.
 - (2) The front façade of each building shall provide a varying shape to break up the face of the building.
 - (3) A single style of material covering the exterior of a building shall not exceed 75% of the total façade. There shall be a minimum of 3 materials used on the building, one of which must be masonry.
 - (4) Style and materials shall match those used in the West Neighborhood.
 - (a) West Neighborhood will utilize cementitious, or like material, siding; while East

Neighborhood will utilize a similar style, high quality vinyl siding.

- (5) All overhangs must be a minimum of 12 inches.
 - (6) Earth tones will prevail in the color scheme throughout the East Neighborhood.
 - (7) All primary roofs will maintain at least a 6/12 pitch. Garage shed dormer will maintain at least a 3/12 pitch. Long rooflines shall be broken up through the use of gables, dormers, or other design elements.
 - (8) Roofing colors shall be complementary to and darker than the predominant siding material.
 - (9) All exterior materials shall be low maintenance and durable, with resistance to moisture, wind, and sunlight.
 - (10) Windows shall be generous in size and number to allow for sunlight to enter the interior spaces. Windows shall have a consistent mullion design throughout the development.
 - (11) Garages shall be designed and located so they are not the dominant visual element of the building or streetscape. All attached garages shall comply with the following:
 - (a) The garage door shall be set back a minimum of 20 feet from the road or sidewalk, whichever is closer. In no instance shall the garage door be more than six (6) feet in front of the main living area.
 - (b) All attached garages shall be fully integrated into the building mass.
- vii) Building Spacing:
- (1) Independent living residences, including their terraces, decks, and patios require setbacks of:
 - (a) 15 feet front yard setback to sidewalk or road, whichever is closer; and 20 feet from garage door to sidewalk or road, whichever is closer.
 - (b) 20 feet side yard setback to another single-family structure or road
 - (c) 30 feet rear yard setback to another single-family structure or road
- viii) Recreation Space: minimum of 500 square feet of common recreation space per unit is required. In developments of more than 4 acres, at least one recreation area shall be a block with minimum dimensions of 100 feet by 100 feet and the balance shall be in large blocks to support its intended recreation use.
- ix) Private Open Space: minimum of 60 square feet per unit is required. Private open space shall not occupy any portion of the common open space or recreation space already required. Private open space shall be specifically designed and constructed to be used and enjoyed by the residents of an individual dwelling unit. Such space shall be screened or otherwise designed to provide privacy for the intended users.
- x) Parking Requirements: there shall be a minimum of 2 off-street parking spaces per dwelling unit, one of which shall be in a garage attached to its corresponding unit. In addition, 1 off-street visitor space per every 5 units shall be provided. See Table 1276.1. See Chapter 1276 Parking and Site Design.

CITY OF BRUNSWICK

MAYOR
RON FALCONI

CITY MANAGER / SAFETY DIRECTOR
CARL S. DEFOREST

COUNCIL
MICHAEL J. ABELLA, JR
ANTHONY P. CAPRETTA
JOSEPH P. DELSANTER
NICHOLAS HANEK
BRANDON LAMBERT
KRISTY PIPER
TIM SMITH

January 20, 2023

Dave Bayliss
Provision Living
9450 Manchester Road, Suite 207
St. Louis, MO 63119

RE: Provision Living Brunswick SPD-5
953 Pearl Road, Brunswick, Ohio

Dear Mr. Bayliss:

The Brunswick City Planning Commission, at their meeting on January 19, 2023, voted to **recommend approval** to City Council of the Provision Living Brunswick SPD-5 senior development complex detailed site plan and revised development guidelines, 953 Pearl Road, Brunswick, Ohio, subject to the following:

1. Pursuant to Section 1268.07(c) and (d), respectively, changes to the conceptual development plan of more than a cosmetic nature shall also be approved by City Council by ordinance. Additionally, once a Special Planning District is created, it may only be changed through the Charter provisions for zoning amendments. The first reading on the proposed legislation is scheduled for City Council's meeting on January 23, 2023. Please contact Laura Timura, Clerk of Council, at (330) 558-558-6845 for scheduled meeting times.
2. The location of the two – 35' high ladders at opposite ends of the building shall be indicated on the site and building plans.
3. Final site plan approval is subject to engineering approval.
4. Following engineering approval, necessary permits and inspections must be obtained from the Division of Building.



4095 CENTER ROAD - BRUNSWICK, OHIO 44212

CITY HALL PHONE: (330) 225-9144 - FAX: (330) 273-8023 - POLICE & FIRE PHONE: (330) 225-9111 - FAX: (330) 225-6002 <http://www.brunswick.oh.us>

Please provide one set of complete engineering drawings and calculations to the City Engineer for review. The drawings and calculations submitted must include any plan revisions stipulated by the Planning Commission in their approval motion and listed above. The drawings and calculations submitted must each be signed and stamped by a registered Professional Engineer and be based upon a current topographic existing conditions survey of the site. The existing conditions survey shall be included in the project plan set and must be signed and stamped by the registered Professional Surveyor who performed the work.

Also, please ensure your design engineer reviews Chapter 1234 Erosion and Sediment Control; Chapter 1236 Storm Water Management; and Chapter 1238 Riparian Zones of the Brunswick Codified Ordinances, and includes any appropriate measures into the engineered plans and calculations. Should you or your design engineer have any questions regarding site plan requirements, please contact the Engineering Department at (330) 558-6880.

Section 1234.11 (effective February 11, 2008), requires the Storm Water Pollution Prevention Plan and Abbreviated Storm Water Pollution Prevention Plan review, filing, and inspection fee to be included as part of a complete submittal and is required to be submitted to the City of Brunswick before the review process begins. **Please remit payment in the amount of \$2,500.00 for the above process when engineering detailed site plans are submitted.**

Effective February 7, 2007, the project applicant shall be responsible for all costs associated with the engineering review of a proposed project. The applicant shall post a review fee deposit, pursuant to Section 1278.03(g) of the Brunswick Codified Ordinances. **The City Engineer has established a review deposit of \$7,500.00 for this project.** A check in that amount, made payable to the City of Brunswick, must be included with the submission of the engineered drawings and calculations. **The engineering review of the project will not begin until these funds have been placed on deposit with the City of Brunswick.**

It is important to note the deposit amount presented above is only an estimate. As engineering costs are incurred, a corresponding amount will be deducted from the deposit balance. Any funds that remain after the project has been constructed and accepted shall be returned to the entity or person that posted the funds initially. Should the deposit fall below 30% of the initial amount, the applicant may be required to deposit additional funds as determined by the City Engineer.

Upon completion of the review, the City Engineer will request **four final sets** of plans for signature purposes. After the plans are signed by the Planning Commission and City Engineer, one signed set will be returned to your attention.

The Zoning Code requires a **financial guarantee** "to ensure that all site features, including, but not limited to, parking, drainage, sidewalks, screening, exterior lighting and landscaping, conform to the approved site plan." The guarantee amount must be based on an itemized estimate from a designer or contractor and must be approved by the City Engineer.

The guarantee must be **in the form of cash, letter of credit, or performance bond**, unless another form is approved by the Law Director. The enclosed samples may be utilized for this

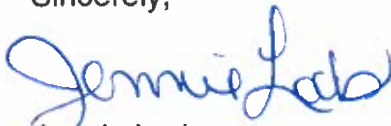
purpose. Please contact the City Engineer for more information regarding the financial guarantee.

The record site plans, engineering approval, project cost estimate, and financial guarantee must all be in place before building permits can be issued.

The Commission's **site approval is valid for one year** from the date the Planning Commission voted to approve the project.

Please contact me at (330) 558-6830 if you have any questions.

Sincerely,



Jennie Lods,
Planning & Zoning Coordinator

enc.

c: Carl S. DeForest, City Manager/Safety Director
Grant Aungst, Community & Economic Dev. Director
Matt Jones, Consulting City Engineer
Cliff Calaway, Chief Building Official
Ryan Tebeau, Provision Living
Lindsay Kneale, Arco Construction Company

PROPOSED LEGISLATION



DATE: 2/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Kayla Pawlowski

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 4-2023** - An emergency resolution authorizing the City Manager to enter into a one (1) year contract for property, automobile, inland marine, general liability, public officials liability, public officials liability, police liability, boiler and machines, crime coverage, cyber coverage, employment practice and umbrella insurance coverage - **2nd Reading** (Committee-of-the-Whole, *Administration/Kayla Pawlowski*)

BACKGROUND: Our current insurance policy will expire on January 31,2023. We must enter into a new contract to insure equipment, property, buildings, etc. from February 1,2023 through January 31,2024

Love Insurance Agency obtained proposals for this coverage.

PURPOSE AND EXPLANATION: To provide insurance coverage for equipment, property, facilities, etc. effective February, 1,2023

IMPLEMENTATION SCHEDULE: As soon as allowed by law

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The liability insurance policy is from February 1, 2023 through January 31, 2024 at a total premium amount not to exceed \$311,631. The total premium amount includes 1) an annual premium of \$276,189 for various insurance coverages pertaining to property, employer, employee, vehicles, etc: 2) an annual premium of \$35,442 for crime and cyber coverage and 3) requested an additional premium amount not to exceed \$35,000 for prorated premium adjustments for City property removed from and/or added to coverage during this policy year which would result in additional premium amounts due from the City. In order to be pain, expenditures must be covered by sufficient Council appropriatons. Expenditures will be posted to the respective fund and department based on the items or persons being insured. The request is 3% more than that approved last

year via Resolution 6-2022. Total Costs of insurance +/- net additions/deletions = \$346,631.

**RECOMMENDED
ACTION:**

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

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

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 4-2023

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE (1) YEAR CONTRACT FOR PROPERTY, AUTOMOBILE, INLAND MARINE, GENERAL LIABILITY, PUBLIC OFFICIALS LIABILITY, POLICE LIABILITY, BOILER AND MACHINES, CRIME COVERAGE, CYBER COVERAGE, EMPLOYMENT PRACTICE AND UMBRELLA INSURANCE COVERAGE.

WHEREAS: The City utilized the professional services of Love Insurance Agency to obtain proposals for property, automobile, inland marine, general liability, public officials liability, police liability, boiler and machines, crime coverage, cyber coverage, employment practice and umbrella insurance coverage;

WHEREAS: The annual premium for the lowest and best policy is \$311,631.00 for the package, which amount includes crime and cyber coverage premiums in the amount of \$35,442.00; and

WHEREAS: An additional premium not to exceed \$35,000.00 is necessary to account for potential prorated premium adjustments for City property removed from and/or added to the policy.

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

SECTION 1: That the City Manager is hereby authorized to enter into a one (1) year contract retroactive to February 1, 2023 through January 31, 2024 at an annual premium in an amount of \$311,631.00 for the package, which amount includes crime and cyber coverage premiums in the amount of \$35,442.00, retroactive to February 1, 2023 for the following insurance: property, automobile, inland marine, general liability, public officials liability, police liability, boiler and machines, crime coverage, cyber coverage, employment practice and umbrella coverage.

SECTION 2: An additional premium not to exceed \$35,000.00 is hereby authorized to account for potential prorated premium adjustments for City property removed from and/or added to the policy.

SECTION 3: The Finance Director is authorized to issue a warrant for payment of the insurance coverages upon receipt of a proper invoice from the City Manager.

SECTION 4: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the additional reason that the previous policy and liability insurance coverage expires on January 31, 2023. 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 _____

 Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 2/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Carl DeForest

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 5-2023** - An emergency ordinance establishing a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit applications for zoning, occupancy and/or building permit approvals for Vape and Smoke Shop uses in the C-N Neighborhood Commercial District, C-G General Commercial District, GW-C Gateway Commercial District and Brunswick Town Center Special Planning District No. 2 (Main Street District, Northwest Neighborhood and Southeast Neighborhood) and the issuance of such approvals. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: Council believes a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, and/or building permit approvals for Vape and Smoke Shop uses is necessary to permit the City Administration, Council, and Planning Commission time to undertake a review of the Brunswick Zoning Code and possible amendment.

PURPOSE AND EXPLANATION: To allow time for the immediate review of the Brunswick Zoning Code.

IMPLEMENTATION SCHEDULE: One reading, emergency with suspension of the rules

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	Yes
Two Readings	No
Three Readings	No
Emergency	Yes

Suspension of Rules Yes

If emergency or suspension of the rules, why the request?
Emergency with suspension of the rules.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 5-2023

BY: Committee-of-the-Whole

AN EMERGENCY ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING, OCCUPANCY AND/OR BUILDING PERMIT APPROVALS FOR VAPE AND SMOKE SHOP USES IN THE C-N NEIGHBORHOOD COMMERCIAL DISTRICT, C-G GENERAL COMMERCIAL DISTRICT, GW-C GATEWAY COMMERCIAL DISTRICT AND BRUNSWICK TOWN CENTER SPECIAL PLANNING DISTRICT NO. 2 (MAIN STREET DISTRICT, NORTHWEST NEIGHBORHOOD AND SOUTHEAST NEIGHBORHOOD) AND THE ISSUANCE OF SUCH APPROVALS.

WHEREAS: The City of Brunswick may legitimately regulate the location and approval of Vape and Smoke Shops, which are defined in Codified Ordinance Section 1242.02(94) as: “A retail establishment that derives more than fifty percent (50%) of its gross revenue from the sale of electronic cigarettes or similar devices, cigars, cigarettes, pipes, or other smoking devices for burning tobacco and related smoking accessories in which the sale of other products is merely incidental.”

WHEREAS: Vape and Smoke Shops are conditionally permitted uses in the C-N Neighborhood Commercial District (Codified Ordinance Section 1256.04(m)), C-G General Commercial District (Codified Ordinance Section 1260.04(v)), GW-C Gateway Commercial District (Codified Ordinance Section 1261.04(s)) and the Southeast Neighborhood of the Brunswick Town Center Special Planning District No. 2 (Section A(3) of General Requirements).

WHEREAS: Vape and Smoke Shops are principally permitted uses in the Main Street District (Section A(18) of General Requirements) and Northwest Neighborhood (Section A(9) of General Requirements) of the Brunswick Town Center Special Planning District No. 2.

WHEREAS: This Council believes that a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for Vape and Smoke Shop uses in the C-N Neighborhood Commercial District, C-G General Commercial District, GW-C Gateway Commercial District and Brunswick Town Center Special Planning District No. 2 (Main Street District, Northwest Neighborhood and Southeast Neighborhood) in the City, and on the issuance of such approvals, will not deny property owners economically viable use of their property and will permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof.

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

SECTION 1: For a period of six (6) months from the effective date of this Ordinance, the City shall not accept or process any applications for zoning, occupancy and/or building permit approvals for Vape and Smoke Shop uses in the C-N Neighborhood Commercial District, C-G General Commercial District, GW-C Gateway Commercial District and Brunswick Town Center Special Planning District No. 2 (Main Street District, Northwest Neighborhood and Southeast Neighborhood) in the City, and further shall not issue any such approvals during said period.

SECTION 2: Whenever the provisions of this Ordinance conflict with any other Ordinance or any provision of the Codified Ordinances of the City, the provisions of this Ordinance shall control.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this 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, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City and its residents and property owners and for the additional reason that it is required to permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof. 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
Laura E. Timura

PROPOSED LEGISLATION



DATE: 2/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Taylor Petkovsek

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 6-2023** - An emergency resolution authorizing the City Manager to enter into an agreement with Air Force One, Inc. for capital improvements at the Brunswick Community Recreation and Fitness Center in an amount not to exceed \$494,999.34. - **1st Reading** (To be brought from Parks, Recreation & Community Committee, *Administration/Taylor Petkovsek*)

BACKGROUND: In 2022 the City of Brunswick, Brunswick Community Recreation & Fitness Center was awarded a grant in the amount of \$250,000.00 to make capital improvements at the BCRFC. The grant from the State of Ohio, Department of Natural Resources was accepted by Council, Resolution No. 97-2022 dated November 14, 2022 and was executed by ODNR on January 27, 2023. The City of Brunswick has set aside an additional \$250,000.00 for a total project not to exceed \$500,000.00. Air Force One's Sourcewell contract equals \$494,999.34 to complete the project; \$5,000.00 will be used for ODNR administration of the project. The project, which has been approved by ODNR, is to replace HVAC units, repair HVAC unit compressor and pressure switch, install building automation system to help with energy savings and reduce utility consumption, clean all duct work interior and exterior and apply anti-microbial agent, replace ceiling tiles throughout the building, and paint interior walls and ceiling of the pool complex.

Pursuant to City Council Res#105-18, the City participates and is a member of Sourcewell's joint purchasing programs.

**PURPOSE AND
EXPLANATION:**

**IMPLEMENTATION
SCHEDULE:**

Emergency Suspension of the rules

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

Eligible ODNR grant expenditures not to exceed \$250,000 will be charged to account

#300-0831-56000. Grant reimbursements will be submitted in accordance with ODNR rules and regulations. Any remaining local funds spent on this project will be charged to 300-0522-56250.

**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?

We are requesting this Resolution to be passed as an emergency measure with Suspension of the Rules to begin the project as soon as possible due to the availability of supplies and materials and to complete the project within the grant timeline.

**ADDITIONAL
INFORMATION:**

**Capital Improvement Community Park, Recreation/Conservation Project
Pass-Through Grant Agreement
Ohio Department of Natural Resources**

This Community Recreation/Conservation Project Pass-Through Agreement (hereinafter referred to as the "Agreement") is made and entered into by and between the State of Ohio, Department of Natural Resources, (hereinafter referred to as "State" or "ODNR"), acting by and through its Director, pursuant to Sections 154.17, 154.22 and 1501.01 of the Ohio Revised Code ("R.C.") and House Bill No. 687, 134th General Assembly of the State of Ohio and the City of Brunswick, an Ohio political subdivision (hereinafter referred to as "Grantee") acting by and through its authorized representative.

Notices: All notices, demands, requests, consents, approvals, and other communications required or permitted to be given pursuant to the terms of this Agreement shall be in writing, and shall be deemed to have been properly given when: 1) hand-delivered with delivery acknowledged in writing; 2) sent by U.S. Certified mail, return receipt requested, postage prepaid; 3) sent by overnight delivery service (Fed Ex, UPS, etc.) with receipt; or 4) sent by fax or email, and shall be respectively addressed as follows:

ODNR Contact: Teresa Goodridge Program Manager Ohio Department of Natural Resources Office of Real Estate & Land Management 2045 Morse Road, Building E-2 Columbus, Ohio 43229 Teresa.Goodridge@dnr.ohio.gov	Grantee Contact: Taylor Petkovsek Director of Park and Recreation City of Brunswick 3637 Center Road Brunswick, Ohio 44212 tpetkovsek@brunswick.oh.us
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Notices shall be deemed given upon receipt thereof and shall be sent to the addresses appearing above. Notwithstanding the foregoing, notices sent by fax or email shall be effectively given only upon acknowledgment of receipt by the receiving party. The parties designated above shall each have the right to specify as their respective address for purposes of this Agreement any other address upon fifteen (15) days prior written notice thereof, as provided herein, to the other parties listed above. If delivery cannot be made at any address designated for notices, a notice shall be deemed given on the date on which delivery at such address is attempted.

WHEREAS, pursuant to House Bill No. 687, the 134th General Assembly of the State of Ohio has appropriated funds in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) to make a grant to the Grantee for the costs associated with the construction of a park and recreation or conservation facility in appropriation item C725E2, more fully described as 'Brunswick Recreation Center', (hereinafter referred to as the "Project"). Furthermore, \$5,000.00 of the total Project appropriations will be used by ODNR for the administration of the Project. The Project reference number is **MEDI-029C**; and

WHEREAS, the General Assembly has identified the Parks and Recreation Improvement Fund (Fund 7035), created and existing under R.C. § 154.22(F), as the fund from which these monies will be disbursed; and

WHEREAS, pursuant to R.C. Chap. 154 and Article VIII, Section 2i of the Ohio Constitution, capital facilities lease-appropriation bonds (the "Bonds") have been or will be issued by the Ohio Treasurer of State (the

Capital Improvement Grant Agreement between
ODNR and City of Brunswick
Legal Contract ID # 2022-1773

"Treasurer") for the purpose of paying the "costs of capital facilities" including acquiring, constructing, reconstructing, rehabilitating, renovating, enlarging and otherwise improving, equipping, and furnishing capital facilities for parks and recreation, all as defined and described in R.C. § 154.01(K). A portion of those Bonds proceeds will be used by ODNR to provide funding to the Grantee for the Project under this Agreement. Because ODNR is funding the Project with proceeds of those Bonds, ODNR requires that the Grantee make certain representations, warranties, and covenants (both affirmative and negative) concerning the Project and use of the grant funds, as more fully described or provided in this Agreement, in order to comply with federal and state laws, regulations, and rules relating to those Bonds and the projects funded with proceeds of those Bonds.

NOW THEREFORE, for the purposes of providing the funds to Grantee pursuant to House Bill No. 687 of the 134th General Assembly, the parties hereto covenant and agree as follows:

1. **Funding Amount.** ODNR agrees to provide the Grantee Two Hundred Forty-Five Thousand Dollars (\$245,000.00), via qualifying advance and reimbursement, to be used toward the total cost of the Project. Five Thousand Dollars (\$5,000.00) of the amount appropriated for the Project will be retained by ODNR to cover administrative costs. In no event shall ODNR's payment to Grantee exceed Two Hundred Forty-Five Thousand Dollars (\$245,000.00). Funds for this Project have been released by the Controlling Board as of 1/26/2023 and encumbered by Contract Encumbrance Record Number _____ and are so certified by the Director of Budget and Management on _____. Obligations of the State are subject to the provisions of R.C. § 126.07. Any funds provided under this Agreement that are not spent shall be returned in full to the State.
2. **Project Description.** The Grantee shall use the grant funds for 'Brunswick Recreation Center', a project to renovate the Brunswick Recreation Center in Brunswick, OH, all as more fully described in Exhibit A attached hereto.
3. **Effective and Termination Dates.** This Agreement shall commence on the date that it is signed by ODNR (the "Effective Date") and will, unless otherwise earlier terminated as provided herein, expire on the later of: (i) 15 years from the date of the payment of the final Project reimbursement (or Project acquisition if the Project is solely for the acquisition of real property) ("Project Closeout"); or (ii) the date upon which the latest Bond issuance funding or refinancing of the Project is paid in full (the "Term"). Grantee shall complete the Project on or before June 30th, 2024.
4. **No Restrictions of Record.** Grantee hereby represents and warrants that there are not now, and there will not be, any restrictions of record or otherwise with respect to the Project, including without limitation, any encumbrances, liens, or other matters, which would interfere with or otherwise impair the use of the property as described in the Boundary Map attached hereto as Exhibit B, on which the Project will be located and developed as a public parks and recreation or conservation facility (the "Property") except for those restrictions permitted below. Grantee represents that it is the fee simple owner, or has a lease, exclusive easement, or cooperative use agreement with a term longer than the Term hereof, on the Property and that the only restrictions of record, or otherwise, with respect to the Property are: (a) all zoning regulations, restrictions, rules and ordinances, and other laws and regulations now in effect or hereafter adopted by any governmental agencies having jurisdiction over the Property, (b) dedicated public rights-of-way identified on Exhibit B, Boundary Map, and (c) the encumbrances, items, and other matters identified in Exhibit C, Title Encumbrances. Grantee hereby represents and warrants that there are not now, and shall not cause there to be, any restrictions with

Capital Improvement Grant Agreement between
ODNR and City of Brunswick
Legal Contract ID # 2022-1773

respect to the Project or Property, including without limitation, any encumbrances, liens, or other matters, which would interfere with or otherwise impair the use of the Property as a public park, recreation facility, or conservation facility.

5. **Construction Services.** Grantee represents that it will contract for all construction services for the Project and will provide for construction administration. Grantee shall have the full authority to contract with third parties for the design and construction of the Project. Grantee shall secure all necessary permits and licenses for the Project. Grantee warrants that it will cause the Project to be constructed or acquired, as applicable, with all reasonable speed and reasonably adhere to any submitted development timeline. Grantee shall comply with all applicable federal and state requirements relating to the competitive selection of contractors and comply with its own competitive selection policies and procedures. If competitive selection for the Project is not required by law, to the extent reasonably possible as determined by Grantee, Grantee shall employ an open and competitive process in the selection of its contractors. Bid documents designed to be so restrictive to exclude open competitive bidding and bid documents that do not allow for "or equal" provisions may not be acceptable.
6. **Operation, Maintenance, and Upkeep.** Grantee shall be solely responsible for the operation, maintenance, and upkeep of the Project, and shall take all actions reasonably necessary to ensure that the Project is available to the public for the intended parks and recreation or conservation purpose during the Term. Failure to comply with this provision or any other provision of this Agreement may result in demand for repayment of all or a portion of the grant funds paid by ODNR to Grantee under this Agreement. The amount to be repaid will be calculated based on the ratio of (x), the number of months from the event triggering the reimbursement to the final scheduled maturity date of the Bonds, over (y), the total number of months that the Bonds are scheduled to be outstanding. Grantee shall not make any grant repayment unless first consulting with ODNR, and ODNR shall not accept any repayment without first obtaining the approval of the Ohio Public Facilities Commission ("OPFC").
7. **Remittances.** If for any reason funds acquired through this Agreement are required to be paid, repaid, or remitted to the State, they shall be remitted in full by the Grantee within forty-five (45) days of demand to:

Ohio Treasurer of State
30 East Broad Street, 9th Floor
Columbus, Ohio 43215

Any such remittance shall include a copy of this Agreement. A copy of the cover letter transmitting the remittance to the Treasurer of State shall be sent simultaneously to ODNR.

8. **Conveyance of Interest in Project to ODNR.** As security for the performance of Grantee's obligations under this Agreement, Grantee hereby conveys to ODNR an interest in the Property, consisting of the right to use and occupy the Property and the facilities funded in whole or in part with grant funds under this Agreement upon default of this Agreement by Grantee. This interest shall remain in effect during the Term of this Agreement. Grantee hereby acknowledges and agrees that ODNR may assign or convey such right to use and occupy such facilities to the OPFC or such other State agency selected by ODNR, and Grantee does hereby consent to such assignment or conveyance. In addition, ODNR

Capital Improvement Grant Agreement between
ODNR and City of Brunswick
Legal Contract ID # 2022-1773

has entered into a lease with OPFC relating to the Bonds and the Project; provided that, so long as Grantee shall not default under this Agreement, such lease shall not affect the Project or the use of the Property. ODNR acknowledges that, absent a default by Grantee, ODNR has no right to use or occupy the Property or Project. ODNR shall have the right during the Term hereof to enter upon the Property during normal business hours for purposes of inspection of the Project for compliance with this Agreement.

9. **Prohibition Against Disposition.** Grantee shall not dispose of all or any part of the Project or Property funded by ODNR through the Term of this Agreement without the prior written consent of ODNR and OPFC. All notices, demands, requests, consents, approvals, and other communications to OPFC shall be addressed as follows:

Ohio Public Facilities Commission
30 East Broad Street, 34th Floor
Columbus, Ohio 43215
Attn: Assistant Secretary

10. **Joint or Cooperative Use Agreement.** If the Property is owned by a separate nonprofit organization and made available to a state agency for its use or benefit, the nonprofit organization must either own, or have a long-term lease (for at least so long as the latest Bond issuance funding or refinancing of the Project have not been paid in full) of, the Property or other capital facility to be improved, renovated, constructed, or acquired and enter into a joint or cooperative use agreement, with and approved by the state agency that meets the requirements of H.B. 687, 134th General Assembly.

11. **Liability; Waiver of Liability.** Grantee shall be solely liable for any and all claims, demands, or causes of action arising from its obligations under this Agreement. Each party to this Agreement must seek its own legal representative and bear its own costs, attorney fees and expenses, in any litigation that may arise from the performance of this Agreement or the Project. It is specifically understood and agreed that ODNR does not indemnify Grantee. Nothing in this Agreement shall be construed to be a waiver of the sovereign immunity of the State of Ohio or the immunity of any of its employees or agents for any purpose. Nothing in this Agreement shall be construed to be a waiver of any immunity of Grantee granted by statute or the immunity of any of its employees or agents for any purpose. In no event shall ODNR be liable for indirect, consequential, incidental, special, liquidated, or punitive damages, or lost profits. On and after the date of this Agreement, Grantee agrees not to seek any determination of liability against ODNR, OPFC, the Treasurer, or any department, agency, or official of the State in the case of claim or suit arising from the Project including the acquisition of the Property or any future condition, construction, operation, maintenance, or use of the Property or facilities which may be developed in relation to the Project. Grantee forever releases and waives any and all claims, demands, and causes of action it may ever possess or assert against ODNR and its employees, agents, officials, and attorneys arising from, or relating to, the Project.

12. **Insurance.**

- a. **Adequate Insurance.** Unless otherwise agreed to by ODNR in writing, Grantee shall maintain, or cause to be maintained, at no cost to ODNR, commercial general liability insurance and other insurance, including casualty insurance, and if applicable, professional liability insurance, and builder's risk insurance, to insure ODNR, OPFC, the Treasurer, and the State in an amount and

type determined by a qualified risk assessor to be sufficient to cover the full replacement costs of improvements funded, in whole or in part, by the State, and for bodily injury, property damage, personal injury, advertising injury, and employer's liability exposures of Grantee. Unless otherwise agreed to by ODNR in writing, such insurance shall remain in force at all times from the Effective Date hereof through the Term of this Agreement.

- b. **Self-Insurance.** Instead of providing the general liability and casualty insurance above, Grantee may name ODNR, OPFC, the Treasurer, and the State as additional insureds and/or loss payees, as the coverage requires, under a self-insurance program or joint self-insurance pool created under R.C. §§ 2744.08 or 2744.081, respectively, and operated by or on behalf of Grantee, in order to meet the insurance requirements set forth herein.
13. **Bonded and Insured Employees and Agents.** Prior to any advance (but not reimbursement) payments by ODNR, Grantee will provide ODNR with a document that demonstrates that all employees or agents of Grantee who are responsible for maintaining or disbursing advanced funds acquired through this Agreement will be fully bonded or insured against loss of such funds. The bonding agent or insurer shall be licensed to do business in Ohio. No part of the funds acquired by Grantee through this Agreement shall be spent to obtain that bonding or insurance.
14. **Public Funds Compliance.** Grantee will assure compliance with all applicable federal, state, and local laws and regulations pertaining to handling, management, and accountability in relation to public funds. All funds received by Grantee under this Agreement shall be deposited in one or more financial institutions that fully insure, secure, or otherwise protect the funds from loss through federal deposit insurance and/or other deposit and/or collateralization strategies that protect the funds against loss. If Grantee is a political subdivision of the State, grant funds shall be held in compliance with R.C. Chap. 135.
15. **Reports and Records.** Grantee will keep and make all reports and records associated with the Project funded under this Agreement available to the State Auditor, or the Auditor's designee, ODNR, and OPFC for a period of not less than eighteen (18) years after the date of Project Closeout. These reports and records shall include a description of the Project, a detailed overview of the scope of work, disbursement details (including amount, date, nature/object of expenditure), and vendor information. Grantee acknowledges that the Auditor of State and other departments, agencies, and officials of the State may audit the Project at any time, including before, during, and after completion. Grantee agrees that any costs of audit by the Auditor of State or any other department, agency, or official of the State will be borne exclusively by, and paid solely by, Grantee, and that the funds provided under this Agreement will not be used by Grantee for payment of any audit expenses for any reason at any time.
16. **Restrictions on Expenditures.** Grantee affirmatively states that Grantee is fully aware of the restrictions and guidelines for expending funds granted under this Agreement and intends to comply fully with the same. Grantee will implement appropriate monitoring controls to ensure that funds acquired through this Agreement are expended in accordance with all applicable laws, rules, and requirements.
17. **Determination of Ineligibility.** If it is determined by any audit by the Auditor of State or any department, agency, or official of the State or other agency or entity with legal audit authority that

any Project expense is ineligible, or not properly documented, Grantee will repay that amount in full to the State.

18. **Equal Opportunity Compliance.** If Grantee is a political subdivision, Grantee shall comply with the requirements of R.C. § 125.111 for all contracts for purchases under the Project.
19. **Real Property Acquisition.** All appropriations of real property for the Project by Grantee shall be made pursuant to R.C. §§ 163.01 to 163.22, except as otherwise provided in R.C. Chap. 163.
20. **Prevailing Wage.** Except as provided in R.C. § 4115.04, monies appropriated or reappropriated for the Project shall not be used for the construction of public improvements, as defined in R.C. § 4115.03, unless the mechanics, laborers, or workers engaged therein are paid the prevailing rate of wages prescribed in R.C. § 4115.04. Nothing in this section affects the wages and salaries established for state employees under R.C. Chap. 124, or collective bargaining agreements entered into by the State under R.C. Chap. 4117, while engaged on force account work, nor does this section interfere with the use of inmate and patient labor by the State.
21. **Project Nondiscrimination.** Grantee agrees that any facilities that may be developed now or in the future on the lands comprising the Project will be made available to all persons regardless of race, color, sex, religion, national origin, ancestry, age, military status, handicap, or disability on the same terms and conditions.
22. **Employment Nondiscrimination.** Pursuant to R.C. Chap. 4112, Grantee agrees that Grantee and any person acting on behalf of Grantee or a contractor, shall not discriminate, by reason of race, color, religion, sex, sexual orientation, age, disability, military status as defined in R.C. § 4112.01, national origin, or ancestry against any citizen of this State in the employment of any person qualified and available to perform services relating to the Project. Grantee further agrees that Grantee and any person acting on behalf of Grantee or a contractor shall not, in any manner, discriminate against, intimidate, or retaliate against any employee hired for the performance of services relating to the Project on account of race, color, religion, sex, sexual orientation, age, disability, military status, national origin, or ancestry. If required by R.C. § 125.111(B) and O.A.C § 123: 2-3-02, Grantee shall have a valid Certificate of Compliance (COC) from the Ohio Department of Administrative Services, Equal Opportunity Division demonstrating compliance with affirmative action program requirements.
23. **ODNR Right to Terminate.**
 - a. **Breach; Notice.** ODNR reserves the right to terminate this Agreement upon written notice to Grantee and to recover any funds distributed by Grantee to contractors or other payees in violation of the terms of this Agreement if Grantee is determined by ODNR to be unable to proceed with the Project, or if Grantee violates any of the terms herein.
 - b. **Opportunity to Cure.** ODNR, in its sole discretion, may permit Grantee to cure the breach. Such cure period shall be no longer than twenty-one (21) calendar days. Notwithstanding ODNR permitting a period of time to cure the breach or Grantee's cure of the breach, ODNR does not waive any of its rights and remedies provided to ODNR in this Agreement or as may be permitted by law.

24. Legal, Federal Tax, and Other Compliance.

- a. Reports of Expenditures. Grantee will assure that monies expended under this Agreement are spent in conformity with the intent and purpose of the appropriation, the limitations on use set forth in the legislation containing the appropriation, and R.C. Chap. 154 and all other laws that apply to the expenditure of monies by Grantee. If Grantee is required to submit an annual financial report to the Auditor of State, in accordance with Auditor of State Bulletin 2015-07, then Grantee shall report the funds it acquires through this Agreement as a separate column identified in a manner consistent with the Project description in appropriation item C725E2. If Grantee is not required to submit the aforementioned report, Grantee shall file an annual detailed expenditure report of all expenditures associated with the Project with the Auditor of State by March 1st every year until all funds provided in this Agreement have been spent. The above reports shall be filed in accordance with Auditor of State Bulletin 2015-07.
- b. Compliance with Employment Laws. Grantee agrees to comply with all applicable federal, state, and local laws and regulations, in the conduct of the Project and acknowledges that its employees are not employees of ODNR with regard to the application of the Ohio Public Employees Retirement law, Fair Labor Standards Act minimum wage and overtime provisions, Federal Insurance Contribution Act, Social Security Act, Federal Unemployment Tax Act, Internal Revenue Code, Ohio revenue and tax laws, Ohio Workers' Compensation Act, and Ohio unemployment compensation law.
- c. Compliance with Law; Preservation of Tax-Exempt Status of Bonds. Grantee agrees to use funds provided under this Agreement in accordance with the Ohio Constitution and any state or federal laws and regulations that may apply. Grantee shall repay ODNR any funds improperly expended. Additionally, Grantee agrees to comply with all requirements within its control necessary to preserve the tax status of all tax-exempt or tax-advantaged bonds, the proceeds of which are used to provide the funding to Grantee set forth in this Agreement. Unless otherwise determined by the OPFC, such requirements include, but are not limited to, ensuring that the funds provided under this Agreement finance capital expenditures (as opposed to operating expenses) and are not used to refund or otherwise refinance existing debt of Grantee. Grantee shall be liable for any payments to the Internal Revenue Service or the U.S. Treasury as penalties or to preserve the tax status of tax-exempt or tax-advantaged bonds, and any other costs, resulting in whole or in part from actions taken by Grantee, including the failure of Grantee to comply with federal income tax laws applicable to such bonds. Grantee agrees to consult with OPFC if the Grantee is uncertain as to what expenditures are eligible to be financed with funds provided under this Agreement.

25. Relationship of Parties.

- a. Expenses. Grantee shall be responsible for all of its own business expenses, including, but not limited to, computers, email and internet access, software, phone service, and office space. Grantee will also be responsible for all licenses, permits, employees' wages and salaries, insurance of every type and description, and all business and personal taxes, including income and Social Security taxes and contributions for Workers' Compensation and Unemployment Compensation coverage, if any, unless payment for any such item is specifically provided for herein or in the purchase order.

Capital Improvement Grant Agreement between
ODNR and City of Brunswick
Legal Contract ID # 2022-1773

- b. No Control Over Means and Methods. While Grantee shall be required to perform its obligations described hereunder during the term of this Agreement, nothing herein shall be construed to imply, by reason of Grantee's obligations hereunder, that ODNR shall have or may exercise any right of control over Grantee with regard to the means or method of Grantee's performance of its obligations hereunder.
 - c. Right to Bind. Except as expressly provided herein, neither party shall have the right to bind or obligate the other party in any manner without the other party's prior written consent.
 - d. No Agency. Neither Grantee nor its personnel shall at any time, or for any purpose, be considered as agents, servants, or employees of ODNR or the State of Ohio.
26. **No Finding for Recovery**. Grantee represents and warrants to the ODNR that it is not subject to a finding for recovery under R.C. § 9.24, or that it has taken appropriate remedial steps required under R.C. § 9.24 or otherwise qualifies under that section. Grantee agrees that if this representation or warranty is determined by ODNR to be false, this Agreement shall be void ab initio as between the parties to this Agreement, and any funds paid by the State hereunder immediately shall be repaid in full to the State, or an action for recovery immediately may be commenced by the State for recovery of said funds.
27. **Qualification to Receive Grant**. Grantee affirms that it is a duly authorized federal government agency, municipal corporation, county, or other governmental agency or nonprofit organization, qualified to receive grants under R.C. § 154.22(F). Grantee further affirms that if at any time during the Term of this Agreement, Grantee for any reason becomes disqualified from receiving grants under R.C. § 154.22(F), Grantee will immediately notify ODNR in writing and will immediately cease performance of the Project. Failure to provide such notice in a timely manner shall void this Agreement and may be sufficient cause for the State of Ohio to debar the Grantee from future state grant opportunities as may be permitted by law.
28. **Campaign Contributions**. Grantee hereby certifies that neither it, nor any person described in R.C. § 3517.13 (I) or (J), nor the spouse of any such person, has made, as an individual, within the two previous calendar years, one or more contributions to the governor or the governor's campaign committees totaling in excess of the limitations specified in R.C. § 3517.13.
29. **Ethics Certification**. Grantee, by signature on this document, certifies that it: (i) has reviewed and understands the Ohio ethics and conflict of interest laws as found in R.C. Chap. 102 and in R.C. §§ 2921.42 and 2921.43, and (ii) will take no action inconsistent with those laws. Grantee understands that failure to comply with Ohio's ethics and conflict of interest laws is, in itself, grounds for termination of this Agreement and may result in the loss of other contracts or grants with the State.
30. **Certification of Funds / Non-Appropriation**. It is expressly understood and agreed by the parties that none of the rights, duties, and obligations described in this Agreement shall be binding on either party until all relevant statutory provisions of the Ohio Revised Code, including, but not limited to, R.C. § 126.07, have been met, and until such time as all necessary funds are available or encumbered and, when required, such expenditure of funds is approved by the Controlling Board of the State of Ohio, or in the event that grant funds are used, until such time that ODNR gives Contractor written notice that such funds have been made available to ODNR by ODNR's funding source.

31. Time Is of The Essence. Time is of the essence in this Agreement.

32. Miscellaneous.

- a. Controlling Law. This Agreement and the rights of the parties hereunder shall be governed, construed, and interpreted in accordance with the laws of the state of Ohio. Grantee consents to jurisdiction in a court of proper jurisdiction in Franklin County, Ohio.
- b. Waiver. A waiver by any party of any breach or default by the other party under this Agreement shall not constitute a continuing waiver by such party of any subsequent act in breach of or in default hereunder.
- c. Successors and Assigns. Neither this Agreement nor any rights, duties, or obligations hereunder may be assigned or transferred in whole or in part by Grantee, without the prior written consent of ODNR.
- d. Conflict with Exhibits. In the event of any conflict between the terms and provisions of the body of this Agreement and any exhibit hereto, the terms and provisions of the body of this Agreement shall control.
- e. Headings. The headings in this Agreement have been inserted for convenient reference only and shall not be considered in any questions of interpretation or construction of this Agreement.
- f. Severability. The provisions of this Agreement are severable and independent, and if any such provision shall be determined to be unenforceable in whole or in part, the remaining provisions and any partially-enforceable provision shall, to the extent enforceable in any jurisdiction, nevertheless be binding and enforceable.
- g. Entire Agreement. This Agreement contains the entire agreement between the parties hereto and shall not be modified, amended, or supplemented, or any rights herein waived, unless specifically agreed upon in writing by the parties hereto. This Agreement supersedes any and all previous agreements, whether written or oral, between the parties.
- h. Execution. This Agreement is not binding upon ODNR unless executed in full and is effective as of the last date of signature by ODNR.
- i. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.
- j. Electronic Signatures. Any party hereto may deliver a copy of its counterpart signature page to this Agreement electronically pursuant to R.C. Chap. 1306. Each party hereto shall be entitled to rely upon an electronic signature of any other party delivered in such a manner as if such signature were an original.

Capital Improvement Grant Agreement between
ODNR and City of Brunswick
Legal Contract ID # 2022 1773

IN TESTIMONY WHEREOF, Grantee and ODNR have caused this Agreement to be executed by their respective duly authorized officers.

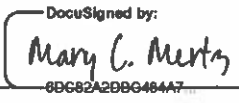
GRANTEE

OHIO DEPARTMENT OF NATURAL RESOURCES

CITY OF BRUNSWICK

OFFICE OF REAL ESTATE & LAND MANAGEMENT

By: 
Printed Name: CARL S. DEFOREST
Title: CITY MANAGER
Date: 12/7/2022

By: 
Printed Name: Mary C. Mertz
Title: Director, ODNR
Date: January 27, 2023

APPROVED AS TO FORM:


KENNETH J. FISHER, LAW DIRECTOR

Capital Improvement Grant Agreement between
ODNR and City of Brunswick
Legal Contract ID # 2022-1773

ATTORNEY CERTIFICATION

Community Park, Recreation, or Conservation Project Number: **MEDI-029C**

I, **Kenneth J. Fisher, Law Director**, acting as attorney for the
Name and Title of Attorney
City of Brunswick ("Grantee"), and for the reliance of the
Name of Grantee

Ohio Department of Natural Resources, do certify that from my examination of the Capital Improvement Community Park Recreation or Conservation Project, Pass-Through Grant Agreement (the "Agreement") and my knowledge of Grantee's organization, that acceptance of the Agreement by Grantee and the execution thereof by the signing officer has been duly authorized and is proper and in accordance with the laws of the State of Ohio. Grantee is a legally constituted public entity with full authority and legal capacity to perform all obligations and terms of the Agreement. Upon signature by the signing officer, the Agreement, in my opinion, is a legal obligation of Grantee in accordance with the terms thereof, and Grantee possesses the legal authority to fully perform all obligations incurred by Grantee in signing this Agreement. Grantee's acceptance of the Agreement and the signing officer's execution thereof, ☒ has ☐ has not* been authorized by the governing body of Grantee or has otherwise been authorized by Grantee's charter. (Resolution or Ordinance No. 97-2022, dated 11/14, 2022).

*If "has not" is checked above, please indicate the reason: _____

Attorney for Grantee:


Attorney Signature

Kenneth J. Fisher, Law Director
Attorney Printed Name

0001507
Attorney Registration No.

December 7, 2022
Date Signed

Attorney Address: **50 Public Square, Suite 2100**
Cleveland, Ohio 44113

Capital Improvement Grant Agreement between
ODNR and City of Brunswick
Legal Contract ID # 2022 1773

EXHIBIT C TITLE ENCUMBRANCES

Encumbrances DO NOT Exist:

I hereby certify, as an authorized representative of City of Brunswick ("Grantee"), that there are currently **NO** encumbrances, liens, easements, or restrictions against the Property defined in this Agreement.


Signature of Authorized Representative

CITY MANAGER
Title

CARL S. DEDRESI
Printed Name

12/7/2022
Date

Encumbrances DO Exist:

I hereby certify, as an authorized representative of City of Brunswick ("Grantee"), that the following encumbrances, liens, easements, or restrictions are the only encumbrances, liens, easements, or restrictions that currently exist against the Property defined in this Agreement (attach an additional page, if needed):

*Example: Easement by and between (Name of Grantee) and _____ dated _____ and recorded at
Official Record # _____ (Vol. # _____ of Page # _____) of (Name of County) County, Ohio.*

1	
2	
3	
4	
5	

Signature of Authorized Representative

Title

Printed Name

Date

EXHIBIT B

EXCELLENCE DR

BOARD OF
OF BRUNSI
SCHOOL
BOARD OF
- OF THE B
CITY SCHO

**OHIO GOVERNMENTAL
DEVELOPMENT
LEASING CORPORATION**

**CITY
OF BRUNSWICK
OHIO**

COMBIBOND

03676

CITY OF
BRUNSWICK

THE CITY OF
BRUNSWICK

BOARD OF THE
MEDINA COUNTY
DISTRICT LIBRARY

世

844-888-8888

Chinatown

THE CITY OF
BRUNSWICK

24 (7781)

THE

2435

100

Office of Real Estate
John Kessler, Chief
2045 Morse Rd-Bldg. E-2
Columbus, OH 43229-1386

INVOICE

January 30, 2023

To:

City of Brunswick
Attn: Taylor Petkovsek
3637 Center Road
Brunswick, OH 44212

Project Number: MEDI-029C

SIGN DESCRIPTION	# ORDERED	AMOUNT	TOTAL
<u>CAPITAL</u>	<u>1</u>	\$0.00	\$0.00
<u> </u>	<u> </u>		
TOTAL:			\$0.00

Please remit upon receipt at the following address:

Payable to: Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Road, E-2
Columbus OH 43229-6693
Attn: Tim Robinson
Phone No. 614-265-6528

For Department Use Only

Date Payment Received	
Received By	
Deposit to Fund	

PROJECT ACKNOWLEDGEMENT SIGN

Public acknowledgment of State funding assistance at project sites is required, showcasing the state-local partnership in creating and improving high quality recreation areas. Project Sponsor s can have signs made locally or purchase signs from ODNR.

The acknowledgement sign must be posted at the main entrance to the project site or other appropriate on-site location, such as on or near the funded park or conservation facility. Method of sign construction may be determined by the Project Sponsor. Signs must remain in place through the compliance period, approximately fifteen years after project closeout.

Your sign will be sent to you with your executed state – local contract.

Typical sign:



Approximately 9" x 12"



Ohio Department of Natural Resources

MIKE DEWINE, GOVERNOR

MARY MERTZ, DIRECTOR

Office of Real Estate

John Kessler, Chief

2045 Morse Road – Bldg. E-2

Columbus, OH 43229

Phone: (614) 265-6649

Fax: (614) 267-4764

Dear Community Recreation Project Manager:

Enclosed please find the executed grant agreement for your Community Recreation Project. If you submitted evidence of employee theft insurance with your Project Information Packet you may now request one initial advance of funds, not to exceed one-third of the grant amount. (Evidence of this insurance is required for advances, but not for reimbursements.) After an advance is issued, all subsequent payments are provided on a reimbursement basis. Please note, a request of an advance of funds is not required.

After the amount of an advance is met, reimbursements for properly documented expenditures will be made until the granted amount has been completely reimbursed. For more grant process information, including how to request an advance or reimbursement, please see the Capital Improvements Guide for awarded H.B. 687 & H.B. 597 projects @ <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/real-estate/capital-projects>

Please submit all requested materials as well as advance and reimbursement requests to the ODNR Office of Real Estate:

Community Recreation Projects
Office of Real Estate
ODNR
2045 Morse Road – E2
Columbus, OH 43229
Teresa.goodridge@dnr.ohio.gov

Because of time constraints associated with Tax Exempt State Bonds, you are strongly encouraged to complete the Community Recreation Project by the end of the biennium, June 30th, 2024. If this is not possible, extensions may be granted upon written request.

If you have questions, please don't hesitate to contact me at (614) 265-6396. Good luck with your project.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Goodridge", is written over a horizontal line.

Teresa Goodridge
Program Manager
Teresa.goodridge@dnr.ohio.gov
614-265-6396

2045 Morse Rd • Columbus, OH 43229 • ohiodnr.gov

Work Order Document**EZIQC Contract No.: OH-R2-HVAC02-102021-AFO**☒**New Work Order****Modify an Existing Work Order**

Work Order Number: 108155.00

Work Order Date: 12/14/2022

Work Order Title: Brunswick Recreation Center Interiors and HVAC Upgrades

Owner Name: City of Brunswick - 6749

Contractor Name: Air Force One, Inc.

Contact: Taylor Petkovsek

Contact: Brett Horvath

Phone: 330-273-8000

Phone: 614-889-0121

Work to be Performed

Work to be performed as per the Final Detailed Scope of Work Attached and as per the terms and conditions of EZIQC Contract No OH-R2-HVAC02-102021-AFO.

Brief Work Order Description:

Various projects including: Replace all ceiling tile and grid in public spaces. Retain size as-is (2x2 & 2x4) Flat tile (non-regular) is acceptable Paint pool ceiling - coordinate with Maintenance shut-down for safe access. Also paint walls only in basketball gym, strength training, aerobic training, and locker rooms. Locker rooms to be night work. HVAC upgrades up to budgeted allowance. Compressor replacement. Clean and sanitize all ductwork. Include removal of duct wrap Project will be completed using Air Force One's Sourcewell contract for construction services

Time of Performance

Days

Liquidated Damages

Will apply:



Will not apply:

**Work Order Firm Fixed Price: \$494,999.34**

Owner Purchase Order Number:

Detailed Scope of Work

To: Brett Horvath
Air Force One, Inc.
5810 Shier Rings Road
Dublin, OH 43016
614-889-0121

From: Taylor Petkovsek
City of Brunswick
4095 Center Road
Brunswick, OH 44212
330-273-8000

Date Printed: December 14, 2022

Work Order Number: 108155.00

Work Order Title: Brunswick Recreation Center Interiors and HVAC Upgrades

Brief Scope: Various projects including: Replace all ceiling tile and grid in public spaces. Retain size as-is (2x2 & 2x4) Flat tile (non-regular) is acceptable Paint pool ceiling - coordinate with Maintenance shut-down for safe access. Also paint walls only in basketball gym, strength training, aerobic training, and locker rooms. Locker rooms to be night work. HVAC upgrades up to budgeted allowance. Compressor replacement. Clean and sanitize all ductwork. Include removal of duct wrap Project will be completed using Air Force One's Sourcewell contract for construction services

☐

Preliminary

☐

Revised

☒

Final

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work.

Our scope of work is as follows: BAS Currently, BCREC is controlled by a combination of electro-mechanical controls, stand-alone thermostats, and outdated proprietary Trane controls. Currently no Building Automation System [BAS] exists for scheduling, alarming, or management of the facility. This leads to increased utility consumption and comfort issues. AFO recommends that the City of Brunswick install a truly open non-proprietary control system leveraging a Tridium Niagara N4 front end and Distech Controls. AFO will provide an open protocol Tridium Niagara based front-end building automation system. A custom built, graphical user interface [GUI] with remote access will be implemented. 3D modeled floorplans with active thermograph will be created to represent the facility and its real-time status. Energy savings and demand control programming strategies will be utilized to reduce the utility consumption of the building. The user interface will provide access to intuitive scheduling, trending, and alarming. System alerts will be configured to notify building operators of critical issues with the operation of the mechanical systems.

Hardware Installed On:

Ten [10x]-Air-Handling Units/Rooftop Units [ARU/RTU]

One [1x] -Pool Boiler System

One [1x]-Spa Boiler System

Twelve [12x]-Exhaust Fans

Six [6x]-VVT Zones Hardware Installed:

One [1x] -Vykon Tridium Niagara N4 JACE w/50 Device Licenses

Two [2x] -Vykon Tridium Niagara Network Expansion Modules

One [1x] -DIN Mountable Network Switch

Two [2x] -Distech ECB 600 BACnet Controllers

Two [2x] -Distech ECB 203 BACnet Controllers

Detailed Scope of Work Continues..

Work Order Number: 108155.00

Work Order Title: Brunswick Recreation Center Interiors and HVAC Upgrades

Six [6x]	-Distech Thermostats
Six [6x]	-Distech ECB VAV Controller w/ Integrated Actuator
Sixteen [16x]	-ACI Supply/Discharge Temperature Sensors
Three [3x]	-Senva Differential Pressure Sensors [Building Pressure]
One [1x]	-Senva Outdoor CO2/RH/Temperature Sensor
Fifty-Five [55x]	-Relays
Thirty [30x]	-Current Transducers [CTs]
Four [4x]	-BelimoAFB24 Actuators
Three [3x]	-Control Panels w/ Transformers
Two [2x]	-Small Control Panels

Supplemental Information Included: Engineering Network Control Drawings System Installation & Wiring Complete System Programming & Commissioning Owner Training [2 x 8 Hour Training Sessions]. One [1] Year Hardware and One [1] Year Labor Warranty. Five [5] Year Software Assurance [SWA]

ROOFTOP UNITS

[1] American Standard YSJ072A3S0L01E5 packaged roof top unit for the Meeting Room with the following specifications: No curb adaptor required Downflow configuration 6 ton cooling Low gas heat 230/3/60 power Drybulb economizer Symbio controls Gas piping connecting to existing Line voltage wiring connected to existing

[1] American Standard YSJ150A3S0H01E5 packaged rooftop unit for the Fitness Area with the following specifications: Unit to set on existing rails Horizontal configuration 12.5 ton cooling High gas heat 230/3/60 power Supply and return air duct transitions Drybulb economizer Symbio controls Gas piping connected to existing Line voltage wiring connected to existing

[1] American Standard 4YCC4024 packaged rooftop unit for the Arts and Crafts Room with the following specifications: No curb adaptor required Downflow configuration 2 ton cooling Natural gas heating 230/1/60 power Drybulb economizer Filter frame Gas piping connected to existing Line voltage wiring connected to existing

[1] American Standard 4YCC4030 packaged rooftop unit for the Kitchen with the following specifications: No curb adaptor required Downflow configuration 2.5 ton cooling Natural gas heating 230/1/60 power Drybulb economizer Filter frame Gas piping connected to existing Line voltage wiring connected to existing RTU #7 existing Carrier Model 48TCFD14A2A5A0A0G0 Serial 0519P31401 to have the following repairs:

[1] Carrier ZP67KCE-TF5-830 circuit B compressor [warranty]

[1] Carrier HK02SA420 Circuit A high pressure switch Required R-410a refrigerant

Crane to set new rooftop units and remove existing units being replaced

Reclaim refrigerant from existing systems according to EPA standards

Startup and check operation of new systems

City of Brunswick HVAC permit [No fees calculated per Paul]

Required Prevailing Wage labor to perform outlined work above during normal business hours

CEILING TILES & PAINT -

Lobby - Remove & hall away ceiling tile, clean grid, paint grid, and install new ceiling tile

Multi Purpose Room - Remove & hall away ceiling tile, clean grid, paint grid, and install new ceiling tile

Meeting Room #1 & Closet - Remove & hall away ceiling tile, clean grid, paint grid, install new ceiling tile [no new tiles in closet], paint walls, install new 6" rubber base

Meeting Room #2 & Single Door Closet - Remove & hall away ceiling tile, clean grid, paint grid, install new

Detailed Scope of Work Continues..

Work Order Number: 108155.00

Work Order Title: Brunswick Recreation Center Interiors and HVAC Upgrades

ceiling tile [no new tiles in closet]

Unisex Bathroom - Remove & haul away ceiling tile, clean grid, paint grid, and install new ceiling tile

Arts Crafts Room - Remove & haul away ceiling tile, clean grid, paint grid, and install new ceiling tile [no new tiles in closet]

Electrical Closet - Remove & haul away ceiling tile, clean grid, paint grid, and install new ceiling tile

Gymnasium - Paint walls

Family Locker Room - Remove & haul away ceiling tile, clean grid, paint grid, and install new ceiling tile

Mens & Womens Locker Rooms - Remove & haul away ceiling tile above stalls, clean grid above stalls, remove support structure protruding through ceiling tile in the Mens Locker Room, install new ceiling tile above stalls, paint walls and ceilings

Stairwell - Paint handrails and door frames

Strength Room - Remove graphics, repair walls as needed, and paint walls

Cardio & Hallway - Remove graphics, repair walls as needed, and paint walls

Dance - Remove graphics, repair walls as needed, and paint walls

Pool Room - Prep and paint ceilings including top steel beams

Ceilings throughout - 3524 sq. ft, Flat Panel Tile; 5176 sq. ft. Olympian Brand Tile

Apply two coats of latex finish to painted items and surfaces

Required prevailing wage labor to install outlined work above during normal business hours

DUCT CLEANING -

Remove, pro clean, and re install all registers & grilles

Pro clean interior of all supply, return, and exhaust duct work with systems under high negative pressure to capture all contaminants, and apply anti-microbial agent.

Each opening to be sealed with tape and or plastic until cleaning is commenced at the opening

Contact vacuum exterior of all exposed duct work

Remove & haul away exterior duct insulation in the fitness area, clean the exterior of the duct work, and apply anti-microbial agent

Required standard labor to install outlined work above during normal business hours

City of Brunswick to provide lift for this portion of work, only

EXCLUSIONS: OUR ESTIMATE DOES NOT INCLUDE ANY OVERTIME LABOR

OUR ESTIMATE DOES NOT INCLUDE ANY FIRE PROTECTION & FIRE ALARM INTEGRATION, PREEXISTING MECHANICAL DEFICIENCIES, or ANYTHING OUTSIDE THE ABOVE SCOPE

Contractor's Price Proposal - Summary

Date: December 14, 2022

Re: IQC Master Contract #: OH-R2-HVAC02-102021-AFO
Work Order #: 108155.00
Owner PO #:
Title: Brunswick Recreation Center Interiors and HVAC Upgrades
Contractor: Air Force One, Inc.
Proposal Value: \$494,999.34

Section - 01	\$108,211.66
Section - 02	\$52,736.64
Section - 09	\$132,286.34
Section - 22	\$101.63
Section - 23	\$197,504.34
Section - 26	\$3,263.80
Section - 32	\$894.93
Proposal Total	\$494,999.34

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

The Percentage of NPP on this Proposal: 29.40%

Contractor's Price Proposal - Detail

Date: December 14, 2022

Re: IQC Master Contract #: OH-R2-HVAC02-102021-AFO
 Work Order #: 108155.00
 Owner PO #:
 Title: Brunswick Recreation Center Interiors and HVAC Upgrades
 Contractor: Air Force One, Inc.
 Proposal Value: \$494,999.34

Sect.	Item	Mod.	UOM	Description	Line Total
Labor	Equip.	Material	(Excludes)		
Section - 01					
1	01 22 16 00 0002		EA	Reimbursable FeesReimbursable Fees will be paid to the contractor for eligible costs as directed by Owner. Insert the appropriate quantity to adjust the base cost to the actual Reimbursable Fee. If there are multiple Reimbursable Fees, list each one separately and add a comment in the "note" block to identify the Reimbursable Fee (e.g. sidewalk closure, road cut, various permits, extended warranty, expedited shipping costs, etc.). A copy of each receipt shall be submitted with the Price Proposal.	\$1,760.00
			Installation	Quantity 1,600.00 x Unit Price 1.00 x Factor 1.1000 = Total 1,760.00	
				Rooftop equipment manufacturer startup paperwork and commissioning - 4 hours each rooftop unit.	
2	01 22 20 00 0006		HR	CarpenterFor tasks not included in the Construction Task Catalog® and as directed by owner only.	\$12,437.06
			Installation	Quantity 160.00 x Unit Price 62.26 x Factor 1.2485 = Total 12,437.06	
				Duct cleaning and miscellaneous	
3	01 22 20 00 0010		HR	ElectricianFor tasks not included in the Construction Task Catalog® and as directed by owner only.	\$2,053.43
			Installation	Quantity 24.00 x Unit Price 68.53 x Factor 1.2485 = Total 2,053.43	
4	01 22 20 00 0010 0001		MOD	For Foreman, Add	\$102.78
			Installation	Quantity 24.00 x Unit Price 3.43 x Factor 1.2485 = Total 102.78	
5	01 22 20 00 0015		HR	LaborerFor tasks not included in the Construction Task Catalog® and as directed by owner only.	\$8,088.78
			Installation	Quantity 120.00 x Unit Price 53.99 x Factor 1.2485 = Total 8,088.78	
				Duct cleaning and miscellaneous	
6	01 22 20 00 0019		HR	Painter, OrdinaryFor tasks not included in the Construction Task Catalog® and as directed by owner only.	\$1,948.91
			Installation	Quantity 28.00 x Unit Price 55.75 x Factor 1.2485 = Total 1,948.91	
				Added complexity of project	
7	01 22 20 00 0020		HR	Painter, Structural SteelFor tasks not included in the Construction Task Catalog® and as directed by owner only.	\$5,255.09
			Installation	Quantity 72.00 x Unit Price 58.46 x Factor 1.2485 = Total 5,255.09	
				Special work over pool ceiling	
8	01 22 20 00 0059		HR	Project Manager	\$20,847.45
			Installation	Quantity 110.00 x Unit Price 151.80 x Factor 1.2485 = Total 20,847.45	
				General contractor superintendent - 4 month project	
9	01 22 23 00 0048		WK	45' Electric, Articulating (Up/Over) Boom Man Lift With Platform	\$3,693.06
			Installation	Quantity 3.00 x Unit Price 986.00 x Factor 1.2485 = Total 3,693.06	

Contractor's Price Proposal - Detail Continues..

Work Order Number: 108155.00

Work Order Title: Brunswick Recreation Center Interiors and HVAC Upgrades

Section - 01

10	01 22 23 00 0049	MO	45' Electric, Articulating (Up/Over) Boom Man Lift With Platform						\$3,056.63
		Installation	Quantity	Unit Price	Factor	=	Total		
			1.00 x	2,448.24 x	1.2485	=	3,056.63		
11	01 22 23 00 0068	WK	40' Electric, Scissor Platform Lift						\$3,931.76
		Installation	Quantity	Unit Price	Factor	=	Total		
			3.00 x	1,049.73 x	1.2485	=	3,931.76		
12	01 22 23 00 0069	MO	40' Electric, Scissor Platform Lift						\$3,648.89
		Installation	Quantity	Unit Price	Factor	=	Total		
			1.00 x	2,922.62 x	1.2485	=	3,648.89		
13	01 22 23 00 0085	MO	50' Engine Powered, Scissor Platform Lift						\$5,148.05
		Installation	Quantity	Unit Price	Factor	=	Total		
			1.00 x	4,123.39 x	1.2485	=	5,148.05		
14	01 71 13 00 0002	EA	Equipment Delivery, Pickup, Mobilization And Demobilization Using A Rollback Flatbed TruckIncludes loading, tie-down of equipment, delivery of equipment, off loading on site, rigging, dismantling, loading for return and transporting away. For equipment such as trenchers, skid-steer loaders (bobcats), industrial warehouse forklifts, sweepers, scissor platform lifts, telescoping and articulating boom man lifts with up to 40' boom lengths, etc.						\$1,015.13
		Installation	Quantity	Unit Price	Factor	=	Total		
			4.00 x	203.27 x	1.2485	=	1,015.13		
15	01 71 13 00 0010	EA	100 Ton Lift Move On/Off Cost, Cable Controlled Lattice Boom Mechanical CraneIncludes delivery, rigging and pickup.						\$7,511.68
		Installation	Quantity	Unit Price	Factor	=	Total		
			4.00 x	1,504.14 x	1.2485	=	7,511.68		
16	01 74 23 00 0016	CSF	Cleaning Of Ceilings						\$5,356.07
		Installation	Quantity	Unit Price	Factor	=	Total		
			110.00 x	39.00 x	1.2485	=	5,356.07		
17	01 74 23 00 0022	LF	Cleaning Of Ductwork						\$21,124.62
		Installation	Quantity	Unit Price	Factor	=	Total		
			12,000.00 x	1.41 x	1.2485	=	21,124.62		
18	01 74 23 00 0023	EA	Cleaning Of Ductwork Vent Opening						\$1,232.27
		Installation	Quantity	Unit Price	Factor	=	Total		
			140.00 x	7.05 x	1.2485	=	1,232.27		

Subtotal for Section - 01

\$108,211.66

Section - 02

19	02 87 13 33 0021	SF	>500 To 2,500 SF, Up To 3" Thick Thermal Insulation, Mold Abatement And Disposal						\$25,993.77
		Installation	Quantity	Unit Price	Factor	=	Total		
			2,000.00 x	10.41 x	1.2485	=	25,993.77		
20	02 87 19 00 0095	SF	Apply Goldshield® GS5 Antimicrobial Agent To Ductwork And Surfaces After Cleaning For Bio-Hazard And Infectious Disease Control Cleaning						\$26,742.87
		Installation	Quantity	Unit Price	Factor	=	Total		
			51,000.00 x	0.42 x	1.2485	=	26,742.87		
21	02 90 50 00 0105	SF	Apply Antimicrobial Agent For Emergency Clean-up						\$0.00
		Installation	Quantity	Unit Price	Factor	=	Total		
			0.00 x	0.24 x	1.2485	=	0.00		

Subtotal for Section - 02

\$52,736.64

Section - 09

Contractor's Price Proposal - Detail Continues..

Work Order Number: 108155.00

Work Order Title: Brunswick Recreation Center Interiors and HVAC Upgrades

Section - 09

22	09 01 90 52 0019	SF	Hand Scraping And Sanding, Metal Surfaces, Surface Preparation						\$5,928.53
		Installation	Quantity	Unit Price	Factor	=	Total		
			11,306.00	0.42	x	1.2485	=	5,928.53	
23	09 01 90 52 0019 0335	MOD	For >10,000 To 15,000, Deduct						-\$564.62
		Installation	Quantity	Unit Price	Factor	=	Total		
			11,306.00	-0.04	x	1.2485	=	-564.62	
24	09 01 90 52 0026	SF	Badly Pitted With Rust Nodules, Commercial Blast, Metal Surfaces, Surface Preparation						\$33,097.74
		Installation	Quantity	Unit Price	Factor	=	Total		
			11,000.00	2.41	x	1.2485	=	33,097.74	
25	09 01 90 52 0026 0335	MOD	For >10,000 To 15,000, Deduct						-\$3,021.37
		Installation	Quantity	Unit Price	Factor	=	Total		
			11,000.00	-0.22	x	1.2485	=	-3,021.37	
26	09 23 13 00 0014	SF	Skim Coat One Coat Gypsum Plaster On Walls						\$1,070.24
		Installation	Quantity	Unit Price	Factor	=	Total		
			1,099.00	0.78	x	1.2485	=	1,070.24	
27	09 23 13 00 0014 0026	MOD	For Horizontal Installation >10' High, Add						\$74.91
		Installation	Quantity	Unit Price	Factor	=	Total		
			300.00	0.20	x	1.2485	=	74.91	
28	09 51 13 00 0012	SF	2' x 4' x 5/8" Thick, Square Edge, Mineral Fiber Acoustical Ceiling Panel (Armstrong Fissured)						\$8,931.42
		Installation	Quantity	Unit Price	Factor	=	Total		
			3,524.00	1.78	x	1.2485	=	7,831.49	
		Demolition	Quantity	Unit Price	Factor	=	Total		
			3,524.00	0.25	x	1.2485	=	1,099.93	
29	09 51 13 00 0012 0096	MOD	For >2,500 To 4,000, Deduct						-\$175.99
		Installation	Quantity	Unit Price	Factor	=	Total		
			3,524.00	-0.04	x	1.2485	=	-175.99	
30	09 51 13 00 0012 0099	MOD	For Individual Room Quantities <495, AddFor use with projects >500 SF						\$458.45
		Installation	Quantity	Unit Price	Factor	=	Total		
			1,080.00	0.34	x	1.2485	=	458.45	
31	09 51 13 00 0015	SF	2' x 2' x 5/8" Thick, Square Edge, Mineral Fiber Acoustical Ceiling Panel (Armstrong Dune)						\$24,556.50
		Installation	Quantity	Unit Price	Factor	=	Total		
			5,176.00	3.55	x	1.2485	=	22,940.94	
		Demolition	Quantity	Unit Price	Factor	=	Total		
			5,176.00	0.25	x	1.2485	=	1,615.56	
32	09 51 13 00 0015 0098	MOD	For >5,000, Deduct						-\$12,278.25
		Installation	Quantity	Unit Price	Factor	=	Total		
			51,760.00	-0.19	x	1.2485	=	-12,278.25	
33	09 51 13 00 0015 0099	MOD	For Individual Room Quantities <495, AddFor use with projects >500 SF						\$3,635.63
		Installation	Quantity	Unit Price	Factor	=	Total		
			5,600.00	0.52	x	1.2485	=	3,635.63	
34	09 51 13 00 0015 0429	MOD	For Ceilings >10' High, Add						\$387.73
		Installation	Quantity	Unit Price	Factor	=	Total		
			5,176.00	0.06	x	1.2485	=	387.73	
35	09 53 23 00 0019	SF	Removal And Reinstallation Of Acoustical Ceiling Tile And Grid, 2' x 2' Or 2' x 4'Suspension system tie wire, wall angles and bracing to remain in place.						\$489.91
		Installation	Quantity	Unit Price	Factor	=	Total		
			360.00	1.09	x	1.2485	=	489.91	
			Access for duct cleaning and miscellaneous work						

Contractor's Price Proposal - Detail Continues..

Work Order Number: 108155.00

Work Order Title: Brunswick Recreation Center Interiors and HVAC Upgrades

Section - 09

36	09 53 23 00 0019	0122	MOD	For >200 To 500, Add						\$49.44
			Installation	Quantity		Unit Price		Factor	=	Total
				360.00	x	0.11	x	1.2485	=	49.44
37	09 65 13 13 0004		LF	6" High, 1/8" Thick, Type TV Thermoplastic Vinyl Wall Base, All Colors						\$701.16
			Installation	Quantity		Unit Price		Factor	=	Total
				120.00	x	3.89	x	1.2485	=	582.80
			Demolition	Quantity		Unit Price		Factor	=	Total
				120.00	x	0.79	x	1.2485	=	118.36
38	09 91 13 00 0376		LF	Paint Pipe Rail And Pickets, 2 Rails, 2 Coats Alkyd Enamel, Brush/Roller Work						\$893.93
			Installation	Quantity		Unit Price		Factor	=	Total
				200.00	x	3.58	x	1.2485	=	893.93
			Stair railings							
39	09 91 13 00 0376	0246	MOD	For Epoxy Paint, Add						\$97.38
			Installation	Quantity		Unit Price		Factor	=	Total
				200.00	x	0.39	x	1.2485	=	97.38
40	09 91 23 00 0021		SF	2 Coats Paint, Brush/Roller Work, Paint Interior Concrete Walls						\$39,129.76
			Installation	Quantity		Unit Price		Factor	=	Total
				31,658.00	x	0.99	x	1.2485	=	39,129.76
41	09 91 23 00 0021	0276	MOD	For Work >15' To 20' Above Floor, AddApplied only to work area above 15' to 20'.						\$1,746.60
			Installation	Quantity		Unit Price		Factor	=	Total
				11,658.00	x	0.12	x	1.2485	=	1,746.60
42	09 91 23 00 0021	0278	MOD	For Work >30' To 40' Above Floor, AddApplied only to work area above 30' to 40'.						\$7,990.40
			Installation	Quantity		Unit Price		Factor	=	Total
				20,000.00	x	0.32	x	1.2485	=	7,990.40
43	09 91 23 00 0021	0286	MOD	For >20,000, Deduct						-\$7,905.00
			Installation	Quantity		Unit Price		Factor	=	Total
				31,658.00	x	-0.20	x	1.2485	=	-7,905.00
44	09 91 23 00 0060		SF	2 Coats Paint, Brush Work, Paint Interior Plaster/Drywall Walls						\$9,576.00
			Installation	Quantity		Unit Price		Factor	=	Total
				6,500.00	x	1.18	x	1.2485	=	9,576.00
45	09 91 23 00 0060	0276	MOD	For Work >15' To 20' Above Floor, AddApplied only to work area above 15' to 20'.						\$149.82
			Installation	Quantity		Unit Price		Factor	=	Total
				800.00	x	0.15	x	1.2485	=	149.82
46	09 91 23 00 0060	0284	MOD	For >5,000 To 10,000, Deduct						-\$1,198.56
			Installation	Quantity		Unit Price		Factor	=	Total
				8,000.00	x	-0.12	x	1.2485	=	-1,198.56
47	09 91 23 00 0133		SF	2 Coats Paint, Sprayed, Paint Interior Acoustical Ceiling						\$11,124.14
			Installation	Quantity		Unit Price		Factor	=	Total
				11,000.00	x	0.81	x	1.2485	=	11,124.14
48	09 91 23 00 0133	0278	MOD	For Work >30' To 40' Above Floor, AddApplied only to work area above 30' to 40'.						\$3,158.71
			Installation	Quantity		Unit Price		Factor	=	Total
				11,000.00	x	0.23	x	1.2485	=	3,158.71
49	09 91 23 00 0133	0285	MOD	For >10,000 To 20,000, Deduct						-\$1,648.02
			Installation	Quantity		Unit Price		Factor	=	Total
				11,000.00	x	-0.12	x	1.2485	=	-1,648.02

Contractor's Price Proposal - Detail Continues..

Work Order Number: 108155.00

Work Order Title: Brunswick Recreation Center Interiors and HVAC Upgrades

Section - 09

50	09	91	23	00	0180	LF	Paint Interior Ceiling Tile Grid, 2 Coats Paint, Brush/Roller Work										\$5,393.52
						Installation	Quantity		Unit Price		Factor	=	Total				
							12,000.00	x	0.36	x	1.2485		5,393.52				
51	09	91	23	00	0180	0277	MOD	For Work >20' To 30' Above Floor, Add	Applied only to work area above 20' to 30'.								\$539.35
						Installation	Quantity		Unit Price		Factor	=	Total				
							5,400.00	x	0.08	x	1.2485		539.35				
52	09	91	23	00	0180	0285	MOD	For >10,000 To 20,000, Deduct									-\$749.10
						Installation	Quantity		Unit Price		Factor	=	Total				
							12,000.00	x	-0.05	x	1.2485		-749.10				
53	09	91	23	00	0241		LF	2 Coats Paint, Brush/Roller Work, Paint Interior Metal Door Frame And Trim									\$152.82
						Installation	Quantity		Unit Price		Factor	=	Total				
							72.00	x	1.70	x	1.2485		152.82				
54	09	91	23	00	0329		SF	Paint Interior Exposed Metal Trim, 2 Coats Paint, Brush Work									\$493.16
						Installation	Quantity		Unit Price		Factor	=	Total				
							250.00	x	1.58	x	1.2485		493.16				
							Stair Risers										

Subtotal for Section - 09

\$132,286.34

Section - 22

55	22	11	16	00	0002	LF	1/2" Schedule 40 Threaded Galvanized Steel Pipe With 150 LB Malleable Iron Fitting Assembly										\$101.63
							Includes all hangers and all galvanized malleable iron fittings (couplings, elbows, tees and reducer fittings). All hangers are complete assemblies. Not for use where detail is available.										
						Installation	Quantity		Unit Price		Factor	=	Total				
							5.00	x	13.40	x	1.2485		83.65				
						Demolition	5.00	x	2.88	x	1.2485	=	17.98				
							RTU reconnections										

Subtotal for Section - 22

\$101.63

Section - 23

56	23	00	00	00	0008	EA	PDIDS-SMRTCOMFSO-00										\$526.21
						NPP	Installation	Quantity	Unit Price		Factor	=	Total				
								6.00	68.25	x	1.2850		526.21				
							Single Source Item										
57	23	00	00	00	0010	EA	RE-12DC-SPDT										\$175.40
						NPP	Installation	Quantity	Unit Price		Factor	=	Total				
								30.00	4.55	x	1.2850		175.40				
							Single Source Item										
58	23	00	00	00	0011	EA	RE-RT78724										\$202.39
						NPP	Installation	Quantity	Unit Price		Factor	=	Total				
								30.00	5.25	x	1.2850		202.39				
							Single Source Item										
59	23	00	00	00	0012	EA	RE-PTML0024										\$192.36
						NPP	Installation	Quantity	Unit Price		Factor	=	Total				
								30.00	4.99	x	1.2850		192.36				
							Single Source Item										

Work Order Number: 108155.00
Work Order Title: Brunswick Recreation Center Interiors and HVAC Upgrades

60	23	00	00	00	0026		EA	SDIDI-ECNETSP-100							\$622.58
						NPP	Installation	Quantity 1.00	x	Unit Price 484.50	x	Factor = 1.2850	Total 622.58		
							Single Source Item								
61	23	00	00	00	0027		EA	RIBXGA							\$1,086.34
						NPP	Installation	Quantity 30.00	x	Unit Price 28.18	x	Factor = 1.2850	Total 1,086.34		
							Single Source Item								
62	23	00	00	00	0042		EA	PSH600-UPS-STAT							\$1,343.03
						NPP	Installation	Quantity 2.00	x	Unit Price 522.58	x	Factor = 1.2850	Total 1,343.03		
							Single Source Item								
63	23	00	00	00	0043		EA	J-8000							\$18,824.32
						NPP	Installation	Quantity 1.00	x	Unit Price 14,649.28	x	Factor = 1.2850	Total 18,824.32		
							Single Source Item								
64	23	00	00	00	0044		EA	Reflow							\$18,245.72
						NPP	Installation	Quantity 1.00	x	Unit Price 14,199.00	x	Factor = 1.2850	Total 18,245.72		
							Single Source Item								
65	23	00	00	00	0045		EA	DCP24-B							\$5,648.60
						NPP	Installation	Quantity 2.00	x	Unit Price 2,197.90	x	Factor = 1.2850	Total 5,648.60		
							Single Source Item								
66	23	00	00	00	0046		EA	CDIB-450X-00							\$10,093.03
						NPP	Installation	Quantity 2.00	x	Unit Price 3,927.25	x	Factor = 1.2850	Total 10,093.03		
							Single Source Item								
67	23	00	00	00	0047		EA	J-8100							\$2,987.88
						NPP	Installation	Quantity 1.00	x	Unit Price 2,325.20	x	Factor = 1.2850	Total 2,987.88		
							Single Source Item								
68	23	00	00	00	0048		EA	SMA-8100-5YR							\$1,571.04
						NPP	Installation	Quantity 1.00	x	Unit Price 1,222.60	x	Factor = 1.2850	Total 1,571.04		
							Single Source Item								
69	23	00	00	00	0049		EA	CDIB-VAXX-IMP-10							\$7,010.32
						NPP	Installation	Quantity 6.00	x	Unit Price 909.25	x	Factor = 1.2850	Total 7,010.32		
							Single Source Item								
70	23	00	00	00	0050		EA	Reflow Additional Device							\$4,987.41
						NPP	Installation	Quantity 115.00	x	Unit Price 33.75	x	Factor = 1.2850	Total 4,987.41		
							Single Source Item								
71	23	00	00	00	0051		MLF	24-1P OAS STR CMP LC Ylw Jkt							\$19,840.40
						NPP	Installation	Quantity 4.00	x	Unit Price 2,020.00	x	Factor = 1.2850	Total 10,382.80		
					X		Demolition	4.00	x	1,840.00	x	1.2850 =	9,457.60		
							Single Source Item								

Work Order Number: 108155.00
Work Order Title: Brunswick Recreation Center Interiors and HVAC Upgrades

[illegible]

Contractor's Price Proposal - Detail Continues..

Work Order Number: 108155.00

Work Order Title: Brunswick Recreation Center Interiors and HVAC Upgrades

Section - 23

84	23	31	13	13 0003	LB	2" WG And Less (Class C), Rectangular Or Square, Galvanized Steel Sheet Metal Ductwork							\$1,208.55
						Quantity		Unit Price		Factor		Total	
					Installation	100.00	x	7.77	x	1.2485	=	970.08	
					Demolition	100.00	x	1.91	x	1.2485	=	238.46	
85	23	31	13	13 0003 0184	MOD	For Up To 200, Add							\$362.07
						Quantity		Unit Price		Factor		Total	
					Installation	100.00	x	2.90	x	1.2485	=	362.07	
86	23	61	16	00 0017	EA	7.5 Ton Refrigerant Compressor, Reciprocating Open Type							\$2,487.92
						Quantity		Unit Price		Factor		Total	
				X	Installation	1.00	x	1,196.12	x	1.2485	=	1,493.36	
				X	Demolition	1.00	x	796.61	x	1.2485	=	994.57	
					Labor to replace compressor in 5th rooftop unit. Compressor provided by others.								
87	23	74	16	13 0028	EA	2 Ton Electric Cooling, 50 MBH Gas Heating, Self Contained Package Rooftop Unit							\$6,601.94
						Quantity		Unit Price		Factor		Total	
					Installation	1.00	x	4,189.46	x	1.2485	=	5,230.54	
					Demolition	1.00	x	1,098.44	x	1.2485	=	1,371.40	
88	23	74	16	13 0028 0718	MOD	For Unit Without Roof Curb, Deduct							-\$700.13
						Quantity		Unit Price		Factor		Total	
					Installation	1.00	x	-560.78	x	1.2485	=	-700.13	
89	23	74	16	13 0029	EA	3 Ton Electric Cooling, 60 To 80 MBH Gas Heating, Self Contained Package Rooftop Unit							\$7,533.76
						Quantity		Unit Price		Factor		Total	
					Installation	1.00	x	4,771.04	x	1.2485	=	5,956.64	
					Demolition	1.00	x	1,263.21	x	1.2485	=	1,577.12	
90	23	74	16	13 0029 0718	MOD	For Unit Without Roof Curb, Deduct							-\$700.13
						Quantity		Unit Price		Factor		Total	
					Installation	1.00	x	-560.78	x	1.2485	=	-700.13	
91	23	74	16	13 0032	EA	6 Ton Electric Cooling, 140 MBH Gas Heating, Self Contained Package Rooftop Unit							\$11,730.56
						Quantity		Unit Price		Factor		Total	
					Installation	1.00	x	7,706.86	x	1.2485	=	9,622.01	
					Demolition	1.00	x	1,688.86	x	1.2485	=	2,108.54	
92	23	74	16	13 0032 0718	MOD	For Unit Without Roof Curb, Deduct							-\$700.13
						Quantity		Unit Price		Factor		Total	
					Installation	1.00	x	-560.78	x	1.2485	=	-700.13	
93	23	74	16	13 0036	EA	12.5 Ton Electric Cooling, 250 MBH Gas Heating, Self Contained Package Rooftop Unit							\$20,326.28
						Quantity		Unit Price		Factor		Total	
					Installation	1.00	x	14,138.59	x	1.2485	=	17,652.03	
					Demolition	1.00	x	2,141.97	x	1.2485	=	2,674.25	
94	23	74	16	13 0036 0719	MOD	For Unit Without Roof Curb, Deduct							-\$840.14
						Quantity		Unit Price		Factor		Total	
					Installation	1.00	x	-672.92	x	1.2485	=	-840.14	

Subtotal for Section - 23

\$197,504.34

Section - 26

Contractor's Price Proposal - Detail Continues..

Work Order Number: 108155.00

Work Order Title: Brunswick Recreation Center Interiors and HVAC Upgrades

Section - 26

95	26	05	19	16	0025	MLF	#8 AWG, XLP (XHHW-2), 600 Volt, Copper, Single Stranded, Power Cable, Installed In Conduit									\$3,263.80
							Quantity			Unit Price			Factor		Total	
						Installation	2.00	x		1,307.09	x		1.2485	=	3,263.80	
							Electrical wiring replacement from the main electrical feed to the new rooftop units.									

Subtotal for Section - 26

\$3,263.80

Section - 32

96	32	31	19	00	0042	LF	10' Steel Tube Fence, Verticals At >2-1/2" To 3" On Center With 4" Square Posts									\$534.36
							Quantity			Unit Price			Factor		Total	
						X	Installation	10.00	x	28.53	x		1.2485	=	356.20	
						X	Demolition	10.00	x	14.27	x		1.2485	=	178.16	
97	32	31	19	00	0042	0123	MOD	For Verticals Up To 2" On Center, Add								\$262.19
							Quantity			Unit Price			Factor		Total	
							Installation	10.00	x	21.00	x		1.2485	=	262.19	
98	32	31	19	00	0042	0129	MOD	For Third Rail, Add								\$98.38
							Quantity			Unit Price			Factor		Total	
							Installation	10.00	x	7.88	x		1.2485	=	98.38	

Subtotal for Section - 32

\$894.93

Proposal Total

\$494,999.34

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

The Percentage of NPP on this Proposal: **29.40%**



Subcontractor Listing

Date: December 14, 2022

Re: IQC Master Contract #: OH-R2-HVAC02-102021-AFO
Work Order #: 108155.00
Owner PO #:
Title: Brunswick Recreation Center Interiors and HVAC Upgrades
Contractor: Air Force One, Inc.
Proposal Value: \$494,999.34

Name of Contractor	Duties	Amount	%
No Subcontractors have been selected for this Work Order		\$0.00	0.00

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 6-2023

BY: Mrs. Piper, Mr. Capretta, Mr. Smith

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH AIR FORCE ONE, INC. FOR CAPITAL IMPROVEMENTS AT THE BRUNSWICK COMMUNITY RECREATION AND FITNESS CENTER IN AN AMOUNT NOT TO EXCEED \$494,999.34.

WHEREAS: The City of Brunswick is a member of the Sourcewell Joint Purchasing Program as authorized by this Council and Ohio Revised Code Section 9.48;

WHEREAS: The proposed capital improvements at the Brunswick Community Recreation and Fitness Center (the "Rec Center"), including replacement of HVAC units, repair of the HVAC unit compressor and pressure switch, installation of a building automation system, interior/exterior duct work cleaning and anti-microbial application, replacement of ceiling tiles, and painting of interior walls of the Rec Center and ceiling of the pool complex (the "Project"), is through the Sourcewell Joint Purchasing Program; and

WHEREAS: The cost of the Project will be paid from a \$250,000.00 grant awarded by the Ohio Department of Natural Resources (less \$5,000.00 administration fee), as accepted by City Council per Resolution No. 97-2022 adopted on November 14, 2022, and matching funds in the amount of \$250,000.00 budgeted by the City.

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

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby authorized and directed to enter into an Agreement with Air Force One, Inc. through the Sourcewell Joint Purchasing Program for the Project at the Rec Center in an amount not to exceed \$494,999.34.

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 the Project to proceed as soon as possible due to material availability. 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
Laura E. Timura

PROPOSED LEGISLATION



DATE: 2/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Nicholas Hanek

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 7-2023** - A resolution commending Anthony Capretta for his years of service both to the City of Brunswick and to the City Council. - **1st Reading** (To be brought from Committee-of-the-Whole, *Brandon Lambert/Council*)

BACKGROUND: Councilman Capretta has submitted his resignation to go into effect at the end of the day on March 12, 2023.

PURPOSE AND EXPLANATION: A resolution to commend Councilman Anthony Capretta for his years of service to the Brunswick community and City Council.

IMPLEMENTATION

SCHEDULE: 3 readings

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

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

ADDITIONAL

INFORMATION:



CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 7-2023

By: Committee-of-the-Whole

A RESOLUTION COMMENDING ANTHONY CAPRETTA FOR HIS YEARS OF SERVICE BOTH TO THE CITY OF BRUNSWICK AND TO THE CITY COUNCIL.

WHEREAS: Anthony Capretta has served the community for almost 20 years as a member of City Council; and

WHEREAS: Anthony Capretta has served with dedication and is highly regarded throughout the community; and

WHEREAS: During his tenure, he served as the Chairman of the Safety & Environment Committee as well as the Building & Building Code Committee.

SECTION 1: That the Brunswick City Council hereby expresses its sincere appreciation and thanks to Anthony Capretta for the manner in which he has carried out his responsibilities and duties as a member of City Council.

SECTION 2: That City Council extends its best wishes to Anthony and his family for good health and happiness in the future.

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

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

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 2/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Nicholas Hanek

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 8-2023** - An emergency resolution declaring the intention of the City of Brunswick to provide municipal services to a 5.1207 acre parcel of land (PPN 017-03C-01-015) on Center Road - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: The City of Brunswick has been notified that a Petition for Regular Annexation on Application of Owners (the "Petition") was presented to the Medina County Commissioners requesting a parcel of land be annexed from Hinckley Township to the City of Brunswick.

PURPOSE AND EXPLANATION: The approved legislation must be filed with the Medina County Commissioners' Office by March 22, 2023.

IMPLEMENTATION

SCHEDULE: Emergency, three readings

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

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

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

Emergency, three readings.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NUMBER 8-2023

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION DECLARING THE INTENTION OF THE CITY
OF BRUNSWICK TO PROVIDE MUNICIPAL SERVICES TO A 5.1207 ACRE
PARCEL OF LAND (PPN 017-03C-01-015) ON CENTER ROAD.

WHEREAS: The City of Brunswick has been notified that a Petition for Regular Annexation on Application of Owners (the “Petition”) was presented to the Medina County Commissioners requesting a parcel of land be annexed from Hinckley Township to the City of Brunswick, and

WHEREAS: The City of Brunswick does not object to this Petition.

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

SECTION 1: The Council for the City of Brunswick hereby declares that, should the Medina County Commissioners grant the annexation of 5.1207 acres of land on Center Road (PPN 017-03C-01-015), the City of Brunswick will provide police protection, fire prevention/suppression, EMS service, and any and all other services rendered to residents of the City of Brunswick. Additionally, the City of Brunswick will support any application to the Cleveland Division of Water for connection to the water system for the provision of water services to the property and to the Medina County Sanitary Engineer for connection to the sanitary sewer system, subject to payment of any and all applicable costs and fees.

SECTION 2: That the Council of the City of Brunswick hereby urges the County to undertake a careful and deliberate study of all matters presented in the Petition for Regular Annexation on Application of Owners, as attached hereto as Exhibit “A”, and to approve the proposed annexation of such property to the City of Brunswick.

SECTION 3: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, welfare, and providing for the usual daily operation of a municipality, and for the further reason that the approved legislation must be filed with the Medina County Commissioners’ Office twenty (20) days before the April 11, 2023 hearing date. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council

Laura E. Timura

PROPOSED LEGISLATION



DATE: 2/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Todd Fischer

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 9-2023-** An emergency ordinance amending ordinance #103-2022 to include amendments to the Appropriation Budget for the year ending December 31, 2023 as incorporated in Exhibit "A" attached hereto. - **1st Reading** (To be brought from the Finance Committee, *Administration/Todd Fischer*)

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

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

IMPLEMENTATION SCHEDULE: Discuss at the February 13, 2023, Finance Committee meeting and move to the February 13, 2023, Council agenda as an emergency with the suspension of the rules.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The total financial impact of this legislation is a net increase to the overall City appropriation budget by \$4,653,811.84. The largest components of the net increase, in no particular order, relate to:

1) \$1,457,509.45 pertains to the remaining unspent grant monies for the ongoing Pearl Road Improvement Project. During 2023, the construction will move south of Center Road to Pearl Road. Various grants were received from the Federal Highway Administration and the State of Ohio for this project. Exhibit B lists the remaining grant amounts by funding source for this project. As the construction work is completed and related invoices are submitted, Chagrin Valley Engineering is expected to continue to

identify and breakdown the appropriate and eligible expenditures by grant/funding source. The Finance Department will then record the expenditure activity accordingly. The City has recorded a gross-up receipt and expense for the first 8 pay estimates received. All pay estimates were approved by the State of Ohio and the City to date. More pay estimates are expected as we continue through 2023.

2) \$1,682,780 in advances out to and from various funds to temporarily fund and cover costs of 2 new grants until grant reimbursements are received. The advances to return the money are also included in this amendment.

3) \$618,875 in local cost share anticipated on the new \$1,500,000 EPA Grant Award. The local cost share anticipates a 20% construction cost share of \$375,000 + \$131,375 in estimated engineering costs + \$112,500 inspection costs not anticipated to be funded by the grant. The City has received a grant pre-award notice for \$1,500,000 from the U.S. Environmental Protection Agency. The City is working with the Chicago EPA Office to obtain official grant paperwork and fine tune the eligible grant projects. Once the City receives the official grant award and/or contract, a budget amendment will be required to account for the grant proceeds and expenditures.

4) \$301,051.15 American Rescue Plan federal funding remaining not previously spent in 2022. Funds will be spent in accordance with Council Resolution #94-2021 and must comply with Department of Treasury rules and regulations.

5) \$226,918.58 in proposed increases in appropriations for the Division of Fire Capital. \$221,084.18 of this amount is to appropriate the remaining Fire Station set aside monies not previously encumbered as of December 31, 2022 nor included in the 2023 Original budget presentation. The remaining \$5,834.40 increase relates to donations received from the Eagles earmarked for the Division of Fire.

6) Updated costs share amounts on the PlumCreek Trail Phases II & III projects to be in accordance with the latest Engineers estimate. Increase a total of \$123,808.50.

7) \$91,390 in new NOPEC grant award received.

8) Appropriate \$79,729.05 in leftover 2022 road levy monies not encumbered as of December 31, 2022.

All other items not specifically listed in this summary are detailed with a description and listed amounts in the attached Exhibit B.

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

Exhibit B is provided for informational and review purposes only.

It's important to note that this legislation only has a budgetary impact and actual expenditures are still subject to state and local laws.

**RECOMMENDED
ACTION:**

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

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

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

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 9-2023

By: Mr. Hanek, Mr. Abella, Mr. Delsanter

AN EMERGENCY ORDINANCE AMENDING ORDINANCE #103-2022 TO INCLUDE AMENDMENTS TO THE APPROPRIATION BUDGET FOR THE YEAR ENDING DECEMBER 31, 2023 AS INCORPORATED IN EXHIBIT "A" ATTACHED HERETO.

WHEREAS: Ordinance #103-2022 adopted appropriations for 2023; and

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

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

WHEREAS: In order to properly budget in accordance with State law for expenditures presently anticipated it is necessary to amend Ordinance #103-2022.

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

SECTION 1: Ordinance #103-2022 is hereby amended to reflect the appropriations as attached hereto and incorporated herein as Exhibit "A."

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

PASSED: 1st Reading _____

RULES SUSPENDED: AYES ____ NAYS ____

ADOPTED: _____ AYES ____ NAYS ____

ATTEST: _____
Clerk of Council
Laura E. Timura

EXHIBIT A

February 13, 2023

Fund Number		Fund Name / Department	Personal Service	Other	Total
General Fund					
001		General Fund			
		City Council	189,566.00	85,435.00	\$ 275,001.00
		Mayor	106,422.00	94,727.00	\$ 201,149.00
		City Manager	196,467.00	138,877.00	\$ 335,344.00
		Information Technologies	181,122.00	507,410.86	\$ 688,532.86
		Engineering	24,972.00	666,285.00	\$ 691,257.00
		Building Department	367,400.00	275,573.00	\$ 642,973.00
		Cemetery Maintenance	-	22,765.00	\$ 22,765.00
		Janitorial Contract	-	21,627.00	\$ 21,627.00
		City Hall Building & Grounds	5,673.00	64,649.00	\$ 70,322.00
		Administrative Services	93,566.00	59,366.69	\$ 152,932.69
		Economic Development	116,999.00	273,776.00	\$ 390,775.00
		Animal Control	78,667.00	71,440.00	\$ 150,107.00
		Law Department	196,271.00	275,392.00	\$ 471,663.00
		Finance Department	266,697.00	230,195.86	\$ 496,892.86
		Income Tax Department	209,648.00	258,327.00	\$ 467,975.00
		Parks & Recreation Director	78,925.00	63,674.00	\$ 142,599.00
		General Fund Administration	-	1,171,300.00	\$ 1,171,300.00
		Planning Division/Community Development	73,269.00	67,746.00	\$ 141,015.00
		Board of Building Appeals	501.00	1,220.00	\$ 1,721.00
		Board of Zoning Appeals	1,196.00	4,597.00	\$ 5,793.00
		Board of Civil Service	11,468.00	66,335.00	\$ 77,803.00
		Board of Ethics	5,600.00	4,645.00	\$ 10,245.00
		Board of Charter Review	-	-	\$ -
		Board of Commemorative Affairs	-	18,270.00	\$ 18,270.00
		General Fund Transfers / Advances	-	27,720,062.00	\$ 27,720,062.00
001		Total General Fund	\$ 2,204,429.00	\$ 32,163,695.41	\$ 34,368,124.41
Special Revenue Funds:					
110		Court Computerization Fund	5,539.00	16,170.00	\$ 21,709.00
111		FEMA Grant Fund	-	-	\$ -
114		Police Fund	4,705,758.00	4,878,024.85	\$ 9,583,782.85
115		Fire Fund	2,668,467.00	6,417,260.18	\$ 9,085,727.18
117		Street Repair & Maintenance Fund	1,310,904.00	2,734,416.41	\$ 4,045,320.41
118		State Highway Fund	-	131,000.00	\$ 131,000.00
119		Law Enforcement Fund	-	22,412.42	\$ 22,412.42
120		Brunswick Transit Alternative (BTA) Fund	-	45,000.00	\$ 45,000.00
123		Brunswick Area Television (BAT) Fund	171,916.00	266,050.81	\$ 437,966.81
127		Parks Fund	206,930.00	428,666.00	\$ 635,596.00
129		Department of Justice Federal Grant Fund	-	213,040.25	\$ 213,040.25
130		DUI Enforcement & Education Fund	-	10,800.00	\$ 10,800.00
131		Recreation Center Fund	401,731.00	626,908.33	\$ 1,028,639.33
133		Home Improvement Grant Fund (CDBG)	-	43,131.46	\$ 43,131.46
140		Local Fiscal Recovery Fund	-	301,051.15	\$ 301,051.15
141		Opioid Settlement Fund	-	23,155.23	\$ 23,155.23
Enterprise Funds:					
223		Refuse Fund	73,185.00	2,995,329.00	\$ 3,068,514.00
224		Storm Water Management Fund	34,196.00	1,252,357.24	\$ 1,286,553.24
Capital Improvement Funds:					
300		General Permanent Improvement Fund	-	4,382,352.10	\$ 4,382,352.10
332		Road Levy Fund	-	2,671,609.05	\$ 2,671,609.05
333		Road Improvement Fund	-	4,029,248.51	\$ 4,029,248.51
334		Traffic Control Fund	-	-	\$ -

335	Public Square Fund	-	-	\$	-
336	City Building Improvement Fund	-	268,616.00	\$	268,616.00
337	EPA Grant Fund	-	1,500,000.00	\$	1,500,000.00
339	Fire Improvement Fund	-	-	\$	-
341	Park Improvement Fund	-	1,061,040.00	\$	1,061,040.00
347	North Carpenter Road Improvement Fund	-	1,877,351.06	\$	1,877,351.06
348	Boston Road Improvement Fund	-	93,519.24	\$	93,519.24
353	I-71 / Rt. 303 Enhancement Fund	-	-	\$	-
360	Brunswick Lake Improvement Fund	-	600,762.05	\$	600,762.05
371	OPWC Laurel Road Improvement Fund	-	-	\$	-
372	OPWC Old Eagle Drive Improvement Fund	-	508,785.17	\$	508,785.17
373	OPWC Skyview Drive Improvement Fund	-	904,396.98	\$	904,396.98
374	OPWC Magnolia Drive Improvement Fund	-	1,650,000.00	\$	1,650,000.00
Self Insurance Fund:					
600	Self Insurance Fund	-	3,618,628.00	\$	3,618,628.00
Debt Service Funds:					
771	General Obligation Bond Retirement Fund	-	-	\$	-
782	Special Assessment BRF: Laurel Road (2006)	-	37,037.50	\$	37,037.50
783	Special Assessment BRF: Brunswick Lake - Dam	-	18,948.83	\$	18,948.83
784	Special Assessment BRF: Brunswick Lake - Dredging	-	11,826.19	\$	11,826.19
Agency Funds:					
881	General Trust Agency Fund	-	750,000.00	\$	750,000.00
882	Unclaimed Money Agency Fund	-	20,000.00	\$	20,000.00
885	Flexible Spending Agency Fund	-	140,000.00	\$	140,000.00
886	Non-Residential 3% Building Permit Agency Fund	-	35,000.00	\$	35,000.00
887	Residential 1% Building Permit Agency Fund	-	10,000.00	\$	10,000.00
Grand Total				\$	88,540,644.42

City of Brunswick, Finance Office

"Exhibit B" : Schedule of Amendments to the Permanent Budget #1 - For informational purposes only
For the Budget Year Ending December 31, 2023

2/13/2023

Fund Name / Account Name	Account Number	Appropriation Adjustment Amount	Description
General (#001)			
COUNCIL MEMBERS	001-0100-51022	(1,316.00)	Amend original 2023 budget estimate to be in compliance with Ordinance #59-95 and related information. Original Budget slightly overestimated.
PERS	001-0100-52223	(184.00)	Amend original 2023 budget estimate to be in compliance with Ordinance #59-95 and related information. Original Budget slightly overestimated.
MEDITAX	001-0100-52226	(19.00)	Amend original 2023 budget estimate to be in compliance with Ordinance #59-95 and related information. Original Budget slightly overestimated.
WORKER'S COMP - COUNCIL	001-0100-52274	(39.00)	Amend original 2023 budget estimate to be in compliance with Ordinance #59-95 and related information. Original Budget slightly overestimated.
MAYOR	001-0200-51012	(221.00)	Amend original 2023 budget estimate to be in compliance with Ordinance #59-95 and related information. Original Budget slightly overestimated.
PERS	001-0200-52223	(30.00)	Amend original 2023 budget estimate to be in compliance with Ordinance #59-95 and related information. Original Budget slightly overestimated.
MEDITAX	001-0200-52226	(3.00)	Amend original 2023 budget estimate to be in compliance with Ordinance #59-95 and related information. Original Budget slightly overestimated.
WORKER'S COMP - MAYOR	001-0200-52274	(6.00)	Amend original 2023 budget estimate to be in compliance with Ordinance #59-95 and related information. Original Budget slightly overestimated.
PERS	001-0302-52223	175.00	Timing differences noted. A portion of 2022 wages in which pension was paid in January 2023 but not included in the 2023 original budget proposal.
HOSPITALIZATION	001-0302-52275	111.86	Estimated costs of medical insurance plan changes selected by employees from 2022 into 2023 after compilation of budget.
PERS	001-0410-52223	175.00	Timing differences noted. A portion of 2022 wages in which pension was paid in January 2023 but not included in the 2023 original budget proposal.
PERS	001-0430-52223	350.00	Timing differences noted. A portion of 2022 wages in which pension was paid in January 2023 but not included in the 2023 original budget proposal.
PERS	001-0461-52223	170.69	Timing differences noted. A portion of 2022 wages in which pension was paid in January 2023 but not included in the 2023 original budget proposal.
UNIFORM ALLOWANCE	001-0540-52224	1,150.00	Accidently omitted animal warden 2023 uniform allowance appropriation off original Jan 1, 2023 budget proposal to City Council. Request to add.
PERS	001-0600-52223	350.00	Timing differences noted. A portion of 2022 wages in which pension was paid in January 2023 but not included in the 2023 original budget proposal.
PROFESSIONAL SERVICES	001-0600-54233	11,250.00	Additional estimated professional service/legal costs for City representation on a zoning/constitutional right matter. Estimate from Ken Jan 26, 2023.
HOSPITALIZATION - FINANCE	001-0700-52275	111.86	Estimated costs of medical insurance plan changes selected by employees from 2022 into 2023 after compilation of budget.
PERS	001-0720-52223	175.00	Timing differences noted. A portion of 2022 wages in which pension was paid in January 2023 but not included in the 2023 original budget proposal.
PROFESSIONAL SERVICE CONTRACT	001-0880-54285	15,000.00	Increase 2023 appropriations allotment for professional service and communications contracts.
ADVANCE OUT TO FUND #336 (NOPEC GRANT)	001-0999-99899	91,390.00	Advance out to Fund #336 to temporarily cover the \$91,390 NOPEC grant expenditures until reimbursed. Advance will be returned after reimbursement.
General Fund Total		118,591.41	
Police Fund (#114)			
PERS	114-0520-52223	350.00	Timing differences noted. A portion of 2022 wages in which pension was paid in January 2023 but not included in the 2023 original budget proposal.
HOSPITALIZATION	114-0520-52275	16,339.19	Estimated costs of medical insurance plan changes selected by employees from 2022 into 2023 after compilation of budget.
POLICE CAPITAL	961-0520-56252	15,000.00	Police vehicle cost increase vs. original budget. Chief's request to use \$14,993 insurance proceeds received from vehicle in crash to make up difference.
POLICE CAPITAL	961-0520-56252	2,000.00	Replacement of light fixtures in the police garage (old bus garage). Chief's email 01/18/2023.
DONATIONS - POLICE CAPITAL	961-0520-56253	2,113.26	Appropriate Eagles donations received in 2021 not spent as of 01/01/2023 to partially fund software to enhance Police operations, communications, etc.
DONATIONS - POLICE CAPITAL	961-0520-56253	5,834.40	Appropriate Eagles donations received in Dec 2022 to partially fund software to enhance Police operations, communications, etc.
OHIO BWC BODY ARMOR GRANT	961-0520-56270	16,875.00	\$16,875-Ohio BWC Bullet Proof Vest 2023 Grant.
Police Fund Total		58,511.85	
Fire Fund (#115/952)			
FIRE PERS	115-0510-52223	175.00	Timing differences noted. A portion of 2022 wages in which pension was paid in January 2023 but not included in the 2023 original budget proposal.
HOSPITALIZATION	115-0510-52275	(1,459.10)	Estimated reduction of costs of medical insurance plan changes selected by employees from 2022 into 2023 after compilation of budget.
CAPITAL OUTLAY-DONATIONS EAGLES	952-0510-56253	5,834.40	Appropriate Eagles donations received in Dec 2022 to be used for capital purchases for the Division of Fire.
ARCHITECT FIRE STATION	964-0437-56883	221,084.18	Appropriate leftover set aside monies for Fire Station Improvements not encumbered as of 12/31/2022 nor included in the 2023 budget proposal.
Fire Fund Total		225,634.48	
Street R & M Fund (#117)			
STREET SUPERINTENDENT PS	117-0420-51081	(2,500.00)	Reduce and update appropriations to be in-line with Working Foreman new hire paperwork. Received after original budget was compiled.
OPERS	117-0420-52223	(600.00)	Reduce and update appropriations to be in-line with Working Foreman new hire paperwork. Received after original budget was compiled.
MEDITAX	117-0420-52226	(36.25)	Reduce and update appropriations to be in-line with Working Foreman new hire paperwork. Received after original budget was compiled.
NO MEDICAL COVERAGE	117-0420-52227	600.00	Employee selection of single in lieu of family medical coverage per CBA.
WORKER'S COMP	117-0420-52274	(75.00)	Reduce and update appropriations to be in-line with Working Foreman new hire paperwork. Received after original budget was compiled.
HOSPITALIZATION	117-0420-52275	111.86	Estimated costs of medical insurance plan changes selected by employees from 2022 into 2023 after compilation of budget.
Street R & M Fund Total		(2,499.39)	

City of Brunswick, Finance Office

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

For the Budget Year Ending December 31, 2023

2/13/2023

Fund Name / Account Name	Account Number	Appropriation Adjustment Amount	Description
Law Enforcement Trust Fund (#119)			
COMPLEX INVESTIGATIONS	119-0523-53230	2,397.42	Increase to partially fund software to enhance Police operations, communications, etc. Other funding sources include Eagles donations or CPT funds.
Total Law Enforcement Trust Fund (#119)		<u><u>2,397.42</u></u>	
Cable TV Fund (#123/#956)			
PERS	123-0460-52223	350.00	Timing differences noted. A portion of 2022 wages in which pension was paid in January 2023 but not included in the 2023 original budget proposal.
HOSPITALIZATION	123-0460-52275	(594.19)	Estimated reduction of costs of medical insurance plan changes selected by employees from 2022 into 2023 after compilation of budget.
Cable TV Fund Total		<u><u>(244.19)</u></u>	
Rec. Center Fund (#131)			
REC. PERS	131-0830-52223	525.00	Timing differences noted. A portion of 2022 wages in which pension was paid in January 2023 but not included in the 2023 original budget proposal.
HOSPITALIZATION	131-0830-52275	17,958.33	Estimated costs of medical insurance plan changes selected by employees from 2022 into 2023 after compilation of budget.
Rec. Center Total		<u><u>18,483.33</u></u>	
CHIP (HOME Funds) Fund (#133)			
CHIP LOCAL FUNDING ALLOCATION 2022 GRANT	133-2022-54100	43,131.46	Appropriate (CHIP Program Income) available cash balance for a possible local match to the joint CHIP grant application with the City of Medina.
CHIP (CDBG Funds) Fund Total		<u><u>\$ 43,131.46</u></u>	
Local Fiscal Recovery Fund (#140)			
WAGES - SAFETY/PUBLIC HEALTH (2nd Tranche)	140-2022-51000	186,625.00	Appropriate remaining ARPA cash balance on hand (leftover from 2022) to be expended in accordance with City Council Resolution #94-2021.
FRINGE BENEFITS (2nd Tranche) - SAFETY/PUBLIC	140-2022-52000	114,426.15	Appropriate remaining ARPA cash balance on hand (leftover from 2022) to be expended in accordance with City Council Resolution #94-2021.
Total Local Fiscal Recovery Fund		<u><u>301,051.15</u></u>	
Opioid Settlement Fund (#141)			
ONEOHIO OPIOID SETTLEMENT PURCH SERV	141-0439-54253	10,875.85	Opioid settlement dollars to be used for prevention, treatment and support recovery services, etc. in accordance with One Ohio Agreement.
JANSEN OPIOID SETTLEMENT PURCH SERVICES	141-0439-54254	12,279.38	Opioid settlement dollars to be used for prevention, treatment and support recovery services, etc.
Total Opioid Settlement Fund		<u><u>23,155.23</u></u>	
Stormwater Management Fund (#224)			
OPERS	224-0420-52223	175.00	Timing differences noted. A portion of 2022 wages in which pension was paid in January 2023 but not included in the 2023 original budget proposal.
Stormwater Management Enterprise Fund Total		<u><u>175.00</u></u>	
Capital Projects Improvement Fund (#300)			
LOCAL COST SHARE - EPA GRANT	300-0564-56750	618,875.00	City received pre-award notification of a \$1.5 million EPA grant. Local costs estimated to = \$618,875 (\$375K match, 131,375 Eng + \$112,500 Inspection).
LOCAL COST SHARE -TRAIL PH 2	300-0812-56700	122,458.50	Additional local estimated cost increases based on revised Engineer estimate dated Dec 20, 2022. City awarded \$500,000 ODNR Grant for this project.
ADDITIONAL LOCAL COST SHARE -TRAIL PH 3	300-0812-56800	1,350.00	Additional local estimated cost increases based on revised Engineer estimate for Trail Phase III project dated August 22, 2022. Due to closed PO in 2022.
Capital Projects Improvement Fund Total		<u><u>742,683.50</u></u>	
Road Levy Improvement Fund #332			
CONSTRUCTION	332-0473-56881	64,165.00	Appropriate leftover 2022 unencumbered road levy monies from the closure of prior year project pos.
ENGINEERING/INSPECTION	332-0473-56883	15,564.05	Appropriate leftover 2022 unencumbered road levy monies from the closure of prior year project pos.
Road Levy Improvement Fund Total		<u><u>79,729.05</u></u>	
Road Capital Projects Fund (#333)			
FHWA 4TA7 CONSTRUCTION-PEARL RD	333-0464-56251	628,825.29	Appropriate remaining grants for the improvement of Pearl Road. Total original Grant Awards from all sources = \$4,072,086.08. State let (gross-up only)
FHWA 4PF7(U) CONSTRUCTION URBAN-PEARL RD	333-0464-56261	529,583.15	Appropriate remaining grants for the improvement of Pearl Road. Total original Grant Awards from all sources = \$4,072,086.08. State let (gross-up only)
FHWA LABR(U) INSPECTION URBAN-PEARL RD	333-0464-56263	106,604.10	Appropriate remaining grants for the improvement of Pearl Road. Total original Grant Awards from all sources = \$4,072,086.08. State let (gross-up only)
FHWA 4PF7(R) CONSTRUCTION RURAL-PEARL RD	333-0464-56271	125,177.22	Appropriate remaining grants for the improvement of Pearl Road. Total original Grant Awards from all sources = \$4,072,086.08. State let (gross-up only)
FHWA LABR(R) INSPECTION RURAL-PEARL RD	333-0464-56273	28,820.31	Appropriate remaining grants for the improvement of Pearl Road. Total original Grant Awards from all sources = \$4,072,086.08. State let (gross-up only)
STATE 4PS7(R) CONSTR RURAL - PERAL ROAD	333-0464-56281	31,294.30	Appropriate remaining grants for the improvement of Pearl Road. Total original Grant Awards from all sources = \$4,072,086.08. State let (gross-up only)
STATE LABR(R) INSPECTION RURAL-PEARL RD	333-0464-56283	7,205.08	Appropriate remaining grants for the improvement of Pearl Road. Total original Grant Awards from all sources = \$4,072,086.08. State let (gross-up only)
CONSTRUCTION - LAUREL ROAD PH 3	333-0555-56881	(4.71)	Reduce remaining appropriations as no longer needed. Engineer officially closed project on Nov 22, 2022 (after original 2023 budget was compiled).

City of Brunswick, Finance Office

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

For the Budget Year Ending December 31, 2023

2/13/2023

Fund Name / Account Name	Account Number	Appropriation Adjustment Amount	Description
ENGINEERING -LAUREL ROAD PH 3	333-0555-56883	(7,938.33)	Reduce remaining appropriations as no longer needed. Engineer officially closed project on Nov 22, 2022 (after original 2023 budget was compiled).
CONTINGENCY - LAUREL ROAD PH 3	333-0555-56884	(29,040.73)	Reduce remaining appropriations as no longer needed. Engineer officially closed project on Nov 22, 2022 (after original 2023 budget was compiled).
Road Capital Projects Fund Total		1,420,525.68	
City Hall Expansion Fund (#336)			
NOPEC GRANT 2023	336-2023-56800	91,390.00	Increase appropriations for 2023 NOPEC Energized Community Grant Award (grant award is in 3 parts per award letter).
ADVANCE OUT	336-0999-99900	91,390.00	Advance to be returned to the General Fund once expenses are reimbursed through the NOPEC Grant (\$91,390 Grant).
City Hall Expansion Fund Total		182,780.00	
EPA Grant Fund (#337)			
ADVANCE OUT TO GF	337-9999-80185	1,500,000.00	Advance to be returned to the General Fund once expenses are reimbursed through the EPA Grant (\$1.5 million Grant).
Total EPA Grant Fund		1,500,000.00	
N. Carpenter Paving Fund (#347)			
EST STATE OF OHIO CONSTRUCTION CONTRIB	347-0424-56879	(60,294.14)	Reduce appropriations by December 2022 grant gross-up expenditures for State let North Carpenter Improvement Project.
N. Carpenter Paving Fund Total		(60,294.14)	

PROPOSED LEGISLATION



DATE: 2/13/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Todd Fischer

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 10-2023** - An emergency ordinance to transfer and advance funds. - **1st Reading**
(To be brought from Finance Committee, *Administration/Todd Fischer*)

BACKGROUND: In order to comply with the Ohio Revised Code Section 5705 transfers and advances may become necessary as certain financial situations arise. Transfers and Advances may also occur as a result of the City's Fund Balance Reserve Policy passed and last amended by City Council via Ordinance #106-2022. A transfer is the permanent movement of money from one fund to another. An advance is the temporary movement of money from one fund to another fund that will be repaid upon the completion of an anticipated event. The process of transferring and advancing funds is required by law in certain financial situations and is audited under the direction of the Auditor of State for compliance every year. Transfers and Advance legislation is generally presented two to three times a year or more, if deemed necessary.

PURPOSE AND EXPLANATION: Refer to background section.

IMPLEMENTATION SCHEDULE: Discuss at the February 13, 2023 Finance Committee meeting and move to the February 13, 2023 Council agenda as an emergency with suspension of the rules.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Transfers and advances do not have a financial impact on the City funds as a collective whole. Transfers and advances are merely the movement of money from one fund to another and are defined in the Ohio Revised Code Section 5705 and in the Auditor of State Compliance Supplement. Transfers and advances are required to be included in the City's adopted budget and are also required to be approved by City Council.

RECOMMENDED ACTION:

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

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

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

**ADDITIONAL
INFORMATION:**

None.



CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 10-2023

By: Mr. Hanek, Mr. Abella, Mr. Delsanter

AN EMERGENCY ORDINANCE TO TRANSFER AND ADVANCE FUNDS

- WHEREAS: The City of Brunswick wishes to transfer funds from the General Fund #001 to the Road Capital Projects Fund #333 to set aside funds for current and future road improvement projects, and;
- WHEREAS: The City of Brunswick wishes to transfer funds from the General Fund #001 to the Capital Projects Improvement Fund #300 for various capital improvements or may be authorized by Council, and;
- WHEREAS: The City of Brunswick wishes to transfer funds from the General Fund #001 to the Recreation Center Fund #131 to help subsidize operational, contractual and capital expenses as a result of the health pandemic and aging building, and;
- WHEREAS: The City of Brunswick wishes to return previously advanced monies from the Road Levy Improvement Fund (#332) to the General Fund #001 since the 2022 road levy projects are near completion, and;
- WHEREAS: The City of Brunswick wishes to advance monies from the General Fund #001 to the Road Levy Improvement Fund #332 to allow for the 2023 neighborhood road improvement program to occur during the upcoming construction season versus otherwise waiting for all levy proceeds to be received, and;
- WHEREAS: The City of Brunswick wishes to advance monies from the General Fund #001 to the EPA Grant Fund #337 to temporarily fund the anticipated Environmental Protection Agency grant award for the Healey Creek Storm Water Management Project until grant reimbursements are received, and;
- WHEREAS: The City of Brunswick wishes to advance monies from the General Fund #001 to the OPWC Magnolia Drive Improvement Fund #374 to temporarily fund the anticipated Magnolia Drive Phase II OPWC improvement project until OPWC grant and loan reimbursements are received, and;
- WHEREAS: The City of Brunswick wishes to advance monies from the General Fund #001 to City Hall Expansion Fund #336 to temporarily fund the 2023 NOPEC grant expenses until the 2023 NOPEC grant reimbursements are received, and;
- WHEREAS: The City of Brunswick wishes to return previously advanced monies from the Parks City-Wide Capital Improvement Fund #341 to the General Fund #001 since the Neura Park Playground



CITY OF BRUNSWICK, OHIO

ORDINANCE NO. 10-2023

Project has been completed and all ODNR NatureWorks grant reimbursements have been received.

WHEREAS: The City of Brunswick wishes to return previously advanced monies from the Capital Improvement Fund #300 to the General Fund #001 since the Magnolia Storm-Water Bypass Project has been completed and the ODNR Senate Bill 310 Healey Creek Flood Mitigation (REALM) grant reimbursements has been received.

THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the following funds are hereby transferred:

FROM:	General Fund (#001)
TO:	Road Capital Projects Fund (#333)
AMOUNT:	\$2,195,660.73
FROM:	General Fund (#001)
TO:	Capital Projects Improvement Fund (#300)
AMOUNT:	\$2,500,000.00
FROM:	General Fund (#001)
TO:	Recreation Center Fund (#131)
AMOUNT:	\$425,000.00

SECTION 2: That the following funds are hereby advanced:

FROM:	Road Levy Improvement Fund (#332)
TO:	General Fund (#001)
AMOUNT:	\$861,000.00
FROM:	General Fund (#001)
TO:	Road Levy Improvement Fund (#332)
AMOUNT:	\$861,000.00
FROM:	General Fund (#001)
TO:	EPA Grant Fund (#337)
AMOUNT:	\$1,500,000.00
FROM:	General Fund (#001)
TO:	OPWC Magnolia Drive Improvement Fund (#374)
AMOUNT:	\$825,000.00
FROM:	General Fund (#001)
TO:	City Hall Expansion Fund (#336)
AMOUNT:	\$91,390.00



CITY OF BRUNSWICK, OHIO

ORDINANCE NO. 10-2023

FROM: Parks City-Wide Capital Improvement Fund (#341)
TO: General Fund (#001)
AMOUNT: \$61,040.00

FROM: Capital Projects Improvement Fund (#300)
TO: General Fund (#001)
AMOUNT: \$500,000.00

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

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura