

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda

SEPTEMBER 11, 2023

6:20 PM

**or Immediately Following
Services, Utilities, Technology & Cable Committee**

1. Discussion Items
 - (a) Review and approve the Council's Office 2024 Budget
2. Motion Items
 - (a) Motion authorizing the City Manager to advertise for bid of Trash and Recycle Curbside Collection for a period of 5 years with an option up to 3 years. The contract would begin July 1, 2024.
 - (b) Motion to authorize the City Manager to execute the first amendment to the loan agreement between the Ohio Department of Transportation, the City of Brunswick and the Northeast Ohio Areawide Coordinating Agency for the North Carpenter Road Reconstruction Project.
 - (c) Motion to go out to bid for janitorial services for the Brunswick Community Recreation and Fitness Center and the Police Department/City Hall.
3. Review Legislation
 - (a) **RES. NO. 70-2023** - An emergency resolution commending Janet McCollom for her years of service to the City of Brunswick. - **1st Reading** (To be brought from Committee-of-the-Whole, *Council/Nicholas Hanek*)
4. General Discussion
5. Executive Session
 - (a) Motion to go into Executive Session to discuss the subject of pending or imminent court action.
6. Adjournment

PROPOSED MOTION



DATE: 9/11/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Barnett

COPY: Mayor Ron Falconi

MOTION: Motion authorizing the City Manager to advertise for bid of Trash and Recycle Curbside Collection for a period of 5 years with an option up to 3 years. The contract would begin July 1, 2024.

BACKGROUND: The current contract for Trash and Recycle Curbside Collection began on July 1, 2019 and will conclude on June 30, 2024. The existing contract has 4 years of options to extend that must be mutually agreed upon by both parties. The current contractor does not agree to any option year due to the dramatic cost increases in the industry since the start of Covid. The original bid was obtained before Covid and the inflation that has been experienced was unpredicted at the time of the bid.

PURPOSE AND EXPLANATION: The purpose of this Motion is to provide for the contracting of trash and recycle curbside collection throughout the City.

IMPLEMENTATION SCHEDULE: To obtain bids to insure a smooth transition to a possible new contractor on July 1, 2024.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Proposed five-year contract beginning July 1, 2024 with an option for mutual options up to 3 additional years. Estimated costs for refuse pick-up beginning on or after July 1, 2024 will be reviewed and calculated once the competitive bids are received. The billing rates for residents are to be based on the costs of the contract and administrative costs per Codified Ordinance Section 1060.03 (a) (1). Once estimated costs are calculated, it is likely that amendments to the refuse budget and corresponding billable rates may be required .

Pursuant to Codified Ordinance Section 1060.03 (a) (1) the monthly charge shall include each resident's pro rata share of the contract hauler's current charge to the City under the contract and a service charge for billing, collecting and managing the monthly charge.

RECOMMENDED

ACTION:

Passage of a motion which authorizes the City Manager to advertise and obtain bids for Trash and Recycle Curbside Collection throughout the City for five years with an option for up to 3 years.

**ADDITIONAL
INFORMATION:**

PROPOSED MOTION



DATE: 9/11/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Todd Fischer

COPY: Mayor Ron Falconi

MOTION: Motion to authorize the City Manager to execute the first amendment to the loan agreement between the Ohio Department of Transportation, the City of Brunswick and the Northeast Ohio Areawide Coordinating Agency for the North Carpenter Road Reconstruction Project.

BACKGROUND: The overall North Carpenter Reconstruction Project is partly funded up to a maximum of a \$9,712,000 State Infrastructure Bank (SIB) direct loan transaction to the Northeast Ohio Areawide Coordinating Agency (NOACA) in partnership with the City of Brunswick. NOACA is the borrower and repays the principal amount of the loan and the interest costs, with the exception that the City of Brunswick, via Resolution #44-17, contributes 20% of the interest costs, up to a maximum of \$300,000. The City of Brunswick also agreed and paid an upfront local cost share of \$3,256,830.51 authorized by Resolution #47-18, which amended previous Resolution #39-18 and #22-18.

ODOT, the City of Brunswick and NOACA entered into a Loan Agreement dated June 16, 2018. Since the project has taken longer than originally expected, it is also now necessary to enter into an amendment to the loan agreement amending Sections 3.5 and 3.9. The amendment and listed dates have been proposed and presented by the Office of Ohio Attorney General's Office. The City has confirmed the dates listed in the proposed agreement with representatives of ODOT and supporting documentation has been attached.

PURPOSE AND EXPLANATION: See Background.

IMPLEMENTATION SCHEDULE:

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: This motion and proposed amendment to the loan agreement for the North Carpenter Reconstruction Project would extend the dates listed in Sections 3.5 and 3.9 of the original agreement. No change in financial information is being proposed with this amendment.

**RECOMMENDED
ACTION:**

**ADDITIONAL
INFORMATION:**

FIRST AMENDMENT

TO THE

LOAN AGREEMENT

AMONGST

THE OHIO DEPARTMENT OF TRANSPORTATION

AND

CITY OF BRUNSWICK

and

THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

[NORTH CARPENTER ROAD RECONSTRUCTION PROJECT]

September____, 2023

FIRST AMENDMENT TO LOAN AGREEMENT

THIS FIRST AMENDMENT TO LOAN AGREEMENT (the “First Amendment”) is made and entered by and amongst the Director of the Ohio Department of Transportation (“ODOT”), The Northeast Ohio Areawide Coordinating Agency (“NOACA”), and the City of Brunswick (“the City”).

BACKGROUND INFORMATION

- A. ODOT, the City and NOACA entered into a Loan Agreement dated June 16, 2018 (the “Agreement”).
- B. ODOT, the City and NOACA desire to modify certain provisions of the Loan Agreement as provided herein.

STATEMENT OF THE AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein, ODOT, the City and NOACA agree as follows:

- 1. The definition of “Final Disbursement Date” in Section 1.2 shall be deleted in its entirety and replaced with the following:

“Final Disbursement Date” means no later than March 1, 2023, or such subsequent date as may be established by ODOT in writing in accordance with Section 3.5 hereof for the disbursement of the Loan.
- 2. Article III, Section 3.9 Completion Date shall be deleted in its entirety and replaced with the following:

Section 3.9 Completion Date. The Completion Date of the Project shall occur not later than May 26, 2022, and shall be evidenced to ODOT by a certificate of the City and/or the NOACA stating (a) the Completion Date, (b) that all licenses, permits and approvals for the Project required by any Governmental Authority have been procured and/or obtained, (c) that all improvements reflected in the initial phases of the Plans and Specifications have been made and the Provision of the Project has been completed, and (d) that all costs of providing the initial phases of the Project have been paid.
- 3. Except as modified herein, all terms, covenants and conditions contained in the Loan Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have duly executed this First Amendment to Loan Agreement as of the last date set forth below.

NORTHEAST OHIO AREAWIDE
COORDINATING AGENCY

OHIO DEPARTMENT OF TRANSPORTATION

By: _____

By: _____

Jack Marchbanks PhD., Director

Print Name: _____

Print Title: _____

Date: _____

Date: _____

CITY OF BRUNSWICK

By: _____

Print Name: _____

Print Title: _____

Date: _____

Todd Fischer

From: Brenna.Smathers@dot.ohio.gov
Sent: Tuesday, September 5, 2023 9:40 AM
To: Todd Fischer; Alan Klodell
Cc: Jennifer.Gams@dot.ohio.gov; Johnathan.Heckert@dot.ohio.gov; Michael DiPerna (mdiperna@dipernafinancial.com); Kenneth Fisher (External); Carl S. DeForest; Andy.Blazek@dot.ohio.gov; emay@mpo.noaca.org; jthompson@mpo.noaca.org; Terri.Johnson@dot.ohio.gov
Subject: RE: CITY OF BRUNSWICK & THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY NORTH CARPENTER ROAD RECONSTRUCTION PROJECT \$9,712,000 SIB LOAN SIB#170A08 & 170B08/PID#14821 FIRST AMENDMENT TO LOAN AGREEMENT
Attachments: 170A08-170B08 SIB Loan Completion Certificate Signed.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Todd,

Attached is the signed completion certificate from the district, date of 5/26/2022 was provided. Below is a screen shot of the disbursement query, last one 3/1/2023. Please contact me directly with any other questions or concerns. Thank you.

SIB Loan Disbursement By Loan Number Thru 09/05/2023

9/5/2023

Sib Loan Nbr	SAC	Document ID	Name	Trans Date	SUM Line Amount
170A08	4PH9	V04338	DIPERNA & COMPANY LLC	07/10/2018	8,000.00
170A08	4PH7	V38426	SHELLY & SANDS INC	02/07/2019	274,271.91
170A08		V38426	SHELLY & SANDS INC	02/13/2019	0.00
170A08		V56849	SHELLY & SANDS INC	06/05/2019	982,455.74
170A08		V58567	SHELLY & SANDS INC	06/14/2019	304,057.02
170A08		V13080	SHELLY & SANDS INC	08/29/2019	727,775.06
170A08		V18599	SHELLY & SANDS INC	10/03/2019	305,982.80
170A08		V22954	SHELLY & SANDS INC	10/30/2019	932,648.12
170A08		V30244	SHELLY & SANDS INC	12/17/2019	694,955.11
170A08		V43828	SHELLY & SANDS INC	03/18/2020	382,319.82
170A08		V52018	SHELLY & SANDS INC	05/15/2020	470,244.06
170A08		V02680	SHELLY & SANDS INC	07/01/2020	718,239.28
170A08		V08207	SHELLY & SANDS INC	08/05/2020	620,867.14
170A08		V17817	SHELLY & SANDS INC	10/09/2020	984,665.72
170A08		V25310	SHELLY & SANDS INC	12/05/2020	555,341.51
170A08		V51942	SHELLY & SANDS INC	06/18/2021	241,031.22
170A08		V51139	SHELLY & SANDS INC	06/15/2022	60,294.14
170A08		V34774	SHELLY & SANDS INC	03/01/2023	141,022.72
Sib Loan Nbr subtotal:					8,404,171.37
					8,404,171.37

Brenna K. Smathers

SIB Program Manager

ODOT Division of Finance
1980 W. Broad Street, Mail Stop 2130, Columbus, Ohio 43223
614.752.0416
transportation.ohio.gov



From: Todd Fischer <tfischer@brunswick.oh.us>
Sent: Tuesday, September 5, 2023 9:28 AM
To: Alan Klodell <Alan.Klodell@OhioAGO.gov>
Cc: Smathers, Brenna <Brenna.Smathers@dot.ohio.gov>; Gams, Jennifer <Jennifer.Gams@dot.ohio.gov>; Heckert, Johnathan <Johnathan.Heckert@dot.ohio.gov>; Michael DiPerna (mdiperna@dipernafinancial.com) <mdiperna@dipernafinancial.com>; Kenneth Fisher (External) <kfisher@fisher-lpa.com>; Carl S. DeForest <cdeforest@brunswick.oh.us>; Blazek, Andy <Andy.Blazek@dot.ohio.gov>; Ed May <emay@mpo.noaca.org>; jthompson@mpo.noaca.org; Johnson, Terri <Terri.Johnson@dot.ohio.gov>
Subject: RE: CITY OF BRUNSWICK & THE NORTHEAST OHIO AREA WIDE COORDINATING AGENCY NORTH CARPENTER ROAD RECONSTRUCTION PROJECT \$9,712,000 SIB LOAN SIB#170A08 & 170B08/PID#14821 FIRST AMENDMENT TO LOAN AGREEMENT

Hi Alan,

I'm hoping that you could help us or point us in the right direction. We agree that an amendment is necessary, but we are also want to confirm the dates listed in this amendment agreement prior to execution by our City Manager/authorization by City Council.

The completion date listed in the amendment happened a little over year ago (no later than May 26, 2022) and the final disbursement happened about 6 months ago (no later than March 1, 2023 or such subsequent date determined by ODOT in writing). At this time, the City does not have the information to be able to confirm the accuracy of these two dates listed in the amendment and we will need some help.

Our Service Director, Paul Barnett, has also recently reached out to Andy Blazek, Project Engineer ODOT District 3, to confirm the North Carpenter Project was completed, including punch list items and final acceptance, no later than May 26, 2022. As for the SIB loan distribution and reporting, I usually work with Terri Johnson and have included her on this email as well.

We just want to make sure everything is lined up with the funding and the project completion dates before executing the agreement.

Our current plan is to discuss the dates and the project with City Council on the evening of September 11, 2023.

Thank you for your assistance or guidance.

Todd R. Fischer
Finance Director
City of Brunswick, Ohio
(330) 225-9144 ext 3203
tfischer@brunswick.oh.us

This message may contain confidential and/or proprietary information and is intended for the person or entity to whom it was originally addressed. Any use by others is strictly prohibited.

From: Alan Klodell <Alan.Klodell@OhioAGO.gov>

Sent: Tuesday, August 22, 2023 1:32 PM

To: emay@mpo.noaca.org; jthompson@mpo.noaca.org; Todd Fischer <tfischer@brunswick.oh.us>

Cc: 'brenna.smathers@dot.ohio.gov' <brenna.smathers@dot.ohio.gov>; Jennifer.Gams@dot.ohio.gov; Johnathan.Heckert@dot.ohio.gov; Michael DiPerna (mdiperna@dipernafinancial.com) <mdiperna@dipernafinancial.com>

Subject: CITY OF BRUNSWICK & THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY NORTH CARPENTER ROAD RECONSTRUCTION PROJECT \$9,712,000 SIB LOAN SIB#170A08 & 170B08/PID#14821 FIRST AMENDMENT TO LOAN AGREEMENT

Importance: High

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please see attached letter & amendment to loan agreement.....ahk



Alan H Klodell

Senior Assistant Attorney General Executive Agencies—Transportation Unit

Office of Ohio Attorney General Dave Yost

Office number: 614-466-8146

Fax number: 866-771-4221

Alan.Klodell@OhioAGO.gov



Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.

CAUTION: This is an external email and may not be safe. If the email looks suspicious, please do not click links or open attachments and forward the email to csc@ohio.gov or click the Phish Alert Button if available.

COMPLETION CERTIFICATE

SIB Loan 170A08/170B08, NOACA-Brunswick - PID 14821

The undersigned, MICHAEL FAIR, hereby certifies the following:

- (a) The construction completion date occurred not later than MAY 26, 2022.
- (b) That all licenses, permits and approvals for the Project required by any Governmental Authority have been procured and/or obtained.
- (c) That all improvements reflected in the plans and specifications have been made and the provision of the project has been completed, and
- (d) That all project costs have been paid.

As used herein, all undefined terms which are defined in the Loan Agreement shall be defined as set forth therein.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on behalf of ODOT for the North Carpenter Road Project in Medina County, as of the 20 day of April, 2023.

Michael Fair
ODOT District 3

THE CITY OF BRUNSWICK
PROPOSED MOTION



DATE: 9/11/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Kayla Pawlowski

COPY: Mayor Ron Falconi

MOTION: Motion to go out to bid for janitorial services for the Brunswick Community Recreation and Fitness Center and the Police Department/City Hall.

BACKGROUND:

PURPOSE AND EXPLANATION: We need a contractor to provide janitorial services for the Brunswick Community Recreation Center and the Police Department/City Hall. It does not need to be the same vendor for both locations. They are separate bids.

IMPLEMENTATION SCHEDULE: Would like to enter into a three (3) year contract with a vendor.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: All costs are subject to bid result analysis and future Council appropriations. State Law requires sufficient appropriations to be in place prior to a contract being signed and paid.

Current janitorial costs for the Recreation Center are currently charged to 131-0830-54260. The costs for City Hall and the Division of Police are split up based on square footage. City Hall's square footage of 22,561 sq ft or 64.46% of the total contract is charged to account #001-0441-54260 and the Division of Police has a square footage of 12,439 sq ft or 35.54% of the total of the contract is charged to 114-0520-54260.

RECOMMENDED ACTION:

ADDITIONAL INFORMATION:

PROPOSED LEGISLATION



DATE: 9/11/2023

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. 70-2023** - An emergency resolution commending Janet McCollom for her years of service to the City of Brunswick. - **1st Reading** (To be brought from Committee-of-the-Whole, *Council/Nicholas Hanek*)

BACKGROUND: Janet McCollom submitted her resignation to go into effect on August 31, 2023.

PURPOSE AND EXPLANATION: A resolution to commend Janet McCollom for her years of service to the City of Brunswick and its citizens.

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?

ADDITIONAL INFORMATION:



CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 70-2023

By: Committee-of-the-Whole

AN EMERGENCY RESOLUTION COMMENDING JANET MCCOLLOM FOR HER YEARS OF SERVICE TO THE CITY OF BRUNSWICK.

WHEREAS: Janet McCollom has served the community for almost 42 years; and

WHEREAS: Janet McCollom has served with dedication and kindness and is highly regarded throughout the community; and

WHEREAS: During her tenure, she served as an Administrative Assistant to the Division of Law.

SECTION 1: That the Brunswick City Council hereby expresses its sincere gratitude and appreciation to Janet McCollom for the manner in which she has carried out her responsibilities.

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

SECTION 3: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, or welfare. 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