



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	Joseph Delsanter At-Large	Keith Kuczma Ward 4
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Administration Representatives

SEPTEMBER 11, 2023

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Correspondence
4. Approval of Minutes
 - (a) Regular Council Meeting Minutes dated July 24, 2023
 - (b) Special Council Meeting Minutes dated July 25, 2023
5. Mayor's Report:
 - (a) Mayor's Court Financial Reports for the months ending July 2023 and August 2023 will be posted on the website and added to the minutes for the record.
 - (b) Presentation of the Auditor of State Award with Distinction to the City of Brunswick
 - (c) Proclamation in recognition of Janet McCollom's years of service
 - (d) 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
 - Finance Committee Minutes dated July 24, 2023
 - Safety & Environment Committee.....Mr. Kuczma
 - Safety & Environment Committee Minutes dated July 24, 2023
 - Planning & Zoning Committee.....Mr. Delsanter
 - Planning & Zoning Committee Minutes dated July 24, 2023
 - Parks, Recreation & Community Committee.....Mrs. Piper

Building & Building Code Committee.....Mr. Abella

8. Other Committees, Boards and Commissions

(a) Committee-of-the-Whole Minutes dated August 9, 2021 and July 24, 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. 45-2023 - An ordinance establishing Chapter 1292 of the City of Brunswick Codified Ordinances to regulate electric vehicle charging stations. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 59-2023 - An ordinance rezoning the 20.1561 acre parcel of real property located at 897 N. Carpenter Road and further identified as PPN 003-18B-27-260 from the R-R Rural Residential District to the R-L Low Density Residential District. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

c. 1st Reading(s)

ORD. NO. 64-2023 - An emergency ordinance establishing Chapter 446 of the City of Brunswick Codified Ordinances to regulate Unmanned Aircraft Systems - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Brian Ohlin*)

RES. NO. 65-2023 - An emergency resolution approving the creation of a Designated Outdoor Refreshment Area (DORA). - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 66-2023 - An emergency ordinance amending Section 454.04 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 67-2023 - An emergency ordinance amending Chapter 612 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

RES. NO. 68-2023 - An emergency resolution authorizing the City Manager to reimburse the City of Medina an amount not to exceed \$43,131.46 from the City of Brunswick HOME Program income for an eligible private rehabilitation project as part of the PY 2022 CHIP Program. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

RES. NO. 69-2023 - A resolution authorizing the City Manager to enter into a municipal engineering consulting services agreement with Chagrin Valley Engineering, LTD. for the provision of professional municipal engineering services and designating Matthew M. Jones, P.E., as Consulting Municipal Engineer. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

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*)

RES. NO. 71-2023 - An emergency resolution authorizing the City Manager to execute all necessary documents to accept a Safety Intervention Grant from the Bureau of Workers' Compensation for the Division of Fire. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Greg Glauner*)

RES. NO. 72-2023 - An emergency resolution authorizing the City Manager to enter into an agreement with Set in Stone Contracting, LLC for the 2023 Catch Basin Repair Program in an amount not to exceed \$83,340.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

RES. NO. 73-2023 - An emergency resolution amending Resolution No. 9-2022 by increasing the not to exceed amount for the purchase of a new 8-ton truck body with snow/ice package from Henderson Products for the Service Department by \$9,790.00 from \$87,711.00 to \$97,501.00.- **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

RES. NO. 74-2023 - An emergency resolution authorizing the City Manager to enter into an agreement with Inliner Solutions, LLC for the 2023 Storm Sewer Slip Lining Program in an amount not to exceed \$149,065.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

11. City Manager's Report
12. Open Forum
13. Unfinished Business
14. New Business
15. Adjournment

FINANCE COMMITTEE

July 24, 2023

IN ATTENDANCE: Chairman Nicholas Hanek, Committee Member Brandon Lambert, Joseph Delsanter, Tim Smith, Keith Kuczma, Kristy Piper, City Manager/Safety Director Carl DeForest, Law Director Kenneth Fisher, Community & Economic Development Director Grant Aungst, Finance Director Todd Fischer, Clerk of Council Laura Timura, News Media

The meeting convened at 5:52 p.m.

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

DISCUSSION ITEMS:

- a) **RES. NO. 56-2023** - An emergency resolution authorizing the City Manager to enter into an agreement with Stifel, Nicolaus & Company, Inc. for underwriting services in an amount not to exceed \$60,000.00. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

Mr. Fischer revealed that eleven bids for RFQs came in. After scoring them, the Division of Finance found that Stifel, Nicolaus, & Company, Inc. scored the highest. The Administration is requesting Council's authorization to enter into an agreement.

The reason for the emergency is to align the underwriting services with the architect and Construction Manager At Risk process.

Mr. Lambert moved Resolution Number 56-2023 to tonight's Council Agenda of July 24, 2023, as an emergency with suspension of the rules. Vote – 2 Ayes, 0 Nays.

- b) **ORD. NO. 57-2023** - An emergency ordinance amending ordinances #103-2022, #9-2023, #19-2023 and #34-2023 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 Finance Committee, *Administration/Todd Fischer*)

Mr. Fischer remarked that this ordinance is to keep the appropriation budget up to date as much as possible before the Council recess. He added that the Administration is initiating the 2024 budget process, and this ordinance allows the Division of Finance to keep the estimates up to date in 2023 so that the Division of Finance can know what the Administration is starting with in 2024.

Mr. Fischer continued that this ordinance requests for a net decrease in the appropriation budget of about \$175,000. Most of the amendments are to set aside money that the Administration no longer needs now but needs in the future.

Mr. Fischer revealed that the City has been awarded \$4.5 million for the Section 219 Grant, which deals with stormwater, but Congress has not funded the grant yet.

Mr. Fischer added that the Division of Finance wants to reduce about \$70,000 in appropriations for Police and Fire funds because the State Legislature did not adopt H.B. 512.

Mr. Fischer remarked that the Old Eagle Drive Project has been completed, and there are about \$56,000 in unused appropriations there.

Mr. Fischer divulged that the City received a CDBG grant award to resurface McKinley Road and Garfield Road. The \$121,000 is free to residents of the City because it would be paid through the CDBG grant.

Mr. Fischer indicated that the Division of Fire has set aside additional capital due to emergency medical billing revenues going up.

Mr. Fischer concluded that a \$75,000 increase has been requested for professional and ongoing legal services not included in the original budget.

Mr. Lambert moved Ordinance Number 57-2023 to tonight's Council Agenda of July 24, 2023, as an emergency with suspension of the rules. Vote – 2 Ayes, 0 Nays.

- c) **ORD. NO. 58-2023** - An emergency ordinance to advance funds. - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*)

Mr. Fischer disclosed that in addition to reviewing the budget, the Division of Finance looked at any completed grants the City may have, and there were two. One is for the Community Engagement Grant through the Department of Justice, and the other is the OPWC Old Eagle Drive Grant that has been completed. Since the grants have been completed, the Division of Finance is looking to advance those dollars that the City fronted since the City has been reimbursed by the grant total, so the Division of Finance would like to return that money to the General Fund.

Mr. Lambert moved Ordinance Number 58-2023 to tonight's Council Agenda of July 24, 2023, as an emergency with suspension of the rules. Vote – 2 Ayes, 0 Nays.

- d) **RES. NO. 61-2023** - An emergency resolution declaring the official intent and reasonable expectation of the City of Brunswick on behalf of the State of Ohio (the borrower) to reimburse the City's OPWC Magnolia Drive Improvement Fund #374 for the Magnolia Drive Phase II improvements (OPWC Project #CI06AA) with the proceeds of tax-exempt debt of the State of Ohio - **1st Reading** (To be brought from Finance Committee, *Administration/Todd Fischer*).

Mr. Fischer divulged that the City received an OPWC Grant for the Magnolia Drive Phase II Project. The application came in and was sent by the City Manager last week. The application includes a \$665,000 OPWC Grant award and a \$160,000 OPWC loan at zero percent interest. To get that loan, the State of Ohio is borrowing that money and wants to make sure that the money is spent in accordance and is tax-exempt. This resolution must be filed with the application so the Administration can attest that the money is being spent on a government project and remains tax-exempt.

Mr. Smith asked how the City would pay the loan back.

Mr. Fischer answered that the loan would be paid back through motor vehicle permissive taxes in equal installments twice a year for 20 years.

Mr. Lambert moved Resolution Number 61-2023 to tonight's Council Agenda of July 24, 2023, as an emergency with suspension of the rules. Vote – 2 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Fischer revealed that the June Financial Reports have been released.

Mr. Fischer added that the 2024 Budget Process just started and will be ramped up internally in August and September.

Mr. Fischer continued that the 2022 Annual Comprehensive Financial Report was officially released in June by the Auditor of State and Clerk of the Bureau.

Mr. Fischer disclosed that he would continue to work on disclosures for outstanding debt for all the City's investors.

Mr. Kuczma asked what the City's Moody's rating is and if it has increased.

Mr. Fischer explained that part of the underwriting agreement would be to increase the City's Moody's rating. The underwriters would be a big part of that process.

ADJOURNMENT:

Being no further business, Mr. Lambert moved to adjourn at 6:02 p.m. Vote – 2 Ayes, 0 Nays.

Respectfully submitted,

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

Nicholas Hanek
Chairman

SAFETY & ENVIRONMENT COMMITTEE

July 24, 2023

IN ATTENDANCE: Chairman Keith Kuczma, Committee Member Kristy Piper, Committee Member Joseph Delsanter, Nicholas Hanek, Tim Smith, Brandon Lambert, City Manager/Safety Director Carl DeForest, Law Director Kenneth Fisher, Community & Economic Development Director Grant Aungst, Finance Director Todd Fischer, Clerk of Council Laura Timura, News Media

The meeting convened at 5:41 p.m.

GENERAL DISCUSSION:

Mr. Kuczma revealed there was a coyote attack a few weeks ago.

Mr. DeForest shared that there are many indicators that the complainer's story was fabricated. He continued that the individual was asked to come in for a voice-breath analyzer test but failed to appear. He added that the resident did not file a police report regarding the alleged attack and that the Administration did not find out about it until five days after it occurred. The resident then went to Cleveland Clinic to report the bite he sustained during the alleged attack.

Mr. DeForest reported that the resident claimed a coyote attacked his pit bull after jumping over a fence. He concluded that it is important that residents know that there is not a dangerous coyote in the area.

Mr. Kuczma divulged that some residents have been calling him asking about what the City is doing regarding the alleged coyote attack.

Mr. Delsanter disclosed that he had heard the coyote was shot. He questioned if there was a shooting since there appeared to be no coyote attack.

Mr. DeForest indicated that there was no shooting. The complainer asserted that the coyote chased his two pit bulls and bit him when he tried to stop the attack. The resident went inside his house to retrieve a firearm but could not gain access to his firearm safe. He then grabbed a metal pipe and beat the coyote. The coyote then ran off with its injuries.

Mr. Hanek disclosed that appropriate steps will be taken as more information about the incident is uncovered.

Mr. Kuczma asked if a report was made to the State of Ohio regarding the incident.

Mr. DeForest revealed that the Administration filed a report with the State because the Health Department contacted the City. The Health Department then contacted Cleveland Clinic, indicating that the hospital had to file some paperwork due to the allegation.

Mr. Kuczma discussed that some residents have been complaining about the deer population in the City.

Mr. DeForest revealed that he met with Lieutenant Safran and Animal Control Officer Mike Kellums regarding the deer population and looked at the number of deer-involved crashes in the City. The number of crashes has been very steady over the past seven years. He added that he had received three total complaints about deer.

Mr. Hanek reminded that prior Brunswick Councils worked on legislation regarding animals to curb some of the problems the City was anticipating. This allowed the Animal Control Division to enforce the issues. He recommended that other communities follow Brunswick's process to help allow for enforcement and regulation before it becomes an issue.

Mr. Delsanter concurred that deer problems may happen occasionally, but there are not enough incidents to legislate against the deer population.

Mr. Smith noted that Officer Kellums mentioned that he was receiving multiple calls regarding fawns which may indicate that the deer population is increasing. He added that he does not see that the number of deer has risen.

ADJOURNMENT:

Being no further business, Mrs. Piper moved to adjourn at 5:49 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,



Keith Kuczma
Chairman

PLANNING & ZONING COMMITTEE

July 24, 2023

IN ATTENDANCE: Chairman Joseph Delsanter, Committee Member Brandon Lambert, Committee Member Kristy Piper, Nicholas Hanek, Tim Smith, Keith Kuczma, City Manager/Safety Director Carl DeForest, Law Director Kenneth Fisher, Community & Economic Development Director Grant Aungst, Finance Director Todd Fischer, Clerk of Council Laura Timura, News Media

The meeting convened at 5:50 p.m.

DISCUSSION ITEMS:

- a) **ORD. NO. 59-2023** - An ordinance rezoning the 20.1561 acre parcel of real property located at 897 N. Carpenter Road and further identified as PPN 003-18B-27-260 from the R-R Rural Residential District to the R-L Low Density Residential District. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

Mr. Aungst revealed that the property is prime real estate. The property has always potentially been in the plan to develop with single-family homes, which is what is being proposed. The homes will be a tremendous enhancement to the City.

Mr. Aungst continued that at the Planning Commission meeting, members of the public were quite happy with this development as there were no questions during the open dialogue period.

Mr. Delsanter stated that the property is in a decent spot for a development.

Mr. Aungst added that the homes will be valued at \$700,000 or more. Approximately 23-26 homes will be in the proposed development.

Mr. Delsanter questioned if it would be difficult to put a common area with green space in the development.

Mr. Aungst answered that the development is required to have green space.

Mr. Lambert asked Mr. Aungst to clarify the language in the Code where single-family homes are listed under cluster homes.

Mr. Aungst responded that the development would be single-family, and that he clarified that language for the residents at the Planning Commission meeting. He continued that the Administration has been looking to update the Code in general to fix such discrepancies.

Mr. Smith inquired about the size of the lots.

Mr. Aungst answered that the lots would be about 85 feet wide but quite deep.

Mr. Lambert added that the size of the lots ranges from 15,000 to 37,000 square feet.

Mrs. Piper moved Ordinance 59-2023 to tonight's Council Agenda of July 24, 2023, for three readings. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mrs. Piper moved to adjourn at 5:52 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Joseph Delsanter".

Joseph Delsanter
Chairman



COMMITTEE OF THE WHOLE

July 24, 2023

IN ATTENDANCE: Nicholas Hanek, Joseph Delsanter, Keith Kuczma, Tim Smith, Kristy Piper, Brandon Lambert, Michael Abella Jr., City Manager/Safety Director Carl DeForest, Law Director Kenneth Fisher, Community & Economic Development Director Grant Aungst, Finance Director Todd Fischer, Clerk of Council Laura Timura, Columbia Gas Representative Ben Loomer, News Media

The meeting convened at 6:02 p.m.

Mr. Abella arrived at 6:10 p.m.

DISCUSSION ITEMS:

a) Columbia Gas Project and W. 130th Street Impact

Mr. Loomer explained that it had taken two years to get to this point in the project. He presented a handout to Council regarding the project.

Mr. Loomer divulged that the project pertains to creating a new system on W. 130th Street between Marland Drive and Boston Road. The project is due to an upstream supplier taking a line in the existing system out of service. Columbia Gas is a delivery-only entity. It picks up the gas from an upstream supplier and delivers it to the customers. It has contracts with the upstream supplier. The current upstream supplier is retiring or changing the use of that line on February 28. To supplement the loss of that system and the 2,400 customers who are receiving gas from that system, a new system must be constructed to continue to serve those 2,400 residents. If the existing system cuts out, customers will not just lose gas, but days under 10 degrees may not have reliable gas.

Mr. Loomer revealed that the project has three components, one of which is in Brunswick and two of which are in Hinckley Township. The new system will start from Marland Drive and go to Boston Road. Once that is in place, the loss of the existing system will be supplanted.

Mr. Loomer continued that there would be about four months of work regarding the schedule. There will be little pockets of traffic disruption in the immediate work zone, but by and large, W. 130th Street will not be fully closed for most of the project. There will be about two to three months of impact on W. 130th Street.

Mr. Loomer informed that the project would begin at the school in an effort to complete as much as possible prior to school starting on August 23rd.

Mr. Loomer disclosed that regarding public notification, Columbia Gas has contacted almost all of the residents in the area. A public meeting was hosted last Thursday with pretty good attendance. A press release has gone out, and social media posts have been made. Regular email updates and letters to residents will be continually provided.

Mr. Delsanter stated that there would be an impact on parents dropping off their children. He added that the City should advise businesses in the industrial parks to continue moving their traffic to Center Road as much as possible.

Mr. Loomer explained that Columbia Gas will meet with the City weekly to discuss updates on the project.

Mr. Abella advised to monitor the traffic surrounding the schools. He noted that the City will work with Columbia Gas regarding notifying residents and ensuring their safety.

Mr. Loomer clarified that Columbia gas will learn the bus schedules and peak times and work around them.

Mr. Loomer concurred that Columbia Gas would be willing to work with the Division of Police and Division of Fire on the project.

Mr. Lambert asked if there was a plan if the weather took a toll.

Mr. Loomer responded that most of the work would continue despite bad weather. There is also an emergency solution to supply gas if the weather stops the project from being completed by February 28th.

Mr. Smith asked if any parts of the gas system would hit the industrial park.

Mr. Loomer replied that the project area is contained to the 2,400 residents, but the project will aid in the future growth and development of the City.

Mr. Smith inquired if there was a way to notify employees of the surrounding industrial park about the project so that they could reroute commercial traffic.

Mr. Loomer answered that the notifications have been prioritized around the residents directly affected by the construction. Still, as more notifications go out, commercial entities have been contacting Columbia Gas about the project.

Mr. Hanek questioned if putting in a new pipeline would be easier than moving an existing one.

Mr. Loomer responded that Columbia Gas leaves all of its facilities in place. An existing facility would not be removed.

MOTION ITEMS:

- a) A motion authorizing the City Manager to enter into a FY 2023 Opioid Settlement Fund Disbursement Agreement with Cathy's House, Inc. to prevent, treat and support recovery from addiction from opioid and/or other co-occurring substance abuse and/or mental health conditions.

Mr. DeForest explained that this motion is a result of nationwide lawsuits against opioid manufacturers and distributors. Last year, the City received about \$10,000 in opioid settlement funds.

Mr. DeForest continued that the City has received about \$32,500 in settlement funds and this motion is to send this money to Cathy's House, Inc. so that they can use it at a local facility to help people who need rehabilitation.

Mr. Hanek explained that he wants to make sure that there are monitoring and compliance procedures in the agreement to ensure that the City is being good stewards of taxpayer money.

Mr. DeForest responded that Cathy's House recently filed a report indicating what they had done with the money and how they are spending it.

Mr. Kuczma asked if there are any other rehabilitation facilities within the City limits.

Mr. DeForest responded that there are not.

Mr. Delsanter inquired if Council will see a copy of the report from Cathy's House.

Mr. DeForest answered that he would send the report to Council.

Mr. Lambert moved to authorize the City Manager to enter into a FY 2023 Opioid Settlement Fund Disbursement Agreement with Cathy's House, Inc. to prevent, treat and support recovery from addiction from opioid and/or other co-occurring substance abuse and/or mental health conditions in the amount of \$32,634.08. Vote – 7 Ayes, 0 Nays.

- b) Motion to authorize the City Manager to enter into a five-year depository agreement with Key Bank from October 2, 2023 through October 1, 2028.

Mr. DeForest revealed that the City has had a long-standing relationship with Key Bank, but the depository agreement with them expires on October 1, 2023. This motion is to enter into an additional five-year agreement.

Mr. Delsanter moved to authorize the City Manager to enter into a five-year depository agreement with Key Bank from October 2, 2023 through October 1, 2028. Vote – 7 Ayes, 0 Nays.

REVIEW LEGISLATION:

- a) **ORD. NO. 55-2023** - An emergency ordinance amending Chapter 1060 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Todd Fischer*)

Mr. Fischer disclosed that when Council increased the refuse rates, the Division of Finance overlooked the fact that the waiver charges in the Codified Ordinances needed to be updated. This ordinance is to correct the figures in the Codified Ordinances.

Mr. Smith asked what constitutes a nuisance regarding refuse.

Mr. Hanek responded that everything else in the Code remains the same except for the waiver charges.

Mrs. Piper moved Ordinance Number 55-2023 to tonight's Council Agenda of July 24, 2023, as an emergency with suspension of the rules. Vote – 6 Ayes, 0 Nays. (*Mr. Abella was not in attendance.*)

- b) **RES. NO. 60-2023** - An emergency resolution determining to proceed to submit to the electors of the City of Brunswick the question of renewing an existing 1.2-mill tax levy for ten (10) years for the general construction, reconstruction, resurfacing and repair of streets, roads and bridges in the City, pursuant to Sections 5705.19(g) and 5705.191 of the Revised Code. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Carl DeForest*).

Mr. DeForest disclosed that this resolution allows the City to place the road levy renewal on the ballot.

Mr. Hanek added that this resolution is for the road levy as is, not an increase.

Mr. Lambert moved Resolution Number 60-2023 to tonight's Council Agenda of July 24, 2023, as an emergency with suspension of the rules. Vote – 7 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Hanek announced that there would be a Special Council Meeting this week regarding the new fire station.

Mr. DeForest requested that Council pass a resolution approving the contract with App Architecture. The contract was just finalized, so there was not enough turnaround time to get the resolution before Council tonight. App Architecture made the preliminary drawings for the fire station. The City will also be advertising for the Construction Manager At Risk in the next week or two.

Mr. Hanek called a Special Council Meeting for 7:00 p.m. on July 25, 2023.

Mr. Lambert moved to waive notice of the Special Council Meeting on July 25, 2024 at 7:00 p.m.
Vote – 7 Ayes, 0 Nays.

EXECUTIVE SESSION:

Mr. Delsanter moved to go into Executive Session to discuss the subject of pending or imminent court action and the appointment, employment, dismissal, discipline, demotion, or compensation of public employees, seconded by Mr. Abella. Roll Call – Ayes – 7, Mr. Hanek, Mr. Lambert, Mr. Smith, Mr. Abella, Mr. Delsanter, Mr. Kuczma, Mrs. Piper. Nays – 0

Mr. Abella moved to adjourn from Executive Session. – Vote – 7 Ayes, 0 Nays.

The Committee-of-the-Whole reconvened.

Mr. Abella moved to adjourn the Committee of the Whole Meeting at 7:00 p.m. and reconvene following the Council Meeting. Vote – 7 Ayes, 0 Nays.

Mr. Abella moved to reconvene Committee-of-the-Whole and Executive Session to discuss the subject of pending or imminent court action and the appointment, employment, dismissal, discipline, demotion, or compensation of public employees. Roll Call – Ayes – 7, Mr. Hanek, Mr. Lambert, Mr. Smith, Mr. Abella, Mr. Delsanter, Mr. Kuczma, Mrs. Piper. Nays – 0

Mr. Delsanter moved to adjourn from Executive Session. – Vote – 7 Ayes, 0 Nays.

The Committee-of-the-Whole reconvened.

Mr. Lambert moved to retain Kenneth J. Fisher Co. L.P.A. to act as legal counsel for the City of Brunswick relative to litigation to challenge the constitutionality of Ohio Revised Code Section 5501.60 as enacted pursuant to Am. Sub. H.B. 23. Vote – 7 Ayes, 0 Nays

ADJOURNMENT:

Being no further business, Mr. Smith moved to adjourn the Committee of the Whole Meeting at 8:30 p.m.
Vote – 7 Ayes, 0 Nays.

Submitted Respectfully,

Irene Jayapandian
Assistant Clerk of Council



COMMITTEE OF THE WHOLE MEETING

August 9, 2021

IN ATTENDANCE: Chairman Joseph Delsanter, Committee Member Michael Abella Jr., Committee Member Anthony Capretta, Committee Member Nick Hanek, Committee Member Brian Ousley, Committee Member Valerie Zak, Committee Member Thomas Miller, Law Director Ken Fisher, Council Clerk Fijabi Julien-Gallam, News Media

The meeting convened at 6:00 p.m.

LEGISLATION ITEM:

RES. NO. 86-2021. An emergency resolution authorizing the City Manager to accept the material terms of the OneOhio Subdivision Settlement pursuant to the OneOhio Memorandum Of Understanding and consistent with the terms of the July 12, 2021 National Opioid Settlement and to execute the OneOhio Subdivision participation form. – **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

Mr. Delsanter made a motion to excuse Mr. Hanek for just cause. Vote – 6 Ayes, 0 Nays

Mr. Hanek joined the meeting at 6:02 p.m.

Mr. Fisher stated that **RES. NO. 86-2021** is pursuant to the rules of the OneOhio Subdivision Settlement and includes political subdivisions throughout the state for opioid litigation, and this resolution formalizes council's participation in the settlement. He further stated that 95% of the litigating subdivisions must approve the proposed settlement terms and conditions, 1-1 memorandum settlement on or before August 13, 2021, hence the reason for tonight's special meeting and the emergency clause attached thereto. If 95% of the litigating subdivisions participate, the estimated total payable to the State of Ohio is \$804,865.429.00 and the City of Brunswick is estimated to receive \$168,842.29. If 100% of the litigating subdivisions participate, the city could receive \$241,204.13. The current plan is to distribute the funds over a period of eighteen years but this could change.

Mr. Fisher pointed out that the Law Department is working closely with outside council, Elk & Elk, specifically Attorney Greg Brown, from the Houston law firm that specializes in this type of litigation. Mr. Fisher circulated correspondence that he has had with Mr. Brown.

Mr. Fisher further brought out that according to the Finance Director, Mr. Fischer, if **RES. NO. 86-2021** passes, a special fund would be established in September 2021, because the funds have to be expended in a specific manner. This could mean that the funds would go to education, law enforcement or Narcan training for the police force, but clarification would be made later.

Mr. Abella asked if there is a term pad on the \$168,842.29 at 95% participation.

Mr. Fisher replied yes that it could be payable immediately or over a period of 18 years.

Mr. Delsanter asked for clarification on the payment schedule.

Mr. Fisher stated that it is likely that a lump sum payment would be made but he can't say for sure.

Mr. Abella stated that this piece of legislation would allow the city to receive this money and would help to establish a fund in September 2021, with the proceeds going into that fund for specific expenditures, that would be determined at a later date.

Mr. Capretta made a motion to move **RES. NO. 86-2021** to tonight's City Council agenda as an emergency with suspension of the rules. Vote – 7 Ayes, 0 Nays.

GENERAL DISCUSSION

There is none.

ADJOURNMENT:

Being no further business, Mr. Hanek moved to adjourn the Committee of the Whole Meeting at 6:07 p.m. Vote – 6 Ayes, 0 Nays.

Respectfully submitted,

Elana Green

Assistant Clerk of Council

PROPOSED LEGISLATION



DATE: 9/11/2023

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. 45-2023** - An ordinance establishing Chapter 1292 of the City of Brunswick Codified Ordinances to regulate electric vehicle charging stations. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: Legislation is proposed to regulate electric vehicle charging stations on residential and non-residential properties.

PURPOSE AND EXPLANATION: Legislation is necessary to create Chapter 1292 of the City of Brunswick Codified Ordinances, which provides definitions of a plug-in electric vehicle (PEV); electric vehicle charging station; and electric vehicle supply equipment (EVSE), in addition to permitted locations and screening for the above.

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 adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 45-2023

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

AN ORDINANCE ESTABLISHING CHAPTER 1292 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES TO REGULATE ELECTRIC
VEHICLE CHARGING STATIONS.

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

SECTION 1: That Chapter 1292 of the Codified Ordinances titled “Electric Vehicle Charging Stations” is hereby established to read as follows:

“1292.01 DEFINITIONS.

- (a) “PEV” means a plug-in electric Vehicle or Motor Vehicle, as defined in Codified Ordinance Chapter 402, that can utilize an external source of electricity (such as a wall socket that connects to the power grid) to store electrical energy within its onboard rechargeable battery packs, to power an electric motor and help propelling the wheels.
- (b) “Charging Station” means a PEV battery charging station located on a public or private parking space which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in a PEV. Charging Stations are outlined as follows:
 - (1) AC Level 1 chargers use a standard 120V household outlet, but provide slow charging speeds, usually a minimum of 24 hours.
 - (2) AC Level 2 charging stations require a 240V outlet and charge in approximately four to ten hours.
 - (3) AC Level 3/DC Level 2, known as DC Fast Charging Stations, charge in approximately 30 to 45 minutes.
- (c) “EVSE” means an electric vehicle supply equipment, as defined in the National Electric Code, is the installation and/or maintenance of AC Level 1, AC Level 2 and AC Level 3/DC Level 2 Charging Stations. Any required building permits, electrical permits or other applicable permits shall be obtained prior to the location, construction, installation, or operation of EVSE in the City of Brunswick.

1292.02 PEV CHARGING STATIONS/EVSE ON RESIDENTIAL PROPERTY.

- (a) PEV Charging Stations/EVSE shall be permitted in all residential districts and residential Special Planning Districts, subject to the following regulations:
 - (1) PEV Charging Stations/EVSE on residential properties shall not be located within the front, side or rear setbacks of the subject property.

- (2) Residential properties with more than five exterior PEV Charging Stations/EVSE shall provide adequate screening thereof from adjacent residential properties/uses with landscaping, fencing, or a combination thereof and achieve at least 50% opacity at installation.
- (3) PEV Charging Stations/EVSE shall only be utilized by the residents of the subject property or their invited guests without charge.
- (4) A certificate of zoning compliance issued by the Division of Building shall be required for PEV Charging Stations/EVSE located on residential properties.

1292.03 PEV CHARGING STATIONS/EVSE ON NON-RESIDENTIAL PROPERTY.

- (a) PEV Charging Stations/EVSE shall be conditionally permitted in the GW-C Gateway Commercial District, C-G General Commercial District, C-N Neighborhood Commercial District, C-H Highway Interchange Commercial District, I-L Light Industrial District, and commercial portions of Special Planning Districts, subject to the following regulations:

- (1) PEV Charging Stations/EVSE located at new/used car dealerships in the C-G General Commercial and C-H Highway Interchange Districts or Automobile Filling Stations are permitted to be approved administratively by the Division of Building. Government-owned or operated properties located in any Zoning District may also be approved administratively by the Division of Building.

- (2) Properties with five or less PEV Charging Stations/EVSE that do not have overhead canopies shall be conditionally permitted as follows:

- A. Conditional use approval pursuant to Chapter 1274 and site plan approval pursuant to Chapter 1278.

- B. PEV Charging Stations/EVSE shall not be located within the front yard setback of the applicable zoning district and shall be located the greater of ten feet or the required setback in the applicable zoning district from the side or rear property lines. PEV Charging Stations/EVSE shall be located no less than thirty feet from property line of any adjacent residential zoning district.

- C. If a for-fee public PEV Charging Station/EVSE is installed, only AC Level 2 and AC Level 3/DC Level 2 PEV Charging Stations/EVSE shall be permitted.

- D. The height of PEV Charging Station/EVSE shall not exceed six feet. All connections must be retractable and stored so as not to impede the parking space.

- E. The size of a PEV Charging Station/EVSE shall not exceed four square feet.

(3) Properties with more than five PEV Charging Stations/EVSE, or PEV Charging Stations/EVSE that include overhead canopies, shall be permitted per the following:

- A. Conditional use approval pursuant to Chapter 1274 and site plan approval pursuant to Chapter 1278.
- B. PEV Charging Stations/EVSE shall not be located within the front or rear setbacks of the applicable zoning district and shall be located no less than thirty feet from the property line of any adjacent residential zoning district. PEV Charging Stations/EVSE shall be permitted within the side yard setback in a location so as not to obstruct vehicular or pedestrian circulation and shall be located a minimum of ten feet from the side property line. All PEV Charging Stations/EVSE shall be installed within a landscaped island.
- C. PEV Charging Stations/EVSE located adjacent to residential properties/uses or within the side yard setback shall be screened with landscaping, fencing, or a combination thereof and achieve a least 50% opacity at installation.

1292.04 PARKING.

Parking spaces designated for PEV Charging Stations/EVSE shall not apply to the required minimum number of parking spaces in Chapter 1276, with the exception of new/used car dealerships. Parking space identification for PEV Charging Stations/EVSE shall be installed as follows: "Electric vehicle charging station" and "\$100 fine for non-electric vehicles".

1292.05 SIGNAGE.

Signage shall be located only on the PEV Charging Station/EVSE and shall not exceed two square feet. Video monitors shall not exceed one square foot. No poles or signage shall be located above the height of the base PEV Charging Station/EVSE unit.

1292.06 HOURS OF OPERATION.

PEV Charging Stations/EVSE shall be permitted to be open only during normal business hours of the establishment where they are located.

1292.07 LIGHTING.

Lighting shall be installed in compliance with Section 1276.14(a), whereby a minimum 0.6 footcandle level shall be provided for PEV Charging Stations/EVSE and associated pedestrian areas.

1292.08 PERMITS/INCOME TAX.

The property owner shall be responsible for obtaining necessary PEV Charging

Station/EVSE station permits from the Division of Building and register with the City of Brunswick Tax Department. The City Income Tax form must also be completed and filed with the application.

1292.09 MAINTENANCE.

The property owner shall be responsible for the continued maintenance of the PEV Charging Station/EVSE. If the PEV Charging Station/EVSE is non-operational for a period of greater than three months, it shall be removed within thirty days. Testing of the PEV Charging Station/EVSE shall be performed on-demand as requested by the Division of Building.

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: 9/11/2023

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. 59-2023** - An ordinance rezoning the 20.1561 acre parcel of real property located at 897 N. Carpenter Road and further identified as PPN 003-18B-27-260 from the R-R Rural Residential District to the R-L Low Density Residential District. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: The Planning Commission held a public hearing at their meeting on July 13, 2023 and recommended approval to City Council to rezone a 20.156100-acre parcel for property located at 897 North Carpenter Road, from the existing R-R Rural Residential District to the R-L Low Density Residential District, in conjunction with the preliminary subdivision plan, to construct a single-family cluster development consisting of 26 homes.

PURPOSE AND EXPLANATION: The rezoning and preliminary subdivision plan are subject to City Council approval, pursuant to Section 6.02(c)(6) of the City of Brunswick Charter and Section 1224.04(d) of the Subdivision Regulations.

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:**

PRELIMINARY
SUBDIVISION PLAN
FOR
CARPENTER GLEN
CITY OF BRUNSWICK, COUNTY OF MEDINA, STATE OF OHIO

SITE INFORMATION:

SITE LOCATION: 897 CARPENTER ROAD, BRUNSWICK, OHIO
PARCEL: 003-18B-27-280
PARCEL AREA: 20.1 AC GROSS
0.5 AC EXISTING ROW
19.6 AC NET AREA

PARCEL OWNER: TRIBAN INVESTMENT LLC
EXISTING ZONING: R-R RURAL RESIDENTIAL DISTRICT
PROPOSED ZONING: R-L LOW DENSITY RESIDENTIAL DISTRICT
PROPOSED DEVELOPMENT ZONING:
R-L CONDITIONALLY PERMITTED USE:

SINGLE FAMILY CLUSTER DEVELOPMENT (CHAPTER 1284)
CONVENTIONAL SINGLE FAMILY DWELLINGS

- PER CODE
- | | | | |
|--------------------------------|----------------------|-------|------------------------|
| -MIN. DEVELOPMENT AREA: | 15 AC | SHOWN | 20.1 AC |
| -MAX. DENSITY: | 2.2 D.U./AC (43) | | 1.3 D.U./AC (26 UNITS) |
| -MIN. OPEN SPACE: | 30% (6.03 AC) | | 32% (6.54 AC) |
| -MIN. LOT AREA: | 13,600 SF | | 13,892 SF |
| -MIN. LOT FRONTAGE: | 85' | | 85' |
| -MIN. FRONT YARD: | 40' | | 40' |
| -FRONT YARD VARIATION: | 35 TO 45' | | 35 TO 45' |
| -ADJACENT SAME FRONT YARD: | 35' | | 35' |
| -MIN. REAR YARD: | 35' | | 35' |
| -MIN. SIDE YARD, FRONT GARAGE: | 15' & 5' | | 15' & 5' |
| -MIN. SIDE YARD, SIDE GARAGE: | 26' | | 26' |
| -MIN. BUILDING SEPARATION: | 20' | | 20' |
| -MIN. DISTANCE DRIVEWAY TO PL: | 5' | | 5' |
| -REQUIRED DRIVEWAY MATERIAL: | CONCRETE | | CONCRETE |
| -PARKING: PER CHAPTER 1276 | MIN. 4 (2 GARAGE) | | 4 (2 GARAGE) |
| -LANDSCAPING: PER CHAPTER 1282 | 1282.05 STREET TREES | | |

LAYOUT NOTES:

- PROPOSED LOTS: 26
- PROPOSED LINEAR FEET OF ROAD: 1,465 LF
- REQUIRED 40' FRONT YARD DEPTH AVERAGE. NO MORE THAN THREE FRONT YARDS IN A ROW MAY BE THE SAME DEPTH. FRONT YARD DEPTHS ARE TO VARY FROM 35' TO 45'. LAYOUT COMPLETES.

SITE NOTES:

- GAS WELLS: NO WELLS ON SITE, PER ODNR GIS
- FLOODPLAINS: NO FLOODPLAIN ON SITE, PER FEMA FLOOD HAZARD VIEWER
- ENVIRONMENTAL INFORMATION: PER HW AQUATIC RESOURCES MAP, JULY 2022
- WETLAND IMPACT: 0.498 AC OF TOTAL FILL



LOCATION MAP



NO SCALE

DEVELOPER:
KNEZ HOMES
7555 FREDIE DRIVE
PAINESVILLE, OHIO 44071
440-346-0098

DESIGN ENGINEER:
DAVEY RESOURCE GROUP, INC.
1310 SHARON COPLEY ROAD
P.O. BOX 37
SHARON CENTER, OHIO 44274
TRAVIS G. CRANE, P.E.
330-930-8004

SUBMITTAL INDEX	
NUMBER	DATE
1	05/26/2023



Davey Resource Group
1310 SHARON COPLEY ROAD, P.O. BOX 37
SHARON CENTER, OHIO 44274
(PH)404 330.930.8004 (FAX) 330.930.7300

SCALE (IN FEET)
1 inch = 80 ft.



CARPENTER GLEN
PRELIMINARY SUBDIVISION PLAN

PROJECT
NUMBER

2605

DATE

2023-05-26

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 59-2023

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

AN ORDINANCE REZONING THE 20.1561 ACRE PARCEL OF REAL PROPERTY LOCATED AT 897 N. CARPENTER ROAD AND FURTHER IDENTIFIED AS PPN 003-18B-27-260 FROM THE R-R RURAL RESIDENTIAL DISTRICT TO THE R-L LOW DENSITY RESIDENTIAL DISTRICT.

WHEREAS: Upon application of the property owner to rezone the 20.1561 acre parcel of real property located at 897 N. Carpenter Road and further identified as PPN 003-18B-27-260 (the "Property") from the R-R Rural Residential District to the R-L Low Density Residential District, on July 13, 2023, the Planning Commission held a public hearing on the requested rezoning; and

WHEREAS: On July 13, 2023, the Planning Commission voted to recommend approval to City Council of the proposed rezoning of the Property from the R-R Rural Residential District to the R-L Low Density Residential District as necessary for and in conjunction with the proposed development of the Property with twenty-six (26) single-family cluster units to be known as Carpenter Glen per submitted Preliminary Subdivision Plan.

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

SECTION 1: That upon application of the property owner, the 20.1561 acre parcel of real property located at 897 N. Carpenter Road and further identified as PPN 003-18B-27-260 is hereby rezoned from the R-R Rural Residential District to the R-L Low Density Residential District.

SECTION 2: Upon the effective date of this Ordinance, the City Engineer shall cause the Official Zoning Map of the City of Brunswick to be revised to reflect such rezoning.

SECTION 3: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____

AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 9/11/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Brian Ohlin

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 64-2023** - An emergency ordinance establishing Chapter 446 of the City of Brunswick Codified Ordinances to regulate Unmanned Aircraft Systems - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Brian Ohlin*)

BACKGROUND: The city has been receiving complaints from residents about the use of unmanned aircraft systems (UAS) in residential areas that are potential violations of local ordinances regarding trespassing, noise disturbances, voyeurism, and harassment.

PURPOSE AND EXPLANATION: The City has received numerous complaints from residents about unmanned aircraft systems (UAS), commonly known as drones, being flown in residential areas and possibly violating sections of our General Offense Code. It is the recommendation of the City Manager/Safety Director and Law Director that the launch or operation of UAS are prohibited to be utilized in a manner that violates the General Offense Code, including, without limitation, noise disturbances, trespass, voyeurism, and harassment.

IMPLEMENTATION SCHEDULE:

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?

An emergency with suspension of the rules is recommended as complaints of this nature are ongoing and a solution is needed as soon as possible.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 64-2023

BY: Mr. Kuczma, Mr. Delsanter, and Mrs. Piper

AN EMERGENCY ORDINANCE ESTABLISHING CHAPTER 446 OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES TO REGULATE UNMANNED AIRCRAFT SYSTEMS.

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

SECTION 1: That Chapter 446 of the Codified Ordinances titled “Unmanned Aircraft Systems” is hereby established to read as follows:

“446.01 Definitions.

As used in this Chapter, certain words and terms are defined as follows:

- (a) “Unmanned Aircraft” means an aircraft operated without the possibility of direct human intervention from within or on the aircraft, weighing more than fifty-five hundredths (0.55) pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.
- (b) “Unmanned Aircraft System” or “UAS” means an unmanned aircraft and its associated elements (including communication links and the components that control the unmanned aircraft) that are required for the safe and efficient operation of the unmanned aircraft in the National Airspace System.

446.02 Purpose and Intent.

This Chapter is intended to promote public safety. In consideration of this concern, the City is restricting the use of UAS in certain areas. It is not intended to restrict legitimate hobbyists operating unmanned aircraft systems in compliance with Federal Aviation Administration rules and regulations. This Chapter is not intended to preempt Federal Aviation Administration rules and regulations, but to operate in conjunction with those rules to promote public safety while recognizing the limitations in the Federal Aviation Administration’s enforcement capabilities.

446.03 Restrictions.

- (a) Anyone who launches, operates, or causes to be launched or operated, any unmanned aircraft system within the limits of the City must be able to present, immediately upon request by any member of the Division of Police or Division of Fire, a current certificate of aircraft registration issued by the Federal Aviation Administration for the unmanned aircraft system.
- (b) No person shall launch, operate, or cause to be launched or operated, any unmanned aircraft system in any airspace within or over any area of the City

that the Federal Aviation Administration determines to be a restricted area, either by way of a Notice to Airmen (NOTAM), Temporary Flight Restriction, No Drone Zone, or other means.

- (c) Division (b) of this Section shall not apply to any person who has previous approval from the Federal Aviation Administration to operate an unmanned aircraft system in a restricted area and is complying with all terms and conditions of such approval.
- (d) No person shall launch, operate, or cause to be launched or operated, any unmanned aircraft system in any airspace within or over any area of the City that violates any provision of the General Offenses Code of the City.

446.04 Penalty.

- (a) Whoever violates division (a) of Section 446.03 of this Chapter is guilty of a minor misdemeanor.
- (b) Whoever violates division (b) of Section 446.03 of this Chapter is guilty of a misdemeanor of the fourth degree on the first offense, a misdemeanor of the third degree on the second offense, and a misdemeanor of the second degree on the third and any subsequent offense.
- (c) Whoever violates division (d) of Section 446.03 of this Chapter is guilty of an offense and subject to a penalty as detailed in the General Offenses Code of the City.
- (d) All violations will be forwarded to the Federal Aviation Administration and reviewed for possible violations of federal civil and criminal statutes.”

SECTION 2: 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 necessary to immediately update the Codified Ordinances to address unmanned aircraft systems. 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

CHAPTER 490 – UNMANNED AIRCRAFT SYSTEMS

490.01 Definitions

490.02 Purpose and Intent

490.03 Restrictions

490.99 Violation; Penalties

§ 490.01 Definitions

As used in this chapter, certain words and terms are defined as follows:

(a) "Unmanned Aircraft" means an aircraft operated without the possibility of direct human intervention from within or on the aircraft, weighing more than fifty-five hundredths (0.55) pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

(b) "Unmanned Aircraft System" or "UAS" means an unmanned aircraft and its associated elements (including communication links and the components that control the unmanned aircraft) that are required for the safe and efficient operation of the unmanned aircraft in the National Airspace System.

(Ord. No. 330-16. Passed 4-25-16, eff. 4-27-16)

§ 490.02 Purpose and Intent

This chapter is intended to promote public safety. In consideration of this concern, the city is restricting the use of UAS in certain areas. It is not intended to restrict legitimate hobbyists operating unmanned aircraft systems in compliance with FAA rules and regulations. This chapter is not intended to preempt FAA rules and regulations, but to operate in conjunction with those rules to promote public safety while recognizing the limitations in the FAA's enforcement capabilities.

(Ord. No. 330-16. Passed 4-25-16, eff. 4-27-16)

§ 490.03 Restrictions

(a) Anyone who launches, operates, or causes to be launched or operated, any unmanned aircraft system within the limits of Cleveland, Ohio, must be able to present, immediately upon request by any member of the police or fire force, a current certificate of aircraft registration issued by the Federal Aviation Administration for the unmanned aircraft system.

(b) No person shall launch, operate, or cause to be launched or operated, any unmanned aircraft system in any airspace within or over:

(1) A five (5) mile radius of Cleveland Hopkins International Airport;

(2) A five (5) mile radius of Burke Lakefront Airport; or

(3) Any area of the City of Cleveland that the Federal Aviation Administration determines to be a restricted area, either by way of a Notice to Airmen (NOTAM), Temporary Flight Restriction, No Drone Zone, or other means.

(c) Division (b) of this section shall not apply to any person who has previous approval from the Federal Aviation Administration to operate a UAS in a restricted area and is complying with all terms and conditions of their approval.

(Ord. No. 330-16. Passed 4-25-16, eff. 4-27-16)

§ 490.99 Violation; Penalties

Whoever violates division (a) of Section 490.03 of this chapter is guilty of a minor misdemeanor. Whoever violates division (b) of Section 490.03 of this chapter is guilty of a misdemeanor of the fourth degree on the first offense, a misdemeanor of the third degree on the second offense, and a misdemeanor of the second degree on the third and any subsequent offense. All violations will be forwarded to the Federal Aviation Administration and reviewed for possible violations of federal civil and criminal statutes. The Department of Public Safety will enforce and ensure compliance with the provisions of this chapter.

(Ord. No. 330-16. Passed 4-25-16, eff. 4-27-16)

State and Local Regulation of Unmanned Aircraft Systems (UAS) Fact Sheet

Federal Aviation Administration
Office of the Chief Counsel

December 17, 2015

BACKGROUND

Unmanned aircraft systems (UAS) are aircraft subject to regulation by the FAA to ensure safety of flight, and safety of people and property on the ground. States and local jurisdictions are increasingly exploring regulation of UAS or proceeding to enact legislation relating to UAS operations. In 2015, approximately 45 states have considered restrictions on UAS. In addition, public comments on the Federal Aviation Administration's (FAA) proposed rule, "Operation and Certification of Small Unmanned Aircraft Systems" (Docket No. FAA-2015-0150), expressed concern about the possible impact of state and local laws on UAS operations.

Incidents involving unauthorized and unsafe use of small, remote-controlled aircraft have risen dramatically. Pilot reports of interactions with suspected unmanned aircraft have increased from 238 sightings in all of 2014 to 780 through August of this year. During this past summer, the presence of multiple UAS in the vicinity of wild fires in the western U.S. prompted firefighters to ground their aircraft on several occasions.

This fact sheet is intended to provide basic information about the federal regulatory framework for use by states and localities when considering laws affecting UAS. State and local restrictions affecting UAS operations should be consistent with the extensive federal statutory and regulatory framework pertaining to control of the airspace, flight management and efficiency, air traffic control, aviation safety, navigational facilities, and the regulation of aircraft noise at its source.

Presented below are general principles of federal law as they relate to aviation safety, and examples of state and local laws that should be carefully considered prior to any legislative action to ensure that they are consistent with applicable federal safety regulations. The FAA's Office of the Chief Counsel is available for consultation on specific questions.

WHY THE FEDERAL FRAMEWORK

Congress has vested the FAA with authority to regulate the areas of airspace use, management and efficiency, air traffic control, safety, navigational facilities, and aircraft noise at its source. 49 U.S.C. §§ 40103, 44502, and 44701-44735. Congress has directed the FAA to "develop plans and policy for the use of the navigable airspace and assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace." 49 U.S.C. § 40103(b)(1). Congress has further directed the FAA to "prescribe air traffic regulations on the flight of aircraft (including regulations on safe altitudes)" for navigating, protecting, and identifying aircraft; protecting individuals and property on the ground; using the navigable

airspace efficiently; and preventing collision between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects. 49 U.S.C. § 40103(b)(2).

A consistent regulatory system for aircraft and use of airspace has the broader effect of ensuring the highest level of safety for all aviation operations. To ensure the maintenance of a safe and sound air transportation system and of navigable airspace free from inconsistent restrictions, FAA has regulatory authority over matters pertaining to aviation safety.

REGULATING UAS OPERATIONS

In § 333 of the FAA Modernization and Reform Act of 2012 (Public Law No. 112-95), Congress directed the Secretary to determine whether UAS operations posing the least amount of public risk and no threat to national security could safely be operated in the national airspace system (NAS) and if so, to establish requirements for the safe operation of these systems in the NAS.

On February 15, 2015, the FAA proposed a framework of regulations that would allow routine commercial use of certain small UAS in today's aviation system, while maintaining flexibility to accommodate future technological innovations. The FAA's Notice of Proposed Rulemaking offered safety rules for small UAS (under 55 pounds) conducting non-recreational or non-hobby operations. The proposed rule defines permissible hours of flight, line-of-sight observation, altitude, operator certification, optional use of visual observers, aircraft registration and marking, and operational limits.

Consistent with its statutory authority, the FAA is requiring Federal registration of UAS in order to operate a UAS. Registering UAS will help protect public safety in the air and on the ground, aid the FAA in the enforcement of safety-related requirements for the operation of UAS, and build a culture of accountability and responsibility among users operating in U.S. airspace. No state or local UAS registration law may relieve a UAS owner or operator from complying with the Federal UAS registration requirements. Because Federal registration is the exclusive means for registering UAS for purposes of operating an aircraft in navigable airspace, no state or local government may impose an additional registration requirement on the operation of UAS in navigable airspace without first obtaining FAA approval.

Substantial air safety issues are raised when state or local governments attempt to regulate the operation or flight of aircraft. If one or two municipalities enacted ordinances regulating UAS in the navigable airspace and a significant number of municipalities followed suit, fractionalized control of the navigable airspace could result. In turn, this 'patchwork quilt' of differing restrictions could severely limit the flexibility of FAA in controlling the airspace and flight patterns, and ensuring safety and an efficient air traffic flow. A navigable airspace free from inconsistent state and local restrictions is essential to the maintenance of a safe and sound air transportation system. See *Montalvo v. Spirit Airlines*, 508 F.3d 464 (9th Cir. 2007), and *French v. Pan Am Express, Inc.*, 869 F.2d 1 (1st Cir. 1989); see also *Arizona v. U.S.*, 567 U.S. ___, 132 S.Ct. 2492, 2502 (2012) ("Where Congress occupies an entire field . . . even complimentary state regulation is impermissible. Field preemption reflects a congressional decision to foreclose any

state regulation in the area, even if it is parallel to federal standards.”), and *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 386-87 (1992).

EXAMPLES OF STATE AND LOCAL LAWS FOR WHICH CONSULTATION WITH THE FAA IS RECOMMENDED

- Operational UAS restrictions on flight altitude, flight paths; operational bans; any regulation of the navigable airspace. For example – a city ordinance banning anyone from operating UAS within the city limits, within the airspace of the city, or within certain distances of landmarks. Federal courts strictly scrutinize state and local regulation of overflight. *City of Burbank v. Lockheed Air Terminal*, 411 U.S. 624 (1973); *Skysign International, Inc. v. City and County of Honolulu*, 276 F.3d 1109, 1117 (9th Cir. 2002); *American Airlines v. Town of Hempstead*, 398 F.2d 369 (2d Cir. 1968); *American Airlines v. City of Audubon Park*, 407 F.2d 1306 (6th Cir. 1969).
- Mandating equipment or training for UAS related to aviation safety such as geo-fencing would likely be preempted. Courts have found that state regulation pertaining to mandatory training and equipment requirements related to aviation safety is not consistent with the federal regulatory framework. *Med-Trans Corp. v. Benton*, 581 F. Supp. 2d 721, 740 (E.D.N.C. 2008); *Air Evac EMS, Inc. v. Robinson*, 486 F. Supp. 2d 713, 722 (M.D. Tenn. 2007).

EXAMPLES OF STATE AND LOCAL LAWS WITHIN STATE AND LOCAL GOVERNMENT POLICE POWER

Laws traditionally related to state and local police power – including land use, zoning, privacy, trespass, and law enforcement operations – generally are not subject to federal regulation. *Skysign International, Inc. v. City and County of Honolulu*, 276 F.3d 1109, 1115 (9th Cir. 2002). Examples include:

- Requirement for police to obtain a warrant prior to using a UAS for surveillance.
- Specifying that UAS may not be used for voyeurism.
- Prohibitions on using UAS for hunting or fishing, or to interfere with or harass an individual who is hunting or fishing.
- Prohibitions on attaching firearms or similar weapons to UAS.

CONTACT INFORMATION FOR QUESTIONS

The FAA’s Office of the Chief Counsel is available to answer questions about the principles set forth in this fact sheet and to consult with you about the intersection of federal, state, and local regulation of aviation, generally, and UAS operations, specifically. You may contact the Office of Chief Counsel in Washington, D.C. or any of the following Regional Counsels:

FAA Office of the Chief Counsel
Regulations Division (AGC-200)
800 Independence Ave. SW
Washington, DC 20591
(202) 267-3073

Central Region
Office of the Regional Counsel
901 Locust St., Room 506
Kansas City, MO 64106-2641
(816) 329-3760
(IA, KS, MO, NE)

Great Lakes Region
Office of the Regional Counsel
O'Hare Lake Office Center
2300 East Devon Ave.
Des Plaines, IL 60018
(847) 294-7313
(IL, IN, MI, MN, ND, OH, SD, WI)

Northwest Mountain Region
Office of the Regional Counsel
1601 Lind Ave. SW
Renton, WA 98055-4056
(425) 227-2007
(CO, ID, MT, OR, UT, WA, WY)

Southwest Region
Office of the Regional Counsel, 6N-300
10101 Hillwood Parkway Dr.
Fort Worth, TX 76177
(817) 222-5099
(AR, LA, NM, OK, TX)

Alaskan Region
Office of the Regional Counsel
222 West 7th Ave.
Anchorage, AK 99513
(907) 271-5269
(AK)

Eastern Region
Office of the Regional Counsel
1 Aviation Plaza, Room 561
Jamaica, NY 11434-4848
(718) 553-3285
(DC, DE, MD, NJ, NY, PA, VA, WV)

New England Region
Office of the Regional Counsel
12 New England Executive Park
Burlington, MA 01803
(781) 238-7040
(CT, ME, MA, NH, RI, VT)

Southern Region
Office of the Regional Counsel
1701 Columbia Ave., Suite 530
College Park, GA 30337
(404) 305-5200
(AL, FL, GA, KY, MS, NC, SC, TN)

Western-Pacific Region
Office of the Regional Counsel
P.O. Box 92007
Los Angeles, CA 90009
(310) 725-7100
(AZ, CA, HI, NV)

APPENDIX – LIST OF AUTHORITIES

Federal Statutes

- 49 U.S.C. §§ 40103, 44502, and 44701- 44735 (former Federal Aviation Act of 1958, as amended and recodified).
- FAA Modernization and Reform Act of 2012, Public Law No. 112-95 (Feb. 14, 2012), Subtitle B, “Unmanned Aircraft Systems.”

Federal Regulations

- Title 14 of the Code of Federal Regulations, Chapter 1.

The U.S. Supreme Court

- “Congress has recognized the national responsibility for regulating air commerce. Federal control is intensive and exclusive. Planes do not wander about in the sky like vagrant clouds. They move only by federal permission, subject to federal inspection, in the hands of federally certified personnel and under an intricate system of federal commands. The moment a ship taxis onto a runway it is caught up in an elaborate and detailed system of controls. It takes off only by instruction from the control tower, it travels on prescribed beams, it may be diverted from its intended landing, and it obeys signals and orders. Its privileges, rights, and protection, so far as transit is concerned, it owes to the Federal Government alone and not to any state government.” *Northwest Airlines v. State of Minnesota*, 322 U.S. 292, 303 (1944)(Jackson, R., concurring).
- “If we were to uphold the Burbank ordinance [which placed an 11 p.m. to 7 a.m. curfew on jet flights from the Burbank Airport] and a significant number of municipalities followed suit, it is obvious that fractionalized control of the timing of takeoffs and landings would severely limit the flexibility of FAA in controlling air traffic flow. The difficulties of scheduling flights to avoid congestion and the concomitant decrease in safety would be compounded.” *Burbank v. Lockheed Air Terminal Inc.*, 411 U.S. 624, 639 (1973).
- “The Federal Aviation Act requires a delicate balance between safety and efficiency, and the protection of persons on the ground ... The interdependence of these factors requires a uniform and exclusive system of federal regulation if the congressional objectives underlying the Federal Aviation Act are to be fulfilled.” *Burbank* at 638-639.
- “The paramount substantive concerns of Congress [in enacting the FAA Act] were to regulate federally all aspects of air safety ... and, once aircraft were in ‘flight,’ airspace management....” *Burbank* at 644 (Rehnquist, J. dissenting).

U.S. Courts of Appeals

- “Air traffic must be regulated at the national level. Without uniform equipment specifications, takeoff and landing rules, and safety standards, it would be impossible to operate a national air transportation system.” *Gustafson v. City of Lake Angeles*, 76 F.3d 778, 792-793 (6th Cir. 1996)(Jones, N., concurring).
- “The purpose, history, and language of the FAA [Act] lead us to conclude that Congress intended to have a single, uniform system for regulating aviation safety. The catalytic events leading to the enactment of the FAA [Act] helped generate this intent. The FAA [Act] was drafted in response to a series of fatal air crashes between civil and military aircraft operating under separate flight rules In discussing the impetus for the FAA [Act], the Supreme Court has also noted that regulating the aviation industry requires a delicate balance between safety and efficiency. It is precisely because of ‘the interdependence of these factors’ that Congress enacted ‘a uniform and exclusive system of federal regulation.’” *Montalvo v. Spirit Airlines*, 508 F.3d 464, 471 (9th Cir. 2007), citing *City of Burbank v. Lockheed Air Terminal Inc.*, 411 U.S. 624, 638-39 (1973).
- “[W]hen we look to the historical impetus for the FAA, its legislative history, and the language of the [FAA] Act, it is clear that Congress intended to invest the Administrator of the Federal Aviation Administration with the authority to enact exclusive air safety standards. Moreover, the Administrator has chosen to exercise this authority by issuing such pervasive regulations that we can infer a preemptive intent to displace all state law on the subject of air safety.” *Montalvo* at 472.
- “We similarly hold that federal law occupies the entire field of aviation safety. Congress’ intent to displace state law is implicit in the pervasiveness of the federal regulations, the dominance of the federal interest in this area, and the legislative goal of establishing a single, uniform system of control over air safety. This holding is fully consistent with our decision in *Skysign International, Inc. v. Honolulu*, 276 F.3d 1109 (9th Cir. 2002), where we considered whether federal law preempted state regulation of aerial advertising that was distracting and potentially dangerous to persons on the ground. In upholding the state regulations, we held that federal law has not ‘preempt[ed] altogether any state regulation purporting to reach into the navigable airspace.’ *Skysign* at 1116. While Congress may not have acted to occupy exclusively all of air commerce, it has clearly indicated its intent to be the sole regulator of aviation safety. The FAA, together with federal air safety regulations, establish complete and thorough safety standards for interstate and international air transportation that are not subject to supplementation by, or variation among, states.” *Montalvo* at 473-474.
- “[W]e remark the Supreme Court’s reasoning regarding the need for uniformity [concerning] the regulation of aviation noise, see *City of Burbank v. Lockheed Air Terminal*, 411 U.S. 624 (1973), and suggest that the same rationale applies here. In *Burbank*, the Court struck down a municipal anti-noise ordinance placing a curfew on jet flights from a regional airport. Citing the ‘pervasive nature of the scheme of federal

regulation,’ the majority ruled that aircraft noise was wholly subject to federal hegemony, thereby preempting state or local enactments in the field. In our view, the pervasiveness of the federal web is as apparent in the matter of pilot qualification as in the matter of aircraft noise. If we upheld the Rhode Island statute as applied to airline pilots, ‘and a significant number of [states] followed suit, it is obvious that fractionalized control ... would severely limit the flexibility of the F.A.A’ [citing *Burbank*] Moreover, a patchwork of state laws in this airspace, some in conflict with each other, would create a crazyquilt effect ... The regulation of interstate flight-and flyers-must of necessity be monolithic. Its very nature permits no other conclusion. In the area of pilot fitness as in the area of aviation noise, the [FAA] Act as we read it ‘leave[s] no room for ... local controls.’ [citing *Burbank*]. *French v. Pan Am Express, Inc.*, 869 F.2d 1, 6 (1st Cir. 1989).

PROPOSED LEGISLATION



DATE: 9/11/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 65-2023** - An emergency resolution approving the creation of a Designated Outdoor Refreshment Area (DORA). - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: Ohio Revised Code Section 4301.82 permits a municipal corporation with a population of less than 50,000 to create three (3) Designated Outdoor Refreshment Areas (DORA) if the proposed DORA will include at least two (2) qualified State of Ohio liquor permit holders and will be composed of 320 or fewer contiguous acres.

PURPOSE AND EXPLANATION: Per applicable Ohio Law, Exhibit "A" attached hereto and incorporated herein by reference, includes specific information that is to be included in the authorizing legislation, including, without limitation: (a) the specific boundaries and street addresses of properties to be located within the DORA; (b) the number, spacing and type of signage to be included in the DORA; (c) hours of operation; (d) personnel required to ensure public safety; (e) a sanitation plan; (f) personnel required to execute the sanitation plan; and (g) a requirement that all alcoholic beverages be served solely in plastic bottles or other non-glass containers.

IMPLEMENTATION SCHEDULE: Immediately.

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?

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 establish the DORA.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 65-2023

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

AN EMERGENCY RESOLUTION APPROVING THE CREATION OF A
DESIGNATED OUTDOOR REFRESHMENT AREA (DORA).

WHEREAS: Ohio Revised Code Section 4301.82 permits a municipal corporation with a population of less than 50,000 to create three (3) Designated Outdoor Refreshment Areas (DORA) if the proposed DORA will include at least two (2) qualified State of Ohio liquor permit holders and will be composed of 320 or fewer contiguous acres;

WHEREAS: Ohio law requires that the legislative authority of a municipal corporation adopt legislation that establishes requirements for the proposed DORA to ensure public health and safety therein;

WHEREAS: Per applicable Ohio Law, Exhibit "A" attached hereto and incorporated herein by reference, includes specific information that is to be included in the authorizing legislation, including, without limitation: (a) the specific boundaries and street addresses of properties to be located within the DORA; (b) the number, spacing and type of signage to be included in the DORA; (c) hours of operation; (d) personnel required to ensure public safety; (e) a sanitation plan; (f) personnel required to execute the sanitation plan; and (g) a requirement that all alcoholic beverages be served solely in plastic bottles or other non-glass containers; and

WHEREAS: Per Ohio Revised Code Section 4301.82(I)(1), this Council shall, every five (5) years after the effective date of this Resolution, review the operation of the DORA and, by legislation, either approve the continued operation of the DORA or dissolve the DORA.

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

SECTION 1: The Clerk of Council is hereby authorized to forward a certified copy of this Resolution to both the Ohio Division of Liquor Control and to the Investigative Unit of the Ohio Department of Public Safety, all in accordance with Ohio Revised Code Section 4301.82.

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

SECTION 3: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to establish the DORA. 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

APPLICATION TO DESIGNATE PROPERTY WITHIN THE CITY OF BRUNSWICK AS AN OUTDOOR REFRESHMENT AREA

WHEREAS, Ohio Revised Code Section 4301.82 authorizes the executive officer of a municipal corporation to file an application with the legislative authority of the municipal corporation to have property within the municipal corporation designated as an outdoor refreshment area or to expand an existing outdoor refreshment area to include additional property within the municipal corporation.

WHEREAS, as of the 2020 Federal Decennial Census, the City of Brunswick had a population of 35,340.

WHEREAS, Ohio Revised Code Section 4301.82 authorizes the City of Brunswick to create not more than three (3) outdoor refreshment areas (each a "DORA"), each of which shall not exceed three hundred twenty (320) contiguous acres and include at least two (2) qualified liquor permit holders (i.e., the holder of an A-1, A-1-A, A-1c, A-2, A-2f or D class permit issued under Chapter 4303 of the Ohio Revised Code).

WHEREAS, in accordance with Ohio Revised Code Section 4301.82, the undersigned City Manager of the City of Brunswick hereby submits the following Application to Designate Property Within the City of Brunswick as an Outdoor Refreshment Area (the "Application") as follows:

- 1) The proposed DORA shall consist of all or portions of eight (8) parcels of real property (as presently configured) totaling approximately 32.79 acres with a perimeter of approximately 1.64 miles as depicted on the Map as attached hereto as Exhibit "A" and incorporated herein by reference.
- 2) Twenty-two (22) retail businesses are presently located within the proposed DORA, which includes six (6) retail businesses presently holding qualified liquor permits, which are detailed (along with street addresses) on Exhibits "B" and "C" as attached hereto and incorporated herein by reference.
- 3) Retail business establishments holding qualified liquor permits that wish to participate in the DORA shall be clearly marked with signage displayed in the front window. Retail business establishments holding qualified liquor permits that do not wish to participate in the DORA may display signage in the front window indicating non-participation in the DORA.

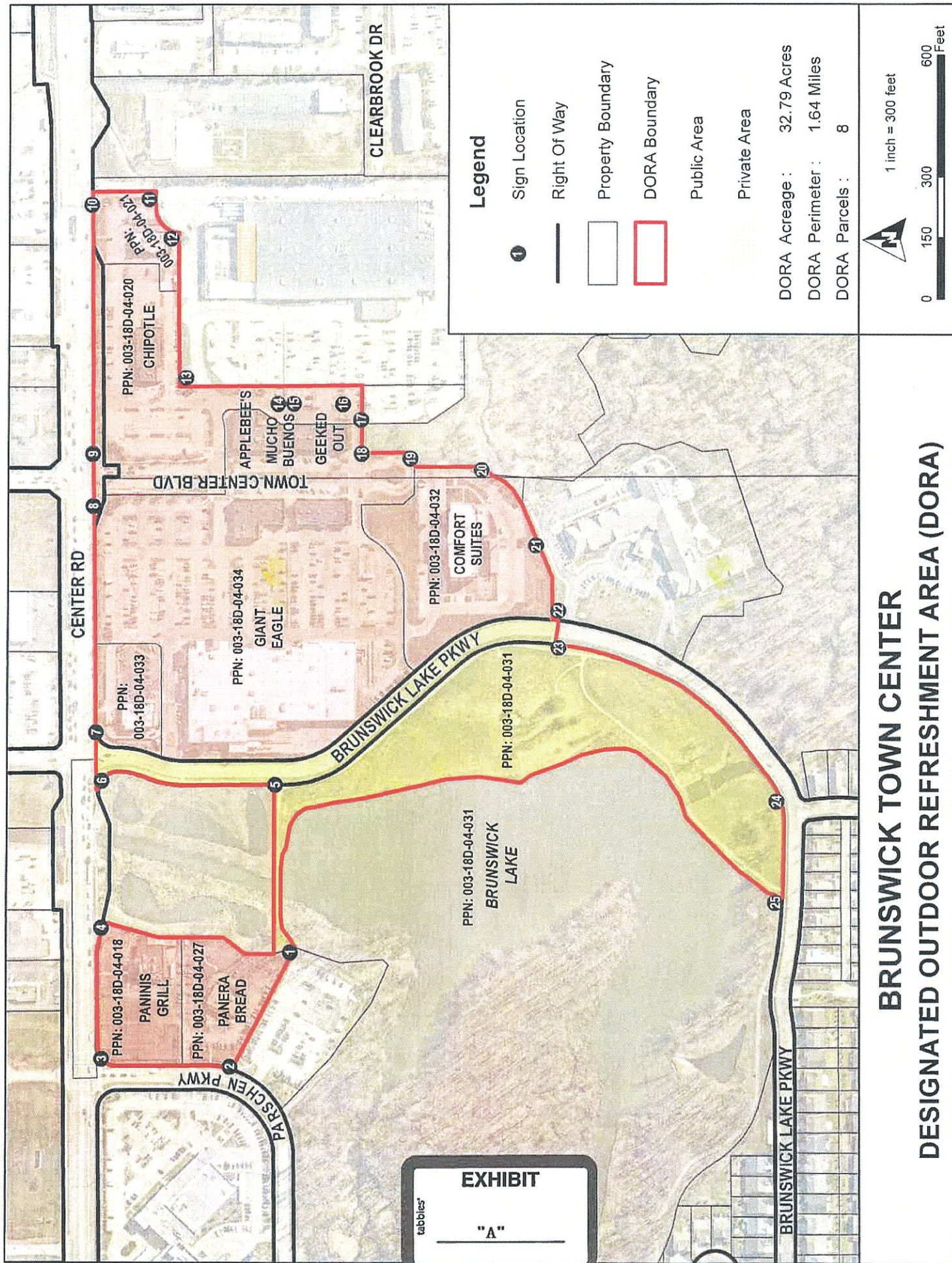
- 4) The instant Application is in compliance with Ohio Revised Code Section 4301.82(D)(2) as: (a) the City of Brunswick has a population of 50,000 or less; (b) the proposed DORA is the first DORA proposed in the City of Brunswick; and (c) the proposed DORA will include at least two (2) qualified liquor permit holders.
- 5) The proposed DORA is located in the Brunswick Town Center Special Planning District No. 2 (the "SPD-2"), wherein current uses of the land therein are in accordance with the requirements of the SPD-2, the Zoning Code and the Comprehensive Plan Update adopted by City Council on January 27, 2020.
- 6) The proposed number, spacing and type of signage designating the DORA is shown on Exhibit "A". Signage (12" x 18") will be spread throughout the DORA boundaries and mounted on metal posts at eye level with a QR Code for uploading applicable Rules and Regulations and a map of the boundaries of the DORA, which signage shall be as generally depicted on Exhibit "D" attached hereto and incorporated herein by reference.
- 7) The hours of operation of the DORA are from 12:00 noon to 10:00 p.m. on Thursday to Sunday.
- 8) The DORA will be patrolled by the Brunswick Division of Police, which is sufficient to ensure public safety in the DORA.
- 9) The DORA will be served by the Brunswick Division of Fire, including applicable mutual aid communities, which is sufficient to ensure public safety in the DORA.
- 10) Existing and/or additional trash receptacles located upon private property in the DORA will be emptied and maintained by the property owner and/or business operator. Existing and/or additional trash receptacles located upon public property in the DORA will be emptied and maintained by the Medina County Park District per agreement with the City of Brunswick. Existing personnel is sufficient to execute the sanitation plan.
- 11) All beer, wine and intoxicating liquor shall be served solely in one-time use clear 16 ounce plastic cups, to be purchased at the sole cost and expense of the participating qualified liquor permit holder, with "BRUNSWICK DORA" printed thereon. The participating qualified liquor permit may include the date on which such cup was issued.
- 12) Participants in the DORA, who shall be aged 21 years or older, may visit multiple participating retail business establishments holding qualified liquor permits in the DORA, but must dispose of one-time use BRUNSWICK DORA cups before entering another retail business located in the DORA.

- 13) Initial Rules and Regulations of the DORA are detailed on Exhibit "E" attached hereto and incorporated herein by reference. Upon establishment of the DORA, the Rules and Regulations may be revised and/or amended as needed.



Carl S. DeForest, City Manager

Date: 7/5/2023



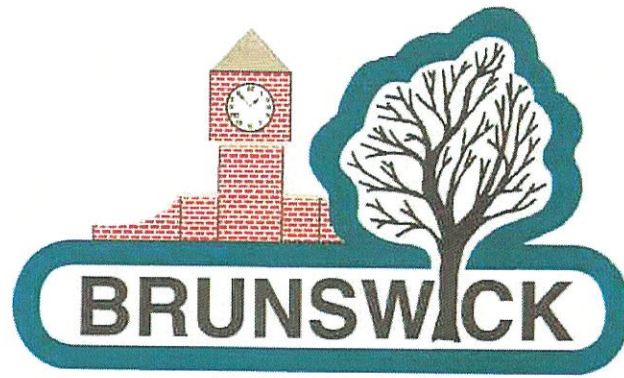
tabbles®
EXHIBIT
"A"

Exhibit "B" - Retail Businesses within Brunswick DORA

Address	Business Name	Property Owner	Industry	Parcel
1405 Parschen Rd+A3:E26, Brunswick, OH 44212	Panera Bread	DACOH HOLDINGS LLC	Restaurant	003-18D-04-027
1418 Town Center Blvd Ste. A-30, Brunswick, OH 44212	Pet Supplies Plus	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Retail	003-18D-04-034
1418 Town Center Blvd, Brunswick, OH 44212	Pulp Juice ad Smoothie Bar	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Retail	003-18D-04-034
1418 Town Center Blvd, Brunswick, OH 44212	Game Stop	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Retail	003-18D-04-034
1421 Town Center Blvd B - 03, Brunswick, OH 44212	Rettig Music	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Retail	003-18D-04-034
1421 Town Center Blvd B2, Brunswick, OH 44212	Mucho Buenos	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Restaurant	003-18D-04-034
1421 Town Center Blvd Suite B-10, Brunswick, OH 44212	Applebee's	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Restaurant	003-18D-04-034
1434 Town Center Blvd c20, Brunswick, OH 44212	Raw Vanity Nail Bar	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Service	003-18D-04-034
1434 Town Center Blvd Ste C10, Brunswick, OH 44212	Great Clips	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Service	003-18D-04-034
1434 Town Center Blvd, Brunswick, OH 44212	Brunswick Auto Title Office	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Office	003-18D-04-034
1439 Town Center Blvd D50, Brunswick, OH 44212	Vita Bella Salon and Spa	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Service	003-18D-04-034
1439 Town Center Blvd Space D-01, Brunswick, OH 44212	GNC	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Retail	003-18D-04-034
1439 Town Center Blvd Space D-04, Brunswick, OH 44212	Heights Running Shop	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Retail	003-18D-04-034
1439 Town Center Blvd, Brunswick, OH 44212	Geeked Out Pub and Grille	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Restaurant	003-18D-04-034
1464 Town Center Blvd, Brunswick, OH 44212	Comfort Suites	PINECRAFT LAND HOLDINGS LLC	Service	003-18D-04-032
3340 Center Rd, Brunswick, OH 44212	Steak-n-shake	CENTRO NP BRUNSWICK TOWN CENTER LLC	Restaurant	003-18D-04-021

3362 Center Rd Ste E10, Brunswick, OH 44212	Jersey Mike's Subs	CENTRO NP BRUNSWICK TOWN CENTER LLC	Restaurant	003-18D-04-020
3362 Center Rd Ste E20, Brunswick, OH 44212	Chipotle	CENTRO NP BRUNSWICK TOWN CENTER LLC	Restaurant	003-18D-04-020
3362 Center Rd Ste E30, Brunswick, OH 44212	Verizon	CENTRO NP BRUNSWICK TOWN CENTER LLC	Service	003-18D-04-020
3440 Center Rd, Brunswick, OH 44212	Giant Eagle	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Retail	003-18D-04-034
3470 Center Rd, Brunswick, OH 44212	Chick-fil-A	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Restaurant	003-18D-04-033
3520 Center Rd, Brunswick, OH 44212	Paninis Grill	PARTNERS LLC	Restaurant	003-18D-04-018

Exhibit "C" - Retail Businesses (qualified liquor permit holders) within Brunswick DORA	Operator/Owner	Property Owner		
1439 Town Center Blvd, Brunswick, OH 44212	Lambert United Enterprises LLC DBA Geeked Out Pub and Grille 49964300005, D5	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Restaurant	003-18D-04-034
1421 Town Center Blvd Suite B-10, Brunswick, OH 44212	Apple Ohio LLC DBA Applebee's 2498600165, D5, D6	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Restaurant	003-18D-04-034
3520 Center Rd, Brunswick, OH 44212	Brunswick Paninis DBA Paninis Grill 1051012, D5, D6	PARTNERS LLC	Restaurant	003-18D-04-018
1421 Town Center Blvd B2, Brunswick, OH 44212	Buenos Inc. DBA Mucho Buenos 1087738, D5, D6	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Restaurant	003-18D-04-034
1464 Town Center Blvd, Brunswick, OH 44212	Brunswick Hospitality DBA Comfort Suites 1053162, D5A, D6	BRUNSWICK HOSPITALITY	Service	003-18D-04-032
3440 Center Road, Brunswick, OH 44212	Riser Foods Co. DBA Giant Eagle #229 73935330450, D1, D2, D6, D8	BRIXMOR/IA BRUNSWICK TOWN CENTER LLC	Retail	003-18D-04-034



DORA

DESIGNATED OUTDOOR REFRESHMENT AREA

DORA CUPS NOT
PERMITTED BEYOND THIS
POINT. NO OUTSIDE ALCOHOL
PERMITTED.

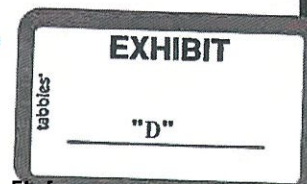
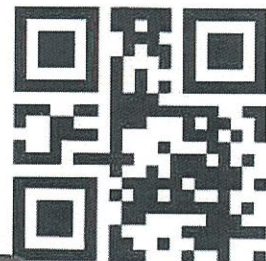


Exhibit “E”

BRUNSWICK DORA

Rules and Regulations

Designated Outdoor Refreshment Area
Thursday – Sunday 12:00 noon – 10:00 p.m.

What I CAN DO

- Participants aged 21+ can enjoy their favorite alcoholic beverage provided by a participating DORA establishment.
- Free to roam within the designated DORA boundaries with an alcoholic beverage in a designated DORA cup during operating hours.
- Visit establishments serving alcoholic beverages after discarding or finishing prior alcoholic beverage.
- Follow all rules, regulations, and laws, as same may be amended from time to time.

What I CANNOT DO

- Do Not bring your own alcoholic beverages.
- Do Not leave the designated DORA boundary with an alcoholic beverage.
- Do Not enter any retail establishment in the DORA with an alcoholic beverage.
- Do Not enter an establishment not marked with a DORA sign to purchase an alcoholic beverage for consumption outside such establishment (other than a patio).
- Do Not enter a vehicle with any alcoholic beverage.

PROPOSED LEGISLATION



DATE: 9/11/2023

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. 66-2023** - An emergency ordinance amending Section 454.04 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: Section 454.04 shall be amended to read as follows: "No person shall consume alcoholic beverages upon any parking lot other than any parking lot located within the established boundaries and permitted hours of a Designated Outdoor Refreshment Area (DORA) as defined in Codified Ordinance Section 1242.02(31.1), and no person alone or with others, shall assemble or congregate on the public portion of the parking lot for the purpose of lingering or loitering in any manner."

PURPOSE AND EXPLANATION: An amendment to Section 454.04 of the Codified Ordinances is necessary to allow alcoholic beverages to be consumed in a parking lot within the established boundaries and permitted hours of a Designated Outdoor Refreshment Area (DORA).

IMPLEMENTATION SCHEDULE:

Immediately.

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?

That this Ordinance 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 for consistency with the establishment of a Designated Outdoor Refreshment Area.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 66-2023

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

AN EMERGENCY ORDINANCE AMENDING SECTION 454.04 OF THE
CITY OF BRUNSWICK CODIFIED ORDINANCES.

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

SECTION 1: That Section 454.04 of the Codified Ordinances is hereby amended to read as follows:

“No person shall consume alcoholic beverages upon any parking lot other than any parking lot located within the established boundaries and permitted hours of a Designated Outdoor Refreshment Area (DORA) as defined in Codified Ordinance Section 1242.02(31.1), and no person alone or with others, shall assemble or congregate on the public portion of the parking lot for the purpose of lingering or loitering in any manner.

SECTION 2: That this Ordinance 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 for consistency with the establishment of a Designated Outdoor Refreshment Area. 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: 9/11/2023

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. 67-2023** - An emergency ordinance amending Chapter 612 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: Section 612.01(v) of the Codified Ordinances is hereby established to read as follows:
“(v) “Designated Outdoor Refreshment Area (DORA)” or “outdoor refreshment area” as used in this Chapter shall have the meaning prescribed in Codified Ordinance Section 1242.02(31.1).”

Section 612.09(g) of the Codified Ordinances is hereby established to read as follows:
“(g) No beer, wine, mixed beverages or spirituous liquor shall be sold or delivered by the holder of an A-1, A-1-A, A-1c, A-2, A-2f or class D liquor permit for outdoor consumption (excluding outdoor patios that are included within the permit premises) in a Designated Outdoor Refreshment Area except between the hours of 12:00 noon and 10:00 p.m. on Thursday to Sunday.”

Section 612.10(a) of the Codified Ordinances is hereby amended to read as follows:
“(a) No person shall take or possess any beer or intoxicating liquor into or upon any City property, park, public building, dance hall, public school property or other place where the public is permitted to assemble in the City except at the Brunswick Community Recreation and Fitness Center in compliance with the City of Brunswick Alcohol Policy, as may be amended from time to time, and except within the established boundaries and permitted hours of a Designated Outdoor Refreshment Area.”

PURPOSE AND EXPLANATION: This will allow alcoholic beverages to be consumed, sold or delivered within a Designated Outdoor Refreshment Area (DORA).

IMPLEMENTATION SCHEDULE: Immediately.

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?
That this Ordinance 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 for consistency with the establishment of a Designated Outdoor Refreshment Area.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 67-2023

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

AN EMERGENCY ORDINANCE AMENDING CHAPTER 612 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES.

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

SECTION 1: That Section 612.01(v) of the Codified Ordinances is hereby established to read as follows:

“(v) “Designated Outdoor Refreshment Area (DORA)” or “outdoor refreshment area” as used in this Chapter shall have the meaning prescribed in Codified Ordinance Section 1242.02(31.1).”

SECTION 2: That Section 612.09(g) of the Codified Ordinances is hereby established to read as follows:

“(g) No beer, wine, mixed beverages or spirituous liquor shall be sold or delivered by the holder of an A-1, A-1-A, A-1c, A-2, A-2f or class D liquor permit for outdoor consumption (excluding outdoor patios that are included within the permit premises) in a Designated Outdoor Refreshment Area except between the hours of 12:00 noon and 10:00 p.m. on Thursday to Sunday.”

SECTION 3: That Section 612.10(a) of the Codified Ordinances is hereby amended to read as follows:

“(a) No person shall take or possess any beer or intoxicating liquor into or upon any City property, park, public building, dance hall, public school property or other place where the public is permitted to assemble in the City except at the Brunswick Community Recreation and Fitness Center in compliance with the City of Brunswick Alcohol Policy, as may be amended from time to time, and except within the established boundaries and permitted hours of a Designated Outdoor Refreshment Area.”

SECTION 2: That this Ordinance 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 for consistency with the establishment of a Designated Outdoor Refreshment Area. 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: 9/11/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 68-2023** - An emergency resolution authorizing the City Manager to reimburse the City of Medina an amount not to exceed \$43,131.46 from the City of Brunswick HOME Program income for an eligible private rehabilitation project as part of the PY 2022 CHIP Program. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: The total cost for an eligible private rehabilitation project at 1495 McKinley Avenue, Brunswick, Ohio (the "Project") is estimated at \$65,545.00, to be paid from \$43,131.00 of HOME Program income and \$22,414.00 of CHIP funds.

PURPOSE AND EXPLANATION: HOME Program funds not to exceed \$43,131.46 are included within the request for release of funds and certification form for federally funded state projects as executed by the City Manager on February 24, 2023 and approved by the Ohio Department of Development, Office of Community Development.

Subject to an approved invoice and supporting documentation of the total Project costs, proof of payment of such costs by the City of Medina and submission of a properly executed Purchase Order pursuant to Ohio Revised Code Section 5705.41(D), the City Manager is hereby authorized to reimburse the City of Medina an amount not to exceed \$43,131.46 from City of Brunswick HOME Program income.

IMPLEMENTATION SCHEDULE: Immediately.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

Reimbursement to City of Medina	\$43,131.46	Account #133-2022-
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54100

**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?

That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, or welfare and for the additional reason to allow the Project to commence.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 68-2023

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

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO REIMBURSE THE CITY OF MEDINA AN AMOUNT NOT TO EXCEED \$43,131.46 FROM CITY OF BRUNSWICK HOME PROGRAM INCOME FOR AN ELIGIBLE PRIVATE REHABILITATION PROJECT AS PART OF THE PY 2022 CHIP PROGRAM.

WHEREAS: The total cost for an eligible private rehabilitation project at 1495 McKinley Avenue, Brunswick, Ohio (the "Project") is estimated at \$65,545.00, to be paid from \$43,131.00 of HOME Program income and \$22,414.00 of CHIP funds.

WHEREAS: The City of Medina will be paying the contractor for the Project directly.

WHEREAS: HOME Program funds not to exceed \$43,131.46 are included within the request for release of funds and certification form for federally funded state projects as executed by the City Manager on February 24, 2023 and approved by the Ohio Department of Development, Office of Community Development.

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

SECTION 1: Subject to an approved invoice and supporting documentation of the total Project costs, proof of payment of such costs by the City of Medina and submission of a properly executed Purchase Order pursuant to Ohio Revised Code Section 5705.41(D), the City Manager is hereby authorized to reimburse the City of Medina an amount not to exceed \$43,131.46 from City of Brunswick HOME Program income.

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 to allow the Project to commence. Therefore, the same shall be in full force 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
Laure E. Timura

PROPOSED LEGISLATION



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

LEGISLATION: **RES. NO. 69-2023** - A resolution authorizing the City Manager to enter into a municipal engineering consulting services agreement with Chagrin Valley Engineering, LTD. for the provision of professional municipal engineering services and designating Matthew M. Jones, P.E., as Consulting Municipal Engineer. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

BACKGROUND: Chagrin Valley Engineering currently holds this agreement which expires December 31, 2023 as per Resolution 69-2020.

PURPOSE AND EXPLANATION: The purpose of this action is to acquire the services of a Professional Engineer to act as the Cities Consulting Municipal Engineer and to have under contract an engineering firm to provide professional support for all engineering functions.

IMPLEMENTATION SCHEDULE: This agreement commences January 1, 2024.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: If this contract is approved, expenses associated with this contract and/or each individual project would be required to be submitted in a purchase order request and follow the contract terms. All purchase orders cannot be certified unless there are sufficient Council appropriations in place at the time. For additional financial information, refer to the proposed contract for rate structure.

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:**

**PROPOSAL FOR THE PROVISION OF
MUNICIPAL ENGINEERING CONSULTING SERVICES
TO THE CITY OF BRUNSWICK, OHIO**

This agreement is set between the City of Brunswick, Ohio (City) and Chagrin Valley Engineering, Ltd. (CVE), for the provision of Municipal Engineering Consulting Services.

Section 1. Chagrin Valley Engineering, Ltd. (CVE) with Matthew M. Jones P.E., a Partner of Chagrin Valley Engineering Ltd., duly licensed as a Professional Engineer, is hereby designated as the Consulting Municipal Engineer for the City of Brunswick, Ohio for a term beginning January 1, 2024 and ending December 31, 2025 at the pleasure of the City Manager, upon the terms, provisions and conditions thereafter set forth herein and ratified by the City Council.

Section 2. That said Consulting Municipal Engineer in conjunction with Chagrin Valley Engineering, Ltd. shall furnish services to this City, as required by the City, through the City Council or its designee, including the following services covered by the compensation as described in Section 4 of this Agreement. Services involving the use of additional staff members shall be compensated as described with Section 3 of this agreement:

- (A) Act as a technical consultant and advisor on engineering matters referred by the City Manager.
- (B) Advise the City in matters relating to resident's problems pertaining to engineering as they may relate to public sewers, public water supplies, drainage patterns and building grades.
- (C) Assist the City on municipal engineering matters. The Consulting Municipal Engineer shall also act as the Floodplain Administrator of the National Flood Insurance Program for the City of Brunswick.
- (D) Attend Council meetings and other meetings as requested by the City Manager or City Council. The monthly retainer amount presented in Section 4 is based upon the regular attendance of the Consulting Municipal Engineer or a designated CVE staff member at Planning Commission meetings and City Council Work Session meetings. Attendance by a designated CVE staff member in place of the Municipal Consulting Engineer at meetings will not be billed in addition to the retainer amount.
- (E) Preparation of preliminary sketches and estimates, concerning the advisability of proceeding with public improvements such as pavement improvements, storm water collection, water distribution, or other infrastructure improvements contemplated by the City Manager.
- (F) Performing such other duties as is normally required of Consulting Municipal Engineers not requiring the use of additional staff members such as field crews, etc.

Section 3. For services in connection with the construction of public improvements as described above, Chagrin Valley Engineering, Ltd., shall receive compensation as a percentage of the actual cost of construction of all improvements authorized by City Council and under its control. The percentages paid shall be as follows:

<u>COST OF CONSTRUCTION</u>	<u>FEE</u>
\$ 0 - \$150,000	Hourly
\$ 150,001 - \$250,000	\$ 18,750 plus 8.7% of the amount over \$150,001
\$ 250,001 - \$500,000	\$ 26,000 plus 7.6% of the amount over \$250,001
\$ 500,001 - \$1,000,000	\$ 45,000 plus 6.7% of the amount over \$500,001
\$1,000,001 - \$5,000,000	\$ 78,000 plus 6.1% of the amount over \$1,000,001
\$5,000,001 - \$10,000,000	\$322,000 plus 5.5% of the amount over \$5,000,001

The fees provided in this subsection shall cover engineering services including complete detailed plans and specifications, preparation of monthly and final estimates for contractor's payments and providing an Engineer for construction management to administer the construction contract. The above schedule of fees does not cover various supplementary services. Supplemental services not included within the presented fee schedule are, but not limited to: wetland delineations, stream quality assessments, preparation and acquisition of U.S. Army Corps of Engineers / Ohio Environmental Protection Agency wetland or stream fill permits, property, boundary, or right-of-way surveys, topographic surveys, profile surveys, grade stakes for construction, inspection of construction, laboratory inspection of materials, review of material submittals for use in construction, cost of test borings, or other subsurface exploration, traffic studies, or calculations of special assessments. These supplementary services may be provided by the Chagrin Valley Engineering, Ltd. on an hourly basis in accordance with the schedule of rates hereinafter set forth below or upon invoice submitted by the entity providing such supplemental services. Any such supplemental services performed by CVE cannot therefore be included in any municipal contract nor subject to an additional percentage of contracts nor be included in the cost of construction of any contract or this contract. The Engineer shall at all times notify the Service Director, in writing, of any supplementary services associated with a proposed public improvement at the time that a preliminary estimate, covered under Section 2 of this contract, is submitted for consideration or approval. Additionally, inspection and contract administration costs are not to be included in the cost of construction for purposes of calculating the engineering fee for projects covered under this section.

Chagrin Valley Engineering, Ltd. shall be entitled to progress payments in proportion to services performed on monthly basis. Upon authorization by City Council and until such time as bids are taken and contracts awarded, compensation shall be determined by the following percentages and the Engineer's estimated construction cost. As the work is constructed, Chagrin Valley Engineering, Ltd. shall receive additional compensation equal to the balance of the fee based upon a percentage of the certificates of payment to the contractor, provided said payment is authorized by City Council. As soon as the final certificate of payment to the contractor is issued, any adjustment shall be made so the total fee shall be a sum equal to the schedule percentage. The compensation for basic services shall be based upon the following percentages of the total fee attributable to various phases of the work:

1. Preliminary Report Phase	15%
2. Preliminary Design Phase	20%
3. Final Design Phase	45%
4. Bidding and Project Award Phase	10%
5. Contract Administration	10%

In the event proceedings for work are abandoned or postponed and then revived and actively pressed either by this or by a succeeding City Council within five (5) years of the date of said abandonment or postponement, Chagrin Valley Engineering, Ltd. shall credit against the total compensation the payment previously made hereunder, providing that Chagrin Valley Engineering, Ltd. is at that time employed by this or by a succeeding City Council to provide Municipal Engineering Consulting Services. In the event of the revival of a project within the time frame specified above, Chagrin Valley Engineering, Ltd. could, at its discretion, elect to negotiate additional fees with the City of Brunswick. Additional fees would address conditions that have incurred solely as a result of changes in existing conditions since the abandonment or postponement of the project, or design parameters that have been established by governmental review and approval subsequent to such delay.

Engineering charges for federally funded work must be in accordance with Federal Regulations and are set and approved as part of the funding procedure, and therefore are not part of this document.

HOURLY RATE SCHEDULE: For additional services for which the Engineer shall have been authorized to prepare material or work not let by Contract or for the performance of any of the following tasks:

- Special Surveys
- Preparation of Reports
- Preparation of Special Assessments
- Field Elevation Checks of Walks, Basements, Sewers, etc.
- Storm Water Management Inventory Assistance
- Storm Water Drainage: Plan / Calculation Review
- Erosion and Sediment Control: Plan Review / Site Inspections
- Sanitary "Tap-In" Reviews and Fee Determinations
- Residential / Commercial / Industrial Site Plan and or Subdivision Review
- Survey Plat Review
- Development / Implementation of Phase II Storm Water Management Program

Compensation shall be made on the basis of time spent by the Engineer or his employees and associates at the rates set forth in the following schedule of hourly rates, plus reimbursable expenses.

2024-25 Hourly Rates

Engineer - Partner	\$106.00 per hour
Professional Traffic Operations Engineer (PTOE)	\$145.00 per hour
Engineer	\$98.00 per hour
Contract Administrator	\$76.00 per hour
Storm Water Specialist	\$82.00 per hour
Professional Surveyor	\$95.00 per hour
Designer / Technician	\$85.00 per hour
Geographic Information Systems (GIS) Technician	\$88.00 per hour
Clerical	\$42.00 per hour
1 Man Survey Field Crew	\$124.00 per hour
2 Man Survey Field Crew	\$136.00 per hour
3 Man Survey Field Crew	\$152.00 per hour

August 23, 2023

Environmental Scientist	\$90.00 per hour
Inspector	\$55.00 per hour
Landscape Architect	\$85.00 per hour
Prints, Materials, Supplies and Services provided or performed by others at Cost.	

Section 4. The Consulting Municipal Engineer and Chagrin Valley Engineering, Ltd., as appointed by the City Manager, shall receive as compensation for the services described in Section 2 hereof, the annual sum of \$61,000.00, commencing January 1, 2024; said sums shall be pro-rated on a per month basis and payable to Chagrin Valley Engineering, Ltd., on the last day of each month.

Section 5. The Chagrin Valley Engineering, Ltd. agrees that for the duration of this contract no member of Chagrin Valley Engineering, Ltd. or employee thereof, will accept any private engineering or surveying work that requires their review and/or approval unless such work is approved by the City Manager; however, work for Federal, State County or Regional Governments is not prohibited.

Section 6. Documents and Files: All engineering documents and project files created for the purposes serving the City of Brunswick shall be the property of the City of Brunswick.

Section 7. The contract provided herein with Chagrin Valley Engineering, Ltd. may be terminated by either party on thirty (30) days advance written notice to the other, provided that such determination shall not affect the duty of the Consulting Municipal Engineer or Chagrin Valley Engineering, Ltd., to render service, nor the obligation of the City to pay for such service rendered, before the effective date of termination.

Matthew M. Jones P.E., Partner, Chagrin Valley Engineering, Ltd.

Date

Accepted this _____ day of _____, 2023 by the City of Brunswick, Ohio, pursuant to
Ordinance of Council No. _____ adopted on _____.

BY: _____

City of Brunswick, Ohio

Attest:

The legal form of the within instrument is hereby approved.

Director of Law

Date

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 69-2023

BY: Mr. Smith, Mr. Abella, Mr. Kuczma

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUNICIPAL ENGINEERING CONSULTING SERVICES AGREEMENT WITH CHAGRIN VALLEY ENGINEERING, LTD. FOR THE PROVISION OF PROFESSIONAL MUNICIPAL ENGINEERING SERVICES AND DESIGNATING MATTHEW M. JONES, P.E., AS CONSULTING MUNICIPAL ENGINEER.

WHEREAS: The City has received a proposal from Chagrin Valley Engineering, Ltd. for the provision of professional municipal engineering consulting services wherein Matthew M. Jones, P.E. has been designated at the Consulting Municipal Engineer; and

WHEREAS: The current Agreement with Chagrin Valley Engineering, Ltd. expires as of December 31, 2023.

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

SECTION 1: That the City Manager, upon approval of the Law Director, is authorized and directed to enter into a Municipal Engineering Consulting Services Agreement with Chagrin Valley Engineering, Ltd., as attached hereto as Exhibit "A", for the provision of professional municipal engineering services upon such terms and conditions as provided therein.

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

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____

AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura

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

PROPOSED LEGISLATION



DATE: 9/11/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Greg Glauner

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 71-2023** - An emergency resolution authorizing the City Manager to execute all necessary documents to accept a Safety Intervention Grant from the Bureau of Workers' Compensation for the Division of Fire. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Greg Glauner*)

BACKGROUND: The City of Brunswick, Division of Fire has been awarded a safety grant (Incident: 230531-000004) from the Ohio Bureau of Workers' Compensation in the amount of \$29,619.33. There is a 25% contribution match required from the City of Brunswick in the amount of \$9,873.11. The grant is intended to purchase two LUCAS Chest Compression Systems. This is a life-saving device utilized to perform automatic chest compressions when medical professionals are treating a patient in full-arrest. Presently, the Division of Fire is in possession of two such devices. This leaves the other two Medic Units without a device and therefore, when the units are called into service, Fire Medics perform manual compressions on a patient. This is less effective and prevents personnel from performing other life-saving measures.

PURPOSE AND EXPLANATION: The LUCAS Chest Compression System is a life-saving device utilized to perform automatic chest compressions when medical professionals are treating a patient in full-arrest. Presently, the Division of Fire is in possession of two such devices. This leaves the other two Medic Units without a device and therefore, when the units are called into service, Fire Medics perform manual compressions on a patient. This is less effective and prevents personnel from performing other life-saving measures.

IMPLEMENTATION

SCHEDULE: Once awarded and funding is put into place, the equipment will be immediately ordered and placed into service in the Division's Medic units upon receipt.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The City of Brunswick's Division of Fire has been awarded a safety grant (Incident:

230531-000004) from the Ohio Bureau of Workers' Compensation. 75% of the eligible grant expenses (up to the \$29,619.33 BWC grant portion) will be posted to account#952-0510-56270. The City's 25% contribution match of \$9,873.11 in eligible expenses will be posted to account#952-0510-56256.

**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?

Once approved, the Division of Fire may immediately place an order for the LUCAS Chest Compression System and the Ohio Bureau of Workers' Compensation will reimburse the City of Brunswick for the expenditure. As this is a life-saving device, and time is of the essence, this is the most expedient way to place these devices into service on our Medic Units.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 71-2023

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

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS TO ACCEPT A SAFETY INTERVENTION GRANT FROM THE BUREAU OF WORKERS' COMPENSATION FOR THE DIVISION OF FIRE.

WHEREAS: The Division of Fire has applied for and been approved for a Safety Intervention Grant from the Bureau of Workers' Compensation in the amount of \$29,619.33 (the "Grant") for the purchase of two (2) Lucas Chest Compression Systems, which equipment must be purchased within ninety (90) days of receipt of the Grant; and

WHEREAS: The local cost share to the City pursuant to the terms of the Grant is \$9,873.11.

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

SECTION 1: The City Manager is hereby authorized, upon approval of the Law Director, to execute all necessary documents to accept the Grant.

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 comply with the terms of the Grant. 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



**Bureau of Workers'
Compensation**

Division of Safety & Hygiene
30 W. Spring St., 25th Floor
Columbus, OH 43215-2256

Governor **Mike DeWine**
Administrator/CEO **John Logue**

www.bwc.ohio.gov
1-800-644-6292
Fax: 1-866-336-8352

Policy number:

Application number:

**** Please DO NOT STRAY FROM THE BUDGET**, be advised that you may not use grant money for safety intervention equipment that has already been purchased. This includes any or all of the following procurement activities: Ordered equipment; Received equipment; Received paid equipment. If you make the purchase/payment prior to receipt of this letter, BWC will consider the purchase retroactive and BWC may request return of the funds.

You must complete the action steps as listed below. All of them should be completed within the BWC Grant Management Portal:

- Within 90 days after the grant check or EFT, purchase and implement the approved intervention equipment/services.
- Within 120 days after the grant check or EFT, submit proof of spending and purchase documentation for all approved equipment/services.
- Within one year after the equipment is placed into service, complete the required case study.

Lastly, please ensure that when submitting your proof of spending and proof of payment documentation that your invoice is exact to the quote previously submitted. Including items that were not pre-approved in this grant or significantly changing their descriptions could delay the reconciliation process.

If you have any questions or concerns, please contact Safety Grants via The Ohio BWC Grant Management Portal. Thank you for taking the initiative to provide a safe work environment for your employees.

Sincerely,

Superintendent, Division of Safety & Hygiene

Enclosure

cc: BWC Finance Division



Section V: Budget

Step 1: Please provide the proposed budget for the project.

Note: You may only use the safety intervention grant to purchase ergonomic, safety or industrial hygiene equipment. You may not use the safety intervention grant for recouping the cost of any prior or ongoing interventions, or for rented or leased equipment. In addition, you may not use a safety intervention grant to pay for salaries, wages, internal labor, or any costs associated with preparing the application. You must make all grant purchases and implement the intervention equipment within ninety (90) days after the date on the BWC grant check or the electronic funds transfer. Note all itemized expenses associated with the project. Indicate exact costs and do not round figures. All budgets MUST have vendor price quotes attached for each individual item. You must subtract all discounts and equipment trade-ins from the project total.

Item	Quantity	Cost	Total
Lucas 3 chest compression system	2	\$17,212.90	\$34,425.80
Lucas Desk-Top battery charger	2	\$1,166.25	\$2,332.50
Lucas external power supply	2	\$369.00	\$738.00
Lucas 3 battery- dark grey- Rechargeable LiPo	2	\$693.75	\$1,387.50

Subtotal

Freight

Tax

Less all discounts and trade-in amounts.

Total budget

Step 2: To determine the grant amount you are requesting, please complete the formula below.

Total amount of project (from table above) A

Total amount supplied by BWC, (either \$40,000 or less, or remaining funds in eligibility cycle) B = A x 0.75

Total amount supplied by the employer A-B

Do you have ownership, partnership or any other affiliation with the vendor of the equipment being purchased?

If yes, please explain.

Are you planning to finance your portion of the grant project? Yes ☐ No ☐ If yes, you must provide a copy of the loan agreement with your receipt documentation once you receive the grant funds and make your purchase.

By my signature, I agree to fully comply with the terms and conditions of the program and to use all funds solely for the purposes intended. I further understand I may be subject to civil, criminal and/or administrative penalties as the result of any false, fictitious, misleading, or fraudulent statements. I understand if funds are not used, misused, misapplied, or misappropriated, or are used for purchases and/or services not associated with the approved budget and itemized proposal submitted, that I may be subject to civil, criminal, and administrative penalties.

Name of duly authorized representative (please print)

Signature of duly authorized representative

Title

Employer name BWC policy number



Section VI. AGREEMENT between OHIO BUREAU OF WORKERS' COMPENSATION

and _____
Employer's Full Legal Name

Agreement between the Ohio Bureau of Workers' Compensation and Employer

This is an agreement by and between _____ (hereinafter, "Employer"), with its principal place
Employer's Full Legal Name
of business located at _____, Ohio _____, and the State of Ohio, Bureau of Workers' Compensation
Address ZIP code

(hereinafter, "BWC"), having offices at 30 W. Spring St., Columbus, OH 43215-2256, entered into the day, month and year set out below.

Whereas, the administrator of workers' compensation may issue a grant to defray the costs incurred by an employer who elects to participate in the safety intervention grant program, pursuant to Ohio Administrative Code Rule (OAC) 4123-17-56, wherein an employer may receive grant funds for projects which substantially reduce or eliminate the risk of workplace injuries and illnesses.

Therefore, for good and valuable consideration, the sufficiency of which is acknowledged, the parties mutually agree to the following conditions.

Eligibility — Acceptance of Employer into the safety intervention grant program is contingent upon Employer's: (a) submission and approval of an application, (b) demonstrated need for intervention, (c) having active Ohio workers' compensation coverage, and (d) being current with respect to payroll reporting and payments due to any fund administered by BWC as of the date of execution of this agreement and for its duration.

Distribution of Grant Funds — Subject to the conditions precedent in this agreement and subject to available BWC resources, Employer and BWC mutually understand and agree that the total sum of the grant to be issued by BWC shall not exceed a 3-to-1 ratio of the funds contributed by Employer, whether a public or private employer, and that the maximum grant amount shall not exceed \$40,000. Employer must contribute \$13,333.33 in order to receive the maximum grant amount of \$40,000. Employer understands and acknowledges that BWC will not issue a grant matching any expenditures that exceed \$13,333.33. The \$40,000 safety grant is the maximum per eligibility cycle. If Employer has not received the maximum amount of money available through the safety grant program during their eligibility cycle, Employer may reapply and have its application approved to enter into another agreement until Employer has received a total of \$40,000 for that cycle.

Employer Responsibilities — Employer, in consideration of a grant given to it, promises to fully comply with the program requirements as outlined in the Application and Instructions and OAC 4123-17-56, all of which are fully incorporated herein by reference. **Employer will be responsible for using the awarded grant in the manner for which it is intended and will be required to provide BWC with documentation. This documentation may include, but is not limited to, original invoices, canceled checks, and periodic reports to confirm that all funds were spent and applied toward the approved intervention.** Employer understands that approved safety intervention equipment may not be rented or leased. Employer agrees to allow a BWC representative to conduct risk factor assessments. Further, Employer agrees not to eliminate jobs due to participation in the safety intervention grant program.

All interventions must receive approval prior to purchase to qualify for the grant, and any proposed changes must be agreed to by BWC prior to making the change. Employer agrees to allow BWC to publish safety intervention grant results including, but not limited to, data, videos, specifications, or photos for the purposes of illustrating, educating, and training employers and employees.

Time of Performance — Employer must make all equipment purchases and implement the approved intervention equipment within ninety (90) days of BWC issuing the grant check or electronic fund transfer. BWC will consider allowing additional time, up to a maximum of 90 days, upon the request of Employer. However, the extension must be made within the initial 90 day period. No later than thirty (30) days following the 90 day purchase period, Employer must provide BWC the following information: (a) itemized expense report, (b) original paid invoices pertaining to all intervention purposes, and (c) copies of all cancelled checks or other documentation to support that all invoices associated with the interventions were paid in full.

Employer shall provide BWC a one-year case study report which detail the number of affected population and list claim numbers affected by the intervention, if any. The one-year case study is due within 30 days of the reporting period. The one-year case study report is to be completed electronically by Employer. If the one-year case study report is not filed, or if the report is not written as described in the application, Employer shall be liable to repay the full amount of the grant.

Disqualification — If for any reason Employer fails to satisfy one or more of the criteria established in the Application and Instructions, OAC 4123-17-56, and this agreement, including, but not limited to, the requirement of maintaining active coverage, timely payments thereof, and the obligations described in Employer Responsibilities and Time of Performance sections, Employer may be disqualified from the program. **Disqualification will result in the termination of BWC's obligations under this agreement. BWC reserves the right to recover grant funds by one or more of the following methods: billing Employer for the grant funds received, forwarding Employer's information to the Office of the Attorney General of Ohio for collection, set-off, recoupment, or other administrative, civil, or legal remedy.**

If Employer merges or combines its business after receiving a grant, but before completing the one year of measurement reporting, the BWC Successorship Liability Policy will go into effect. Employer is responsible for notifying the successor employer of the obligations under the safety intervention grant program. The successor employer may be liable to repay any and all previously paid grant funds if these obligations are not met.



Disclaimer — If implemented correctly by Employer, the goal of the safety intervention grant program is to substantially reduce or eliminate injury and illness in the workplace and, hence, claims associated with the affected processes. BWC does not guarantee or warrant that the implementation of such a plan will result in a substantial reduction or elimination of injuries and illnesses in the workplace. The exclusive remedy shall be pursuant to workers' compensation laws of the appropriate jurisdiction. In no event, shall BWC be liable for any damages in contract or in tort.

Ohio elections law — Employer hereby certifies that no applicable party listed in Divisions (I), (J), (Y) and (Z) of O.R.C. Section 3517.13 has made contributions in excess of the limitations specified under Divisions (I), (J), (Y) and (Z) of O.R.C. Section 3517.13.

Conflicts of interest and ethics compliance certification — Employer affirms that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict, in any manner or degree, with the performance of services which are required to be performed under any resulting Contract. In addition, Employer affirms that a person who is or may become an agent of Employer, not having such interest upon execution of this Contract shall likewise advise the BWC in the event it acquires such interest during the course of this Contract.

Employer agrees to adhere to all ethics laws contained in Chapters 102 and 2921 of the Ohio Revised Code governing ethical behavior,

understands that such provisions apply to persons doing or seeking to do business with the Bureau, and agrees to act in accordance with the requirements of such provisions. Employer warrants that it has not paid and will not pay, has not given and will not give, any remuneration or thing of value directly or indirectly to the BWC or any of its board members, officers, employees, or agents, or any third party in any of the engagements of this Agreement or otherwise, including, but not limited to a finder's fee, cash solicitation fee, or a fee for consulting, lobbying or otherwise.

Non-Discrimination and Equal Employment Opportunity: Employer will comply with all state and federal laws regarding equal employment opportunity and fair labor and employment practices, including Ohio Revised Code Section 125.111 and all related Executive Orders. The State encourages Employer to purchase goods and services from Minority Business Enterprise (MBE) and Encouraging Diversity, Growth and Equity (EDGE) vendors.

Authority — The person signing below for Employer states that he or she is either the owner, chief executive officer, chief financial officer, plant manager or other person having fiduciary responsibilities with Employer; and Employer agrees that the signer or his, or her successor, will have the authority to oversee carrying out Employer's responsibilities for one year after BWC issues the funds. The signer's authority shall continue until Employer notifies BWC of the name of the successor.

☐

By initialing this box, Employer agrees that prior purchases have not been made and will not be made prior to approval. Employer also confirms understanding that all grant approved purchases are to be purchased and implemented within 90 days after the date on the BWC grant check or the date of the electronic fund transfer. Additionally, any changes to the original intervention must receive prior approval by BWC.

By my signature, I agree to fully comply with the terms and conditions of this agreement and the program and to use all funds solely for the purposes intended. I further understand I may be subject to civil, criminal and/or administrative penalties as the result of any false, fictitious, misleading, or fraudulent statements. I understand if funds are not used, misused, misapplied, misappropriated, or are used for purchases or services not associated with the approved budget and itemized proposal submitted, that I may be subject to civil, criminal, and administrative penalties.

Modifications: The parties may, in writing and by mutual agreement, amend, modify, supplement or rescind the terms of this agreement.

In witness whereof, the parties hereunto affix their signatures this day of _____, 20_____.
Month Day

Employer's full legal name _____

Federal tax I.D. _____

Title _____

Name (please print) _____

**State of Ohio, Bureau of Workers' Compensation
Safety Intervention Grant Program**

Signature _____

Safety Grant Program

Safety Intervention Grant (SIG) Scoresheet

Employer Name	Policy Number	Application Number	Intervention	Grant Amount	Pass/Fail

Approvals

X

Committee Member 1

X

Committee Member 2

X

Committee Member 3

X

Superintendent

PROPOSED LEGISLATION



DATE: 9/11/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Matt Jones

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 72-2023** - An emergency resolution authorizing the City Manager to enter into an agreement with Set in Stone Contracting, LLC for the 2023 Catch Basin Repair Program in an amount not to exceed \$83,340.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

BACKGROUND: Authorization for public bid granted by City Council motion on June 12, 2023. The lowest and best bid received was Set in Stone Contracting LLC at \$83,340.

PURPOSE AND EXPLANATION: The proposed project will seek to repair deteriorated catch basins and concrete boxouts citywide, improving neighborhood accessibility and safety to the travelling public. This project is being funded through the City's stormwater utility.

IMPLEMENTATION SCHEDULE: The project is anticipated to commence in early October and will take approximately three (3) weeks to complete.

FINANCIAL INFORMATION: 2023 Catch basin Repair Program - - Storm Water Enterprise Management Fund #224
- 224-0420-54265 - - \$83,340

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?

It is requested that legislation is passed by emergency measure with suspension of the rules for the immediate preservation of the public peace, property, health, safety, or welfare, and providing for the usual daily operation of a municipality, and for the further reason that this project may commence and be completed during the 2023 construction season.

**ADDITIONAL
INFORMATION:**

BID TABULATION
2023 CATCH BASIN REPAIR PROGRAM
CITY OF BRUNSWICK

DATE: AUGUST 30, 2023

CVE JOB NO. 23182 Engineer's Estimate: \$98,500.00

DATE: AUGUST 30, 2023 CVE JOB NO. 23182 Engineer's Estimate: \$98,500.00				SET IN STONE CONTRACTING, LLC		KONSTRUCTION KING, INC.	
ITEM	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	CATCH BASIN OR STORM MANHOLE ADJUSTED TO GRADE	EACH	26	\$1,865.00	\$48,490.00	\$2,000.00	\$52,000.00
2	CATCH BASIN OR STORM MANHOLE RECONSTRUCTED TO GRADE	EACH	6	\$2,075.00	\$12,450.00	\$2,250.00	\$13,500.00
3	MISCELLANEOUS METAL	LBS	2,000	\$0.80	\$1,600.00	\$0.75	\$1,500.00
4	CONCRETE DRIVE APRON	SF	400	\$14.00	\$5,600.00	\$15.00	\$6,000.00
5	CONCRETE WALK	SF	300	\$6.50	\$1,950.00	\$13.00	\$3,900.00
6	7" CONCRETE SLAB OR JOINT REPAIR	SY	100	\$125.00	\$12,500.00	\$130.00	\$13,000.00
7	ODOT 304 AGGREGATE BASE	CY	30	\$25.00	\$750.00	\$25.00	\$750.00
	TOTAL PROJECT COST			TOTAL	\$83,340.00	TOTAL	\$90,650.00
				DAYS TO COMPLETE: 21		DAYS TO COMPLETE: 45	
				EARLIEST START DATE: TBD		EARLIEST START DATE: 9/25/23	

				NORTHEAST OHIO TRENCHING SERVICE, INC.	
ITEM	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL PRICE
1	CATCH BASIN OR STORM MANHOLE ADJUSTED TO GRADE	EACH	26	\$2,800.00	\$72,800.00
2	CATCH BASIN OR STORM MANHOLE RECONSTRUCTED TO GRADE	EACH	6	\$3,400.00	\$20,400.00
3	MISCELLANEOUS METAL	LBS	2,000	\$3.00	\$6,000.00
4	CONCRETE DRIVE APRON	SF	400	\$18.00	\$7,200.00
5	CONCRETE WALK	SF	300	\$25.00	\$7,500.00
6	7" CONCRETE SLAB OR JOINT REPAIR	SY	100	\$110.00	\$11,000.00
7	ODOT 304 AGGREGATE BASE	CY	30	\$85.00	\$2,550.00
TOTAL PROJECT COST				TOTAL	\$127,450.00
				DAYS TO COMPLETE: 45 days	
				EARLIEST START DATE: October 9, 2023	

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 72-2023

BY: Mr. Smith, Mr. Abella, Mr. Kuczma

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SET IN STONE CONTRACTING, LLC FOR THE 2023 CATCH BASIN REPAIR PROGRAM IN AN AMOUNT NOT TO EXCEED \$83,340.00.

WHEREAS: The City of Brunswick received three (3) bids for the 2023 Catch Basin Repair Program (the “Program”), in accordance with public bidding requirements; and

WHEREAS: The three (3) received public bids were opened on August 30, 2023, with Set in Stone Contracting, LLC determined to be the lowest and best bidder.

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 Set in Stone Contracting, LLC, the lowest and best bidder, for the 2023 Catch Basin Repair Program in an amount not to exceed \$83,340.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary for completion of the Program during the 2023 construction season. 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: 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

LEGISLATION: **RES. NO. 73-2023** - An emergency resolution amending Resolution No. 9-2022 by increasing the not to exceed amount for the purchase of a new 8-ton truck body with snow/ice package from Henderson Products for the Service Department by \$9,790.00 from \$87,711.00 to \$97,501.00.- **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Paul Barnett*)

BACKGROUND: The City of Brunswick passed Resolution No. 9-2022 authorizing the purchase of a new 8-ton truck body for a truck chassis that was on order. With the extreme lead time to obtain a truck chassis, the legislation request stated "it is possible that the price may increase by the time the truck chassis is delivered to Henderson for manufacturing of the body. If this occurs, additional legislation will be necessary." In mid-2022, the truck chassis that was ordered in January of 2022 was canceled by the manufacturer. That truck was later re-ordered through legislative action and is now being manufactured. The cost of the body has increased over that time. The City of Brunswick is a member of a buying consortium titled Sourcewell. This proposed purchase is under the Sourcewell pricing program. This truck will replace a "like" truck that will be taken out of service and a truck of similar type will be disposed of. This purchase was budgeted for in the approved 2023 Capital Budget.

**PURPOSE AND
EXPLANATION:**

**IMPLEMENTATION
SCHEDULE:**

Order as soon as possible with an expected delivery in late December. The cost of materials has been fluctuating wildly and the availability of parts is not sure. It is critical that the time between the body quote and the time of the signing of the new purchase order be as short as possible. The body work will not be able to start until the cab and chassis is manufactured and delivered through a different contract. Once delivered, fabrication and installation of the truck body and snow and ice equipment can take place.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

Amount: \$97,501.00 Account #: 953-0420-56252

**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?
The price of materials is constantly changing currently and may increase dramatically from the time of the quote to the time of completing a PO. This equipment is for the health and safety of the citizens of Brunswick.

**ADDITIONAL
INFORMATION:**

The purpose of this purchase is to replace old obsolete equipment with "like" equipment in order to provide snow and ice control services to the City of Brunswick.



Henderson Products, Inc
Installation Locations in:
New York, New Jersey, Ohio
Illinois, Iowa, Missouri
Toll Free: 800-359-4970

Quotation

Date: **August 21, 2023** Quote Valid: **September 20, 2023**
To: CITY OF BRUNSWICK; PAUL MEGOVAC (330)350-2721
By: HENDERSON PRODUCTS INC. ; ROSS REPP / BRAD PETERS
Re: PURCHASE ORDER ADJUSTMENT

Henderson Products is pleased to quote the following equipment:

QUOTE TO REQUEST INCREASE PO VALE FOR NEW INSTALL QUOTE
QUOTE # 171413

ORIGINAL PO 202254270A 01/25/2022 VALUE - \$87,711.00
EQUIPMENT AND HYDRAULICS = \$68,517.00 (2022)
REMAINING PO VALUE = **\$19,194** (2021 INSTALL PRICING)

2023 INSTALL PRICING \$28,984.00 (TODAY) Quote# 171413	
28,984.00	2023
<u>-19,194.00</u>	2021

REQUEST TO INCREASE PO 202254270A BY \$9,790.00

NEW PO VALUE (2023) TO BE	-	\$97,501.00
----------------------------------	----------	--------------------

SIGN: _____

DATE: _____

Price per Unit:	\$28,984.00
Surcharge Per Unit	\$0.00
Tax	\$0.00
Total Per Package	<u>\$28,984.00</u>

Number of Units	1	
Extended Price	\$28,984.00	<i>includes Surcharge if applicable</i>

Please note the following regarding installation quotes:
A clean truck frame without obstruction is assumed in the pricing of our quote. Re-positioning of air tanks, fuel tanks or other obstacles to the ease of installation may require additional charges. Henderson will notify you before modification if this occurs.



HENDERSON

PRODUCTS, INC.

2177 STATE ROUTE 19
BUCYRUS, OH 44820
PHONE: 419-617-7509
FAX: 563-927-7106

CUSTOMER QUOTE

Page 1
Quote #171413
Rev #14

To: CITY OF BRUNSWICK, OH
Attn:
Quote Date: 8/1/2023
Valid Until: 8/31/2023

Quoted By: Brad Peters
Phone: 973-347-1537
Cell:
Fax: 563-927-7050
Email: bpeters@hendersonproducts.com

Quoted:
2023 SNOW AND ICE CONTROL PACKAGE

Henderson Products is pleased to present the following quote. Please contact us if you have any questions.

Installation Workup

Facility: IDC-OH
Chassis Delivery To Henderson: Henderson Picks Up (100 miles or less)
Completed Truck Delivery Method: Henderson Delivers (100 miles or less)
Chassis Make: Peterbilt
Chassis Model Yr: 2023
Chassis Model: 548
Vin Number: TBD
Useable CA/CT: 84in. CA
Front Axle Rating: 20,000 LB
Rear Axle Rating: 26,000 LB
Front Frame Ext?: Yes
Frnt Frame Ext Type: Full
Front Frame Wall: Single Wall
Front Frame Width: 34"
Pump Location: Transmission Mount Pump
Transmission Type: Automatic
Transmission Model: Allison Transmission
Set Back Axle: Yes

Hitch Type: Low Profile or Manual Tilt Type Hitch
Mount Type: Engineered Truck Hitch (sales to order hitch w/ unit)
Mount Spec: (1)180792 HITCH,KIT,T380/T480,548,SH&MH
Front Bumper: Fabricated Channel Bumper (2pc design) (MFG Material)
Hitch Options 1: (1)138891 VALVE,RELIEF,PRESSURE
Hitch Options 2: CUSTOMER SUPPLIED HITCH HT-801779-1

Front Plow Type: Standard Henderson Plow
Plow Markers (Front Plow): IDC Install of fact supplied markers, sales to order w/ unit
Rubber Deflector Install: Supplied/Installed @ Factory, sales to order w/ unit
Plow Jack Install: Supl'd/Instl'd on plow @ Factory, Sales order with unit
Plow Options 1: CUSTOMER SUPPLIED PLOW, RSP-801779-1

Dump Body Type: Mark E Single Axle
Floor Length: (10') Floor length



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HENDERSON

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CUSTOMER QUOTE

Page 2
Quote #171413
Rev #14

Hoist Type: Tele Trun Hoist with Subframe, Internal Doghouse
Cylinder Type: Double Acting
Body Material (Sides/ends): Stainless Steel Type Body Material
Tailgate Release Type: IDC Supplied manual air over air valve
Pressure Protection Valve: Direct to air tank valve (All except Int, Mack & Volvo)
Cabshield Install: Supl'd by fact, welded to body @ IDC, sales to order w/ unit
Grab Handle(s): (1) Factory supl'd, install @ IDC (Sales to order with unit)
Ladder(s): Supplied by factory, Install @ IDC (sales to order w/ unit)
Ladder Install QTY (Dump): (1) LADDER INSTALLED @ IDC (LABOR ONLY)
Ladder Install Style (Dump) 1: 3 Step Pull Out
Ladder Install Loc 1 (Dump): Driver Side Front
Shovel Holder: (1) IDC Supl'd Spring Loaded SS Shovel Holder w/ SS brckt
Shovel Holder Loc (1): Driver side headsheet
Sideboards: Wood (Painted NON-Black), supplied/installed by IDC
Sideboard Color: PAINT SIDEBOARDS SAME COLOR AS CAB
Sideboard Spec: (2)164059 SIDEBOARD, HARDWOOD, 2 X 12 X 10

Sideboard Notes:

Body Spec Notes:

CUSTOMER SUPPLIED DUMP BODY HPI-801779-1

Spreader Type: TGS

TGS Drive Type: Hydraulic Drive
TGS Spinner Configuration: Single Spinner Install
TGS Body Type: Standard straight gate body install
TGS mounting type: STD TGS brackets (supplied with unit)
HYD QD Mount Brackets: Stainless Steel QD Mount in front of dump body bolster
Spreader Options 1: CUSTOMER SUPPLIED TGS, TGS-801779-1

Chassis Accessories: Yes (SELECT RELATED OPTIONS BELOW)

Mudflaps (Rear): Swinging w/Logo
Mudflap Type (Rear): 36" Swinging, SS (with LOGO)
Fenders: Poly fenders, Full Pair, single axle, SS mount
Pintle Plate: Yes (select from options below)
Pintle Plate Configuration: 3/4" Plate, Blank, SA w/SubFrm (w/3LTC)
Pintle Plate D-Rings: Qty (2) 1" D-rings, 50 deg bend
Glad Hands: Glads, Fixed, strt, serv & emerg, w/ Dust Covers, Pr
Trailer Plug (1): Remount OEM Trailer Plug (QTY 1)
Trailer Plug (2): 6 Pin Trailer Plug, Truck End
Truck Wash: Complete Truck Wash/Clean/Vac 1
Warranty: Standard 1 Year Warranty
Inspection: Walk-around meeting only
Reflective Tape: Reflective Tape, Henderson Logo (60' Linear)
Chassis Install Options 1: (1)162231 PINTLE HOOK, 30 TON
Chassis Install Options 2: PUT GLADHANDS ON OUTSIDE OF PINTLE PLATE, UP HIGH



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BUCYRUS, OH 44820
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CUSTOMER QUOTE

Page 3
Quote #171413
Rev #14

Electrical: **Yes** (SELECT RELATED OPTIONS BELOW)

Power Distribution Panel: Power Distribution Panel

Flow Lights: Flow Lts, LED, Heated, Tlite, Round, Pair

Flow Light Brackets: Flow Lt Brckts, SS, PETERBILT 348, Pair

Worklight(s) QTY: (QTY 1) Work Light (Select type below)

Worklight (1) Type: LED, Worklight, 4in Round (Optilux)

Worklight (1) Gen Location: Rear Spinner

Cabshield Warning Light Qty: Qty 6 Lights (Order Holes with Unit)

Cabshield Warning Lights: QTY 6, 6" LED Oval Strobes, Amber (order holes w/unit)

Cabshield Lighting Harness: Cabshield Warning Lights Only (qty 2-6)

Rear Dump Bolster (S/T/T): LED S/T/T, kit (OH) (order holes)

OEM Light Remount: Remount OEM Chassis Lights

Rear Dump Bolster (Back-up): B/U Lights, LED, Clear, Oval, pair (Order holes with body)

Rear Dump Bolster Strobes: 6" LED Oval Strobes, Amber, 1 PR, (order holes w/unit)

Back up alarm: Relocate chassis supplied b/u alarm (verify if incl w/ OEM)

Body up switch/light: Supplied with Hydraulics, IDC install

Brake controller: Brake Controller, Voyager Brake Controller

License Plate Lights: Remount OEM light(s)

Backbone & Wire Standoffs: 10' Backbone (For SA)

Electrical Install Opt 1: (2)160463 LIGHT,WARNING,TIR3,AMBER

Electrical Install Opt 2: (2)144165.201 BRKT,LIGHT,STROBE,ILL TOLLWAY

Electrical Spec Notes:

Hydraulics: Full Hydraulic Package

Hyd Supplier: Certified (Select Pkg Below)

Hyd Supplier (Spec): CUSTOMER SUPPLIED HYDRAULICS 18347426

Controls Type: Air Controls

PTO Type: Included in Hydraulics Package

Reservoir Type: Supplied With Hydraulics

Valve Enclosure Type: Supplied With Hydraulics

Low Oil Indicator: Yes, included in Hyd Pkg

SS Tubing Upgrade: SA,F&R lines,6'Frnt,9'Rr

Quick Coupler Upgrade: Standard Quick Couplers

Hydraulics Notes:

SS QUICK CUPLERS INCLUDED IN QUOTE

SS VALVE ENCLOSURE/OIL TANK COMBO

FREEDOM 2.2 SPREADER CONTROLLER

NOTE

ATS NOT NEEDED WITH SHYHAWK AND F22V6.1

Disclaimer: Paint not guaranteed to match OEM chassis color

IDC Paint Location: IDC-OH

Undercoat: Undercoat (Body Underside & Chassis)

Paint Code & Color (from color charts): HUD 12 UNDERCOATING



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CUSTOMER QUOTE

Page 4
Quote #171413
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Single package: \$28,984.00
Package(s) : 1
Total: \$28,984.00

Due to the volatility in material costs and chassis delays, pricing is subject to change at time of manufacturing and/or upfit.

Signed: _____

Date: _____

Quote notes:



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CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 73-2023

BY: Mr. Smith, Mr. Abella, Mr. Kuczma

AN EMERGENCY RESOLUTION AMENDING RESOLUTION NO. 9-2022 BY INCREASING THE NOT TO EXCEED AMOUNT FOR THE PURCHASE OF A NEW 8-TON TRUCK BODY WITH SNOW/ICE PACKAGE FROM HENDERSON PRODUCTS FOR THE SERVICE DEPARTMENT BY \$9,790.00 FROM \$87,711.00 TO \$97,501.00.

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 purchase of a new 8-ton truck body with snow/ice package for the Service Department is through the Sourcewell joint purchasing program;

WHEREAS: On January 24, 2022, this Council adopted Resolution No. 9-2022 authorizing the City Manager to purchase a new 8-ton truck body with snow/ice package from Henderson Products through the Sourcewell joint purchasing program in an amount not to exceed \$87,711.00; and

WHEREAS: The cost of materials to manufacture the truck body have increased the purchase price by \$9,790.00.

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

SECTION 1: That Resolution No. 9-2022 is hereby amended to authorize the City Manager to purchase a new 8-ton truck body with snow/ice package for the Service Department from Henderson Products through the Sourcewell joint purchasing program in an amount not to exceed \$97,501.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to allow for placement of the order and timely delivery. 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: 9/11/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Matt Jones

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 74-2023** - An emergency resolution authorizing the City Manager to enter into an agreement with Inliner Solutions, LLC for the 2023 Storm Sewer Slip Lining Program in an amount not to exceed \$149,065.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/Matt Jones*)

BACKGROUND: Authorization for public bid granted by City Council motion on July 10, 2023. The lowest and best bid received was from Inliner Solutions, LLC for \$149,065.

PURPOSE AND EXPLANATION: The proposed project will seek to repair deteriorated sections of storm sewers citywide by slip lining, improving neighborhood accessibility and safety to the traveling public. This project is being funded through the City's stormwater utility.

IMPLEMENTATION SCHEDULE: The project is anticipated to commence on or about November 1 and will take approximately forty-five (45) days to complete.

FINANCIAL INFORMATION: 2023 Storm Sewer Slip Lining Program - - Storm Water Enterprise Management Fund #224 - 224-0420-54265 - - \$149,065

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?

It is requested that legislation is passed by emergency measure with suspension of the rules for the immediate preservation of the public peace, property, health, safety, or welfare, and providing for the usual daily operation of a municipality, and for the further reason that this project may commence and be complete during the 2023 construction season.

**ADDITIONAL
INFORMATION:**

BID TABULATION
2023 STORM SEWER SLIP LINING
CITY OF BRUNSWICK

DATE: AUGUST 30, 2023

CVE JOB NO. 23306 Engineer's Estimate: \$170,000.00

DATE: AUGUST 30, 2023 CVE JOB NO. 23306 Engineer's Estimate: \$170,000.00				INLINER SOLUTIONS, LLC		UNITED SURVEY, INC.	
ITEM	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	FULL SEWER RUN REPAIR BY LINING, 12" DIAMETER	LF	1,685	\$54.00	\$90,990.00	\$60.00	\$101,100.00
2	FULL SEWER RUN REPAIR BY LINING, 15" DIAMETER	LF	660	\$75.00	\$49,500.00	\$70.00	\$46,200.00
3	CONNECTION CUTS	EACH	55	\$65.00	\$3,575.00	\$50.00	\$2,750.00
4	GENERAL CONSTRUCTION CONTINGENCY ALLOWANCE	LUMP	1	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
TOTAL PROJECT COST (BASE) (ITEMS 1-4)				TOTAL	\$149,065.00	TOTAL	\$155,050.00
				DAYS TO COMPLETE: 45 DAYS		DAYS TO COMPLETE: 120 Days	
				EARLIEST START DATE: 11/1/2023		EARLIEST START DATE: 10 Days after NTP	
ITEM	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
A	FULL SEWER RUN REPAIR BY LINING, 12" DIAMETER	LF	610	\$55.00	\$33,550.00	\$55.00	\$33,550.00
B	FULL SEWER RUN REPAIR BY LINING, 15" DIAMETER	LF	165	\$85.00	\$14,025.00	\$80.00	\$13,200.00
C	FULL SEWER RUN REPAIR BY LINING, 18" DIAMETER	LF	75	\$165.00	\$12,375.00	\$150.00	\$11,250.00
D	CONNECTION CUTS	EACH	25	\$70.00	\$1,750.00	\$50.00	\$1,250.00

MEMO

Engineering Department



TO: City Council
FROM: Matthew M. Jones, P.E.
DATE: September 6, 2023
RE: 2023 Storm Sewer Slip Lining Program

On August 30, 2023, public bids were opened for the 2023 Storm Sewer Slip Lining Program. A tabulation of the bid results is attached for your reference. Two companies submitted bids for the project. The low bidder for the project was Inliner Solutions, LLC at \$149,065.00. The Engineer's estimate was \$170,000.00. United Survey, Inc. was the second low bidder with a bid of \$155,050.00.

The proposed project will seek to repair deteriorated sections of storm sewers citywide by slip lining, extending the service life of the storm sewers and preventing development of sinkholes in the surrounding ground.

CVE staff has contacted a sampling of municipal references provided by Inliner. The reference check did not find any reoccurring issues with Inliner. Three municipalities were contacted regarding three separate projects, and all characterized them as an above average contractor.

Based upon a review of the bid documents and other municipal references, it is my opinion that Inliner has the needed experience, personnel and equipment to successfully complete the work as bid and should be considered the lowest and best bidder for this project.

Therefore, I respectfully request that City Council consider emergency legislation to award a contract for the base bid and additive alternate in the amount of \$149,065.00 to Inliner Solutions, LLC. to complete the 2023 Storm Sewer Slip Lining Program.

If you have any questions or require any additional information please contact me at your convenience.

Attachments

C: Carl DeForest, City Manager
Paul Barnett, Service Director
Todd Fischer, Finance Director
Ken Fisher, Law Director

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 74-2023

BY: Mr. Smith, Mr. Abella, Mr. Kuczma

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH INLINER SOLUTIONS, LLC FOR THE 2023 STORM SEWER SLIP LINING PROGRAM IN AN AMOUNT NOT TO EXCEED \$149,065.00.

WHEREAS: The City of Brunswick received two (2) bids for the 2023 Storm Sewer Slip Lining Program (the “Program”), in accordance with public bidding requirements; and

WHEREAS: The two (2) received public bids were opened on August 30, 2023, with Inliner Solutions, LLC determined to be the lowest and best bidder.

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 Inliner Solutions, LLC, the lowest and best bidder, for the 2023 Storm Sewer Slip Lining Program in an amount not to exceed \$149,065.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary for completion of the Program during the 2023 construction season. 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