

BRUNSWICK CITY COMMITTEE-OF-THE-WHOLE

Agenda

FEBRUARY 12, 2024

6:25 PM

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

1. Discussion Items
2. Motion Items
 - (a) Motion to Advertise for a (3) three-year contract for Division of Police Vehicle Maintenance
 - (b) Motion to increase the refuse rates by \$2.25/month, effective July 1, 2024.
3. Review Legislation
 - (a) **ORD. NO. 9-2024** - An emergency ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for establishments that intend to engage in retail sales and/or distribution of tobacco products, vapor products, alternative nicotine products and/or electronic smoking devices in all zoning districts of the City and the issuance of such approvals. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)
 - (b) **RES. NO. 10-2024** - A resolution authorizing the City Manager to enter into a five (5) year agreement (with renewal options of up to four (4) years) with Kimble Recycling & Disposal, Inc. for the collection and disposal of residential solid waste and recycling. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Paul Magovac*)
4. General Discussion
5. Executive Session
 - (a) Motion to go into Executive Session to discuss the subject of pending or imminent court action.
6. Adjournment

PROPOSED MOTION



DATE: 2/12/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Robert Safran

COPY: Mayor Ron Falconi

MOTION: Motion to Advertise for a (3) three-year contract for Division of Police Vehicle Maintenance

BACKGROUND: Motion to advertise for public bids for the provision of vehicle maintenance services for the Division of Police. The current 3-year contract for police vehicle maintenance expires in June of 2024. The Division of Police is requesting permission to go out to public bid for a new 3-year contract.

PURPOSE AND EXPLANATION:

IMPLEMENTATION SCHEDULE:

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Once the bids are received and analyzed, the cost of the contract will be variable and be based on the amount of and the type of services ordered. Cost for services will be limited to sufficient Council appropriations and future certified purchase order amounts pursuant to ORC 5705.41 D. Eligible and budgeted costs for this item would be charged to the Police Fund #114, Account #114-0520-54243.

RECOMMENDED ACTION: N/A

ADDITIONAL INFORMATION:

PROPOSED MOTION



DATE: 2/12/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Todd Fischer

COPY: Mayor Ron Falconi

MOTION: Motion to increase the refuse rates by \$2.25/month, effective July 1, 2024.

BACKGROUND: The current refuse contract with Republic Services expires June 30, 2024. The City has bid refuse/recycle services for 5 years with mutually agreed upon renewable-year options. The lowest bid received in terms of cost was Kimble Recycle & Disposal, Inc. Kimble's bid is expected to be recommended as the lowest and best bid concurrently with this motion request. Kimble's proposal did include both increased fixed and variable costs per home compared to those listed in the expiring contract. Those costs have been analyzed by the Administration.

Codified Ordinance Section 1060.03 (a) requires the monthly charge for each resident to equal their pro rata share of the cost of the refuse program. In order to bring each resident's pro rata share in line with the estimated refuse program costs of the new bids, the regular monthly refuse rates would increase from \$21.25/month to \$23.50/month, effective July 1, 2024. The last time refuse rates were changed was April 1, 2023, but it will end when the current contract expires on June 30, 2024.

The recommended \$23.50 regular rate/month, effective July 1, 2024, is projected to cover the overall estimated costs of the program over the next 3 years of this contract, assuming no significant changes in variable costs or unexpected events pertaining to the contract/services occur over the next 3 years. If the estimated costs stay in-line with projections over the next 3 years, future rate changes would not be expected until July 1, 2027.

**PURPOSE AND
EXPLANATION:**

See background above.

**IMPLEMENTATION
SCHEDULE:**

Motion to pass to bring refuse rates in-line with refuse program costs in accordance with Codified Ord 1060.03 (a) and the anticipated new hauler contract, effective July 1, 2024.

**FINANCIAL
INFORMATION:**

FINANCIAL

SUMMARY: See background above.

**RECOMMENDED
ACTION:**

**ADDITIONAL
INFORMATION:** If this motion passes, the plan would be to notify the residents of the upcoming change in refuse rates in advance on their 2nd quarter refuse bills. The increased rate would go into effect on July 1, 2024, on their 3rd quarter refuse bill.

PROPOSED LEGISLATION



DATE: 2/12/2024

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. 9-2024** - An emergency ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for establishments that intend to engage in retail sales and/or distribution of tobacco products, vapor products, alternative nicotine products and/or electronic smoking devices in all zoning districts of the City and the issuance of such approvals. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)

BACKGROUND: The City of Brunswick may legitimately regulate the location and approval of establishments that intend to engage in retail sales and/or distribution of tobacco products, vapor products, alternative nicotine products and/or electronic smoking devices in the City, as defined in Codified Ordinance Section 636.19.

PURPOSE AND EXPLANATION: The six (6) month temporary moratorium established by Ordinance No. 79-2023 shall be extended for a period of six (6) months up to and including September 25, 2024, wherein the City shall not accept or process any applications for zoning, occupancy and/or building permit approvals for establishments that intend to engage in retail sales and/or distribution of tobacco products, vapor products, alternative nicotine products and/or electronic smoking devices in all Zoning Districts of the City, and further shall not issue any such approvals during said period.

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?

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City and its residents and property owners and for the additional reason that it is required to permit the City Administration, Council and/or Planning Commission necessary time to undertake a review of the Brunswick Codified Ordinances for possible amendment thereof.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 9-2024

BY: Committee-of-the-Whole

AN EMERGENCY ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING, OCCUPANCY AND/OR BUILDING PERMIT APPROVALS FOR ESTABLISHMENTS THAT INTEND TO ENGAGE IN RETAIL SALES AND/OR DISTRIBUTION OF TOBACCO PRODUCTS, VAPOR PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS AND/OR ELECTRONIC SMOKING DEVICES IN ALL ZONING DISTRICTS OF THE CITY AND THE ISSUANCE OF SUCH APPROVALS.

WHEREAS: The City of Brunswick may legitimately regulate the location and approval of establishments that intend to engage in retail sales and/or distribution of tobacco products, vapor products, alternative nicotine products and/or electronic smoking devices in the City, as defined in Codified Ordinance Section 636.19.

WHEREAS: On September 25, 2023, City Council adopted Ordinance No. 79-2023 establishing a six (6) month temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for establishments that intend to engage in retail sales and/or distribution of tobacco products, vapor products, alternative nicotine products and/or electronic smoking devices in all Zoning Districts of the City.

WHEREAS: This Council believes that extending the temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for establishments that intent to engage in retail sales and/or distribution of tobacco products, vapor products, alternative nicotine products and/or electronic smoking devices in all Zoning Districts of the City, and on the issuance of such approvals, will not deny property owners economically viable use of their property and will permit the City Administration, Council and/or Planning Commission necessary time to continue to undertake a review of the Brunswick Codified Ordinances for possible amendment thereof.

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

SECTION 1: The six (6) month temporary moratorium established by Ordinance No. 79-2023 shall be extended for a period of six (6) months up to and including September 25, 2024, wherein the City shall not accept or process any applications for zoning, occupancy and/or building permit approvals for establishments that intend to engage in retail sales and/or distribution of tobacco products, vapor products, alternative nicotine products and/or electronic smoking devices in all

PROPOSED LEGISLATION



DATE: 2/12/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Magovac

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 10-2024** - A resolution authorizing the City Manager to enter into a five (5) year agreement (with renewal options of up to four (4) years) with Kimble Recycling & Disposal, Inc. for the collection and disposal of residential solid waste and recycling. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Paul Magovac*)

BACKGROUND: The current Residential Solid Waste contract expires on June 30, 2024. The proposed Agreement with Kimble, the lowest and best bid, commences on July 1, 2024 and will expire on June 30, 2029 with up to four (4) option years upon mutual agreement of both parties.

PURPOSE AND EXPLANATION: This agreement will allow for the residential curbside collection of Refuse and Recyclables starting on July 1, 2024 and expires on June 20, 2029. The agreement provides for four (4) years extension upon mutual agreement of both parties.

IMPLEMENTATION SCHEDULE: Introduction on February 12, 2024 for three readings. The new service is scheduled to begin on July 1, 2024.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Agreement for both residential curbside collection of Refuse and Recyclables. The cost shall be as shown in Alternate No 1, Variable Rate, for five (5) years agreement, with a four (4) year option, agreeable by both parties. The bid rates shall be fixed for each five (5) years of the agreement. Variable costs in the bid apply and pertain to changes in tipping fees, diesel fuel price changes and recycling revenue sharing. It is anticipated that the initial rate to be charged to the customer will be \$23.50 per month or \$70.50 per quarter, with the goal to sustain that rate for the first 3 years or as long as practically possible. \$23.50 would be an increase of \$2.25/month from existing billable rates. The cost of this new hauler contract will be based on a first year fixed cost price per home of \$20.93 (an increase of \$3.33/month per home from expiring contract), plus additional

costs for administration, billing, and variable items such as fuel and tipping fees, etc. Variable costs are calculated monthly based on the diesel fuel costs released by the Department of Energy and tipping fee charges assessed by Medina County, etc. Fixed costs also increase annually in accordance with the bid proposal. Estimated costs for this contract are budgeted in the Refuse Fund - account #223-0710-54260. All costs for this contract remain under the appropriation authority of City Council and billing rates charged to the customers must follow local law. The cost of this new bid was also above original expectations. Therefore, it will also require a legislative increase in appropriations to pay estimated obligations under this contract. Please note that the proposed billable rate increase of \$2.25/month per customer is below the \$3.33/month fixed cost increase in this bid. This is because of the initial cart fee expiring effective July 1, 2024, and with updated estimates for variable costs pertaining to the lowest and best overall bid.

**RECOMMENDED
ACTION:**

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

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

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 10-2024

BY: Committee-of-the-Whole

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A FIVE (5) YEAR AGREEMENT (WITH RENEWAL OPTIONS OF UP TO FOUR (4) YEARS) WITH KIMBLE RECYCLING & DISPOSAL, INC. FOR THE COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE AND RECYCLING.

WHEREAS: The City of Brunswick received three (3) bids for the collection and disposal of residential solid waste and recycling, in accordance with public bidding requirements;

WHEREAS: The three (3) received public bids were opened on January 16, 2024 with Kimble Recycling & Disposal, Inc. ("Kimble"), determined to be the lowest and best bidder; and

WHEREAS: The current agreement with Browning Ferris Industries of Ohio, Inc., a subsidiary of Republic Services, Inc., for residential solid waste and recycling collection and disposal in the City expires on June 30, 2024.

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

SECTION 1: That the City Manager, upon approval of the Law Director, is hereby authorized and directed to enter into an Agreement, as attached hereto as Exhibit "A", with Kimble for the collection and disposal of residential solid waste and recycling in the City.

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, CMC