

BRUNSWICK CITY SAFETY & ENVIRONMENT COMMITTEE

Agenda

MAY 20, 2024

6:35 PM

or Immediately Following
Economic Development Committee

REVISED

1. Discussion Items
 - (a) **ORD. NO. 58-2024** - An emergency ordinance amending Chapter 624 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Robert Safran*)
 - (b) **RES. NO. 59-2024** - An emergency resolution authorizing the City Manager and Finance Director to enter into Guaranteed Maximum Price Amendment No. 1 with RFC Contracting, LLC. for specified sitework, concrete, asphalt, pre-purchased equipment and fire hydrant/waterline assembly for the new fire station headquarters project in an amount not to exceed \$2,345,908.00. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Greg Glauner*)
2. General Discussion
3. Adjournment

PROPOSED LEGISLATION



DATE: 5/20/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Robert Safran

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 58-2024** - An emergency ordinance amending Chapter 624 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Robert Safran*)

BACKGROUND: On or about December 7, 2023, Ohio Revised Code Chapter 3780 was enacted by the Initiative Petition establishing an Adult Use Cannabis Control Program in the State of Ohio. It is necessary to update Chapter 624 of the City of Brunswick Codified Ordinances.

PURPOSE AND EXPLANATION: Amend Brunswick Codified section 624 so as to comply with the Ohio Revised Code.

IMPLEMENTATION SCHEDULE: As soon as possible.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Not applicable.

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 peace, property, health, safety, or welfare, and for

the additional reason that the immediate passage is necessary to comply with Ohio Law. 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.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 58-2024

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

AN EMERGENCY ORDINANCE AMENDING CHAPTER 624 OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES.

WHEREAS: On or about September 8, 2016, the Ohio General Assembly adopted Ohio Revised Code Chapter 3796, as amended on or about March 22, 2020, establishing a Medical Marijuana Control Program in the State of Ohio.

WHEREAS: On or about December 7, 2023, Ohio Revised Code Chapter 3780 was enacted by Initiative Petition establishing an Adult Use Cannabis Control Program in the State of Ohio.

WHEREAS: Updates to City of Brunswick Codified Ordinance Chapter 624 are necessary to comply with Ohio Law.

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

SECTION 1: That Section 624.01⁹(ggg) of the Codified Ordinances is hereby established to read as follows:

“(ggg) “Adult Use Consumer” means an individual that is at least twenty-one years of age as provided in Ohio Revised Code Chapter 3780, as same may be amended from time to time.”

SECTION 2: That Section 624.01⁹(hhh) of the Codified Ordinances is hereby established to read as follows:

“(hhh) “Medical Marijuana Registrant” means an individual (or caregiver) that has registered with the Ohio State Board of Pharmacy under the Medical Marijuana Control Program as codified in Ohio Revised Code Chapter 3796, as same may be amended from time to time.”

SECTION 3: That Section 624.02(d) of the Codified Ordinances is hereby established to read as follows:

“(d) This Section does not apply to an Adult Use Consumer or Medical Marijuana Registrant.”

SECTION 4: That Section 624.03(b)(1)(E) of the Codified Ordinances is hereby established to read as follows:

(E) This Section does not apply to an Adult Use Consumer or Medical Marijuana Registrant.”

SECTION 5: That Section 624.04(b)(3) of the Codified Ordinances is hereby established to read as follows:

“(3) This Section does not apply to an Adult Use Consumer, Medical Marijuana Registrant or marijuana home grow operations of an Adult Use Consumer as authorized by Ohio Revised Code Chapter 3780, as same may be amended from time to time.”

SECTION 6: That Section 624.06(b) of the Codified Ordinances is hereby amended to read as follows:

“(b) This section does not apply to any person listed in Ohio R.C. 2925.03(B)(1) to (3) [or Ohio R.C. Section 3780.29](#) to the extent and under the circumstances described in those divisions.”

SECTION 7: That Section 624.12(d)(1) of the Codified Ordinances is hereby amended to read as follows:

“(1) This section does not apply to manufacturers, licensed health professional authorized to prescribe drugs, pharmacists, owner of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, [3780](#), [3796](#), 4715, 4729, 4730, 4731, and 4741. This section shall not be construed to prohibit possession or use of a hypodermic as authorized by Section 624.10.”

SECTION 8: 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 to comply with Ohio Law. 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, CMC

PROPOSED LEGISLATION



DATE: 5/20/2024

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. 59-2024** - An emergency resolution authorizing the City Manager and Finance Director to enter into Guaranteed Maximum Price Amendment No. 1 with RFC Contracting, LLC. for specified sitework, concrete, asphalt, pre-purchased equipment and fire hydrant/waterline assembly for the new fire station headquarters project in an amount not to exceed \$2,345,908.00. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Greg Glauner*)

BACKGROUND: By Resolution No. 92-2023 Brunswick City Council authorized the necessary agreements with RFC Contracting, LLC for provision of Construction Manager at Risk Services for the new fire station headquarters project. Representatives from RFC have been working with the City Administration, APP Architecture and contractors for the initial sitework , concrete, asphalt, pre-purchased equipment and fire hydrant/waterline assembly for the project and have since submitted a proposed Guaranteed Maximum Price No. 01 in an amount not to exceed \$2,542,503.26.

PURPOSE AND EXPLANATION: This is the first phase of construction and is necessary to begin construction on the site at 1094 Hadcock Road, as well as to pre-order necessary components requiring long lead times for delivery.

IMPLEMENTATION SCHEDULE: Earliest time allowed by law.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The total GMP Amendment No. 1 = \$2,542,503.26. This cost is made up of 2 components.

1) The first component is the Construction Manager at Risk services and related costs for the project. These costs are related to CM Construction Bond, CM General Conditions, CM Construction Staff, CM Contingency and CMR fee. The portion of these costs included in GMP Amendment #1 = \$196,595.26 and are to be charged to PO#202358335 (Account #964-0437-56883). The overall estimated costs for the Construction Manager at Risk, RFC Contracting LLC are currently limited to \$800,000 as authorized by City Council via

Resolution #92-2023. The estimated \$800,000 total cost is based off an original construction estimate of \$12.5 Million for the station. Actual CMR final costs may depend on various decisions made by the City or additional items that could be added outside the original scope or plans. If those decisions were to lead to CMR costs over and above \$800,000, it would be necessary to discuss that possible overage with City Council for potential amendment to Resolution #92-2023.

2) The second component is the building system costs, including any alternates added or subtracted for the project. These costs per the GMP Amendment #1 = \$2,345,908. These costs shall be charged to the Fire Station Construction Fund #359 - Account #359-0437-56881. The funding source for these costs will be from the \$12 M general obligation bond proceeds. A certified purchase order for these costs is expected to be completed by the Division of Fire and certified after the approval by City Council, but before any ordering takes place.

**RECOMMENDED
ACTION:**

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

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

To allow the Construction Manager at Risk to stay on schedule for construction and alignment of various trades and materials.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 59-2024

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

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER AND FINANCE DIRECTOR TO ENTER INTO GUARANTEED MAXIMUM PRICE AMENDMENT NO. 1 WITH RFC CONTRACTING, LLC FOR SPECIFIED SITEWORK, CONCRETE, ASPHALT, PRE-PURCHASED EQUIPMENT AND FIRE HYDRANT/WATERLINE ASSEMBLY FOR THE NEW FIRE STATION HEADQUARTERS PROJECT IN AN AMOUNT NOT TO EXCEED \$2,345,908.00.

WHEREAS: On or about October 23, 2023, City Council adopted Resolution No. 92-2023 authorizing the City Manager to enter into an Agreement with RFC Contracting, LLC for the provisions of Construction Manager At Risk services (“CMR Services”) for the new Fire Station Headquarters Project (the “Project”) in an amount not to exceed \$800,000.00.

WHEREAS: Pursuant to the authority granted under Resolution No. 92-2023, on or about October 23, 2023, the City of Brunswick and RFC Contracting, LLC entered into AIA Document A133-2019, Standard Form of Agreement Between Owner and Construction Manager for the Project.

WHEREAS: Pursuant to the authority granted under Resolution No. 92-2023, the total amount of \$800,000.00 has been encumbered for CMR Services per certified Purchase Order No. 202358335 (the “CMR PO”), of which \$26,400.00 has been incurred to date.

WHEREAS: RFC Contracting, LLC has submitted proposed Guaranteed Maximum Price No. 01 relative to sitework, concrete, concrete, asphalt, pre-purchased equipment and fire hydrant/waterline assembly for the Project in an amount not to exceed \$2,542,503.26, of which the amount of \$196,595.26 includes fees for CMR Services to be paid pursuant to the CMR PO.

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

SECTION 1: That the City Manager and Finance Director, with the approval of the Law Director, is hereby authorized to enter into Guaranteed Maximum Price Amendment No. 1 with RFC Contracting, LLC for specified sitework, concrete, asphalt, pre-purchased equipment and fire hydrant/waterline assembly for the Project in an amount not to exceed \$2,345,908.00.

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 meet the design and construction timeline for the Project. 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, CMC