



BRUNSWICK CITY COUNCIL AGENDA

Brandon Lambert Ward 3	Kristy Piper At-Large	Tim Smith At-Large	Dennis Nevar 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

JULY 15, 2024
SPECIAL COUNCIL MEETING
6:00 PM
or Immediately Following
Committee-of-the-Whole

1. Prayer and Pledge of Allegiance
2. Roll Call of Members
3. Approval of Regular Council Meeting Minutes dated July 8, 2024
4. Other Committees, Boards and Commissions
 - (a) Committee-of-the-Whole Minutes dated July 8, 2024
5. Petitions from the Public on Legislation
6. Reading of Legislation and Action on Legislation:
 - a. 3rd Reading(s)
 - b. 2nd Reading(s)

RES. NO. 61-2024 - A resolution exempting vacant real property located on Samuel Drive (PPN 003-18D-22-042) from the requirements of Section 302.4 of the Property Maintenance Code, as amended pursuant to Section 1480.07 of the City of Brunswick Codified Ordinances. - **2nd Reading** (Committee-of-the-Whole, *Administration/Grant Aungst*)

- c. 1st Reading(s)

RES. NO. 62-2024 - An emergency resolution authorizing the City Manager to enter into an agreement with Konstruction King, Inc. for the Pepperwood Drive Resurfacing Project in an amount not to exceed \$1,087,000.00. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Matt Jones*)

RES. NO. 63-2024 - An emergency resolution declaring the intention of the City of Brunswick to provide municipal services to a 22.0536± acre property (PPN 001-02A-25-001) located on Woodward Avenue. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Dennis Nevar*)

RES. NO. 64-2024 - An emergency resolution amending Resolution No. 59-2024 by increasing the not to exceed amount of 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 by \$48,167.76 from \$2,345,908.00 to \$2,394,075.76. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Dennis Nevar*)

RES. NO. 65-2024 - An emergency resolution authorizing the City Manager and Finance Director to enter into Guaranteed Maximum Price Amendment No. 2 with RFC Contracting, LLC for specified site furnishings, landscaping, fencing & gates, masonry, steel, rough and finish carpentry, roofing, siding, openings, drywall/ceilings, flooring, painting, specialties, fire suppression, plumbing, HVAC, electrical/technology, and selected alternates for the new fire station headquarters project in an amount not to exceed \$8,534.527.95. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Dennis Nevar*)

7. Adjournment



COMMITTEE OF THE WHOLE

July 8, 2024

IN ATTENDANCE: Nicholas Hanek, Joseph Delsanter, Keith Kuczma, Michael Abella Jr., Tim Smith, Kristy Piper, City Manager/Safety Director Carl DeForest, Law Director Dennis Nevar, Service Director Paul Magovac, Parks & Recreation Director Taylor Petkovsek, Mayor Ron Falconi, Clerk of Council Laura Timura, News Media.

The meeting convened at 6:35 p.m.

Mr. Abella moved to excuse Councilman Lambert for just cause. Vote – 6 Ayes, 0 Nays.

MOTION ITEMS:

- a) A motion to authorize the City Manager to extend the current contract with LNE Group from July 1, 2024 through June 30, 2025 at a cost of \$8,000 per month, based on Council approval of budget appropriations

Mr. DeForest disclosed that a budget amendment would come before Council on July 22nd, which would include funding for this contract. The City is currently paying \$49,000 a year for this service.

Mr. DeForest remarked that the LNE Group has done tremendous work for the City and gotten the City \$14.2 million worth of funding in the past several years.

Mr. Delsanter moved to authorize the City Manager to extend the current contract with LNE Group from July 1, 2024 through June 30, 2025 at a cost of \$8,000 per month, based on Council approval of budget appropriations. Vote – 6 Ayes, 0 Nays.

- b) A motion requesting City Council to authorize the City Manager to issue a request for proposals for operation of youth baseball and softball program.

Mr. DeForest relayed that the Administration is looking to publish a Request for Proposals (RFP) for an entity to run the City's baseball program.

Mr. DeForest reminded that the Administration sent a cancellation notice to Brunswick Youth Sports (BYS) in February. The City gave BYS until July 1, 2024, to prove their 501(c)(3) status, but BYS was unable to do so.

Mr. DeForest added that the RFP would include verbiage that the entity would need to have 501(c)(3) status or be able to obtain 501(c)(3) status before entering into the contract.

Mr. Abella requested Mr. Nevar to explain the importance and necessity of the organization to have 501(c)(3) status.

Mr. Nevar stated that a 501(c)(3) is a tax-exempt organization according to the Internal Revenue Code. This status goes hand-in-hand with registering as a non-profit corporation with the Ohio Secretary of

State. The Administration prefers that a lease with a City-owned property be with a non-profit organization.

Mr. Hanek explained that the goal of Council and the Administration is to have high-quality, ongoing youth baseball and softball programs to benefit the City's residents.

Mr. DeForest concurred with Mr. Hanek's statements.

Mr. Nevar added that the cost to participants would be higher if a for-profit organization ran these programs.

Mr. Delsanter commented that having 501(c)(3) status requires more scrupulous record-keeping, making it easier for the government to monitor the organization to ensure that they are acting in conformance with non-profit tax-exempt requirements.

Mr. Kuczma moved to authorize the City Manager to issue a request for proposals for operation of youth baseball and softball program. Vote – 6 Ayes, 0 Nays.

- c) Motion authorizing the City Manager to enter into an agreement with Crossroads Asphalt Recycling, Inc. to provide emergency repairs to Center Road in an amount not to exceed \$200,000.

Mr. Hanek noted that emergency expenditures may be made without prior Council approval under Brunswick Charter Section 7.09(b)(1). The Administration has requested that Council approve an agreement that addresses recent water main breaks within the City.

Mr. DeForest revealed that the City has recently had two water main breaks. It took Cleveland Water, who owns the water lines, about two weeks to repair and backfill the water lines for the first water main break.

Mr. DeForest stated that the second break is not yet fixed because the City could not get an estimate for the work that needed to be done, and the asphalt plants were closed due to the holiday. This motion would allow the City to enter into an agreement to repair the roadway on Center Road by Neura Park.

Mr. Abella questioned if the Cleveland Division of Water would compensate the City for any of these expenditures.

Mr. DeForest replied that they would, but the amount is undetermined at this time.

Mr. Nevar added that the City's water service agreement with Cleveland provides that Cleveland shall backfill all excavations and the street shall be restored by Brunswick at Cleveland's expense, not to exceed \$25 per square foot or a cost as adjusted to reflect labor and material costs. The Administration will submit correspondence to the Cleveland Division of Water for reimbursement to the maximum extent possible.

Mr. Delsanter advised that the agreement the City has with Cleveland is advantageous to the Cleveland Division of Water, as it is cheaper for Cleveland Water to pay for maintenance costs instead of a complete replacement of the water line.

Mr. Kuczma inquired if there was an escape clause in the City's contract with Cleveland Water.

Mr. Nevar replied that the City is locked into the contract. He stated that he would have to research further whether the City has any termination rights within the contract. However, the pipes are owned by Cleveland Water.

Mr. Kuczma noted that multiple water main breaks have occurred in the same area this year.

Mayor Falconi inquired if the water main breaks were associated with one another.

Mr. DeForest answered that they were not. He continued that Cleveland Water attributes the breaks to the pressure per square inch (psi) discrepancy between Brunswick and Cleveland because the psi needed to move water through pipes in Cleveland is lower than what is necessary in Brunswick.

Mr. Hanek commented that this issue would be revisited in the future.

Mr. Kuczma moved a motion authorizing the City Manager to enter into an agreement with Crossroads Asphalt Recycling, Inc. to provide emergency repairs to Center Road in an amount not to exceed \$200,000 to tonight's Committee-of-the-Whole Agenda of July 8, 2024. Vote – 6 Ayes, 0 Nays.

Mr. Abella moved to authorize the City Manager to enter into an agreement with Crossroads Asphalt Recycling, Inc. to provide emergency repairs to Center Road in an amount not to exceed \$200,000. Vote – 6 Ayes, 0 Nays.

REVIEW LEGISLATION:

- a) **RES. NO. 61-2024** - A resolution exempting vacant real property located on Samuel Drive (PPN 003-18D-22-042) from the requirements of Section 302.4 of the Property Maintenance Code, as amended pursuant to Section 1480.07 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Grant Aungst*)

Mr. Nevar disclosed that the owner of this property notified the Medina County Park District (MCPD) that he would like to donate this property. This property is in a prime location, as it could serve as land for the expansion of the Plum Creek Greenway Trail. The MCPD is amenable to accepting this donation, but they do not want to maintain this property.

Mr. Nevar continued that the Administration is working separately with the MCPD to enter into a consent agreement that will authorize the City's Service Department to enter and maintain the property. This resolution exempts the MCPD from complying with the Property Maintenance Code, as the City will take over the property's maintenance.

Mr. Hanek noted that this area of the City is not very walkable, and developing a trail on this property will increase residents' access to Brunswick Lake and other parks, while also increasing walkability.

Mr. Delsanter moved Resolution Number 61-2024 to tonight's Council Agenda of July 8, 2024, for three readings. Vote – 6 Ayes, 0 Nays.

GENERAL DISCUSSION:

Mr. Hanek announced that Council would be having a Special Council Meeting on July 15, 2024, at 5:50 p.m. This meeting will address some ongoing finance needs regarding the fire station so that the process can continue moving forward.

EXECUTIVE SESSION:

Mrs. Piper moved to go into Executive Session to discuss the subject of pending or imminent court action, seconded by Mr. Kuczma. Roll Call - Ayes – 6, Mr. Hanek, Mrs. Piper, Mr. Delsanter, Mr. Abella, Mr. Smith, Mr. Kuczma. Nays – 0

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

The Committee-of-the-Whole reconvened.

ADJOURNMENT:

Being no further business, Mr. Abella moved to adjourn the Committee-of-the-Whole Meeting at 7:02 p.m. Vote – 6 Ayes, 0 Nays.

Submitted Respectfully,

A handwritten signature in cursive script that reads "Irene Jayapandian".

Irene Jayapandian
Assistant Clerk of Council

PROPOSED LEGISLATION



DATE: 7/15/2024

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. 61-2024** - A resolution exempting vacant real property located on Samuel Drive (PPN 003-18D-22-042) from the requirements of Section 302.4 of the Property Maintenance Code, as amended pursuant to Section 1480.07 of the City of Brunswick Codified Ordinances. - **2nd Reading** (Committee-of-the-Whole, *Administration/Grant Aungst*)

BACKGROUND: The Medina County Park District has authorized the acceptance of a gift of land on Samuel Drive, Brunswick, Ohio (Permanent Parcel No. 003-18D-22-042) with the intention of eventually connecting it to the Plum Creek Trailway via an asphalt trail. Until such time, the Medina County Park District is requesting that the City of Brunswick not require the Medina County Park District to mow this area in accordance with established Property Maintenance Code, rather keeping it in its natural undeveloped state.

PURPOSE AND EXPLANATION: The intent is to eventually utilize this land as a connector extension to the Plum Creek Trailway, thereby gaining access for use from Samuel Drive. By accepting the donated land, the Medina County Park District would be in a position to develop the property into a proposed asphalt trail in the future.

IMPLEMENTATION SCHEDULE: As soon as allowed by law.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	No
Two Readings	No
Three Readings	Yes

Emergency	No
Suspension of Rules	No

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

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 61-2024

BY: Committee-of-the-Whole

A RESOLUTION EXEMPTING VACANT REAL PROPERTY LOCATED ON SAMUEL DRIVE (PPN 003-18D-22-042) FROM THE REQUIREMENTS OF SECTION 302.4 OF THE PROPERTY MAINTENANCE CODE, AS AMENDED PURSUANT TO SECTION 1480.07 OF THE CITY OF BRUNSWICK CODIFIED ORDINANCES.

WHEREAS: The Board of Commissioners of the Medina County Park District has agreed to accept the donation of vacant real property located on Samuel Drive (PPN 003-18D-22-042) consisting of approximately 0.4728 acres (the "Property") from the current record owner thereof, subject to agreement by the City that the Property can remain in its natural undeveloped state.

WHEREAS: Subject to separate future agreement between the Medina County Park District and the City of Brunswick, it is contemplated that the subject Property may potentially be utilized for the future extension of the Plum Creek Greenway Trail (the "Extension Project").

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

SECTION 1: That the subject Property is hereby exempt from the weed/grass maintenance requirements contained in Section 302.4 of the Property Maintenance Code, as amended pursuant to Section 1480.07 of the City of Brunswick Codified Ordinances, to allow the Property to be maintained in its natural undeveloped state.

SECTION 2: That this Resolution will remain in effect until: (a) the Medina County Park District and the City of Brunswick enter into an agreement for the Extension Project, including maintenance thereof; or (b) otherwise terminated by this Council pursuant to separate legislation.

SECTION 3: 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

PROPOSED LEGISLATION



DATE: 7/15/2024

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. 62-2024** - An emergency resolution authorizing the City Manager to enter into an agreement with Konstruction King, Inc. for the Pepperwood Drive Resurfacing Project in an amount not to exceed \$1,087,000.00. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Matt Jones*)

BACKGROUND: Authorization for a public bid was granted by City Council motion on June 10, 2024. Bids were received on July 3, 2024. The lowest and best bidder was Konstruction King, Inc for \$1,087,000. The bid included the entire Pepperwood Drive from Wolff Drive to Grafton Road. The south side from Wolff Drive to Baywood Drive is the portion relating to the City's OPWC application and grant project. The City of Brunswick cannot award the construction contract until after the OPWC Pepperwood Project Agreements have been executed by all parties. The agreements were executed on July 3, 2024 and the City received an email for OK to proceed. The south side of the improvement project will be split 50.238183% to OPWC and 49.761817% City costs. The North side of the project from Baywood to Grafton will be 100% local costs and not part of the OPWC project. Based on the lowest and best bid and bid quantities, the engineer has calculated that the South side of the construction project costs = \$758,089.50. These costs will be split between the OPWC portion of \$380,850.39 (Fund/acct# 375-0557-56881) and the City portion of \$377,239.11 (Fund/acct# 333-0557-56881). The Engineer has calculated the north side of the project to equal \$328,910.50 to be charged to Fund/acct# 333-0557-56881.

PURPOSE AND EXPLANATION: The proposed project will seek to rehabilitate, repair and resurface the existing deteriorated concrete pavement on Pepperwood Drive between Wolff Drive and Grafton Road, improving neighborhood accessibility and safety to the traveling public.

The lowest and best bidder was Konstruction King, Inc for \$1,087,000. The bid included the entire Pepperwood Drive from Wolff Drive to Grafton Road. The south side from Wolff Drive to Baywood Drive is the portion relating to the City's OPWC application and grant project. The City of Brunswick cannot award the construction contract until after the OPWC Pepperwood Project Agreements have been executed by all parties. The agreements were executed on July 3, 2024 and the City received an email for OK to proceed. The south side of the improvement project will be split 50.238183% to OPWC and 49.761817% City costs. The North side of the project from Baywood to Grafton will be

100% local costs and not part of the OPWC project. Based on the lowest and best bid and bid quantities, the engineer has calculated that the South side of the construction project costs = \$758,089.50. These costs will be split between the OPWC portion of \$380,850.39 (Fund/acct# 375-0557-56881) and the City portion of \$377,239.11 (Fund/acct# 333-0557-56881). The Engineer has calculated the north side of the project to equal \$328,910.50 to be charged to Fund/acct# 333-0557-56881.

**IMPLEMENTATION
SCHEDULE:**

The project is anticipated to commence in August and be completed in November. The construction contract and this legislation cannot be awarded until after OPWC Pepperwood Project Agreements have been executed by all parties. This is necessary in order to secure an overall grant award in the amount of \$658,500.

**FINANCIAL
INFORMATION:**

**FINANCIAL
SUMMARY:**

The lowest and best bidder was Konstruktion King, Inc for \$1,087,000. The bid included the entire Pepperwood Drive from Wolff Drive to Grafton Road. The south side from Wolff Drive to Baywood Drive is the portion relating to the City's OPWC application and grant project. The City of Brunswick cannot award the construction contract until after the OPWC Pepperwood Project Agreements have been executed by all parties. The agreements were executed on July 3, 2024 and the City received an email for OK to proceed. The south side of the improvement project will be split 50.238183% to OPWC and 49.761817% City costs. The North side of the project from Baywood to Grafton will be 100% local costs and not part of the OPWC project. Based on the lowest and best bid and bid quantities, the engineer has calculated that the South side of the construction project costs = \$758,089.50. These costs will be split between the OPWC portion of \$380,850.39 (Fund/acct# 375-0557-56881) and the City portion of \$377,239.11 (Fund/acct# 333-0557-56881). The Engineer has calculated the north side of the project to equal \$328,910.50 to be charged to Fund/acct# 333-0557-56881.

Summary:

Wolff Drive to Baywood Drive, OPWC portion \$380,850.39; City of Brunswick portion \$377,239.11

Baywood Drive to Grafton Road, 100% City portion, \$328,910.50

**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 substantially completed during the 2024 construction season.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 62-2024

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH KONSTRUCTION KING, INC. FOR THE PEPPERWOOD DRIVE RESURFACING PROJECT IN AN AMOUNT NOT TO EXCEED \$1,087,000.00.

WHEREAS: The City of Brunswick received three (3) bids for the Pepperwood Drive Resurfacing Project (the “Project”), in accordance with public bidding requirements;

WHEREAS: The three (3) received public bids were opened on July 3, 2024, with Konstruction King, Inc. determined to be the lowest and best bidder; and

WHEREAS: The Project is being partially funded with a grant from the Ohio Public Works Commission.

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 Konstruction King, Inc. for the construction of the Pepperwood Drive Resurfacing Project in an amount not to exceed \$1,087,000.00.

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 Project during the 2024 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: _____

Assistant Clerk of Council
Irene Jayapandian

PROPOSED LEGISLATION



DATE: 7/15/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Carl DeForest

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 63-2024** - An emergency resolution declaring the intention of the City of Brunswick to provide municipal services to a 22.0536± acre property (PPN 001-02A-25-001) located on Woodward Avenue. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Dennis Nevar*)

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

PURPOSE AND EXPLANATION: The Council for the City of Brunswick hereby declares that, should the Medina County Commissioners grant the annexation of 22.0536± acres of property located on Woodward Avenue (PPN 001-02A-25-001), the City of Brunswick will provide police protection, fire prevention/suppression, EMS service, and any and all other services rendered to residents of the City of Brunswick.

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?

The approved legislation must be filed with the Medina County Commissioners' Office twenty (20) days before the August 27, 2024, hearing date.

**ADDITIONAL
INFORMATION:**



CRITCHFIELD

www.ccj.com

June 27, 2024

Via Certified Mail

Clerk of Council
City of Brunswick
4095 Center Road
Brunswick, OH 44212

RE: Petition for Regular Annexation – 22.0536 acres
Brunswick Hills Township to the City of Brunswick

Dear Clerk:

Please be advised that a Petition for Annexation was filed with the Medina County Commissioners on June 25, 2024 at 3:22 p.m. The Board of Medina County Commissioners will conduct a hearing on the Petition for Annexation on **Tuesday, August 27, 2024 at approximately 11:00 a.m.** I am enclosing copies of the Petition with exhibits and the notice of hearing received from the Medina County Commissioners for your review and retention.

Please contact me should you have any questions or need additional information.

Sincerely,

Daniel P. Calvin

DPC/tas
Enclosures

4879-4773-3452, v. 1

Daniel P. Calvin
calvin@ccj.com

4996 Foote Road
Medina, OH 44256

P: 330.723.6404
F: 330.721.7644



Medina County Board of Commissioners

Stephen D. Hambley

Aaron M. Harrison

Colleen M. Swedyk

June 26, 2024

Via Email (calvin@ccj.com) and Regular U.S. Mail

Daniel P. Calvin, Esq.
Critchfield Law Firm
4996 Foote Road
Medina, OH 44256

RE: Petition for Regular Annexation –22.0536 acres
Brunswick Hills Township to the City of Brunswick

Dear Mr. Calvin,

The Medina County Board of Commissioners is in receipt of the regular petition for annexation received from your office on June 25, 2024. A time-stamped copy of the petition was provided at the time of filing for your records. Please advise if you wish for future correspondence to be sent via email, or if regular mail is your preferred method.

The Board of Commissioners will conduct a hearing on the above-referenced petition for annexation on **Tuesday, August 27, 2024, at 11:00 a.m.** providing no objections are received between now and then. Our office will arrange for a court reporter to be present at this hearing.

Sincerely,

A handwritten signature in cursive script that reads "Rhonda J. Beck".

Rhonda Beck
Clerk of the Board of County Commissioners

**Petition for Annexation
To the City of Brunswick
of 22.0536 acres, more or less
In the Township of Brunswick Hills
(Regular Petition – O.R.C. §709.02)**

MEDINA CO COMMISSION
JUN 25 '24 PM 3:22

The undersigned ("Petitioner"), being the sole owner of the real property known as Medina County Permanent Parcel Number 001-02A-25-001, which parcel consists of 22.0536 acres as more fully described in Exhibit A attached hereto and made a part hereof ("Property") hereby petitions, pursuant to Ohio Revised Code Section 709.02, for the annexation of the Property to the City of Brunswick, Medina County, Ohio.

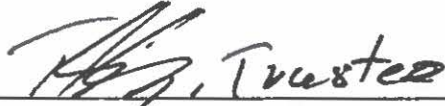
In support of its petition, Petitioner states as follows:

1. The legal description of the perimeter of the Property is attached hereto as Exhibit A and made a part hereof.
2. A plat map of the Property is attached hereto as Exhibit B and made a part hereof. The Property is adjacent to the City of Brunswick.
3. The undersigned Petitioner is the sole owner, as defined in ORC Section 709.02(E), of all of the land in the area proposed to be annexed.
4. A list of all tracts, lots, or parcels in the territory proposed for annexation, and all tracts, lots, or parcels located adjacent to that territory or directly across the road from it is attached hereto as Exhibit C and made a part hereof.
5. Daniel P. Calvin, Attorney, of 4996 Foote Road, Medina, Ohio 44256, is hereby appointed agent for Petitioner with full power and authority to do any and all things necessary in connection with the filing, review and approval of this petition.

[Signatures appear on following page]

[Signature Page to Petition for Annexation]

Petitioner:



**Thomas G. Simon, Trustee of the Thomas G. Simon
2005 Trust U/A/D/ May 26, 2005**

Date: 6-7-, 2024

Acceptance of Appointment

The undersigned, named herein agent for Petitioner, hereby acknowledges and accepts the appointment of agent for said Petitioner.



Daniel P. Calvin

Exhibit A
Legal Description

See attached.



LEWIS LAND PROFESSIONALS

INC.

Civil Engineering & Land Surveying

Legal Description
Township of Brunswick Hills
Annexation
Project No. 24-106
Area = 22.0536 Acres

Situated in the Township of Brunswick Hills, County of Medina, State of Ohio, and known as being part of Lot 7, Tract 1 of Original Brunswick Township, also known as being all of a parcel of land conveyed on 12/28/2007 to Thomas G. Simon, Tr, as recorded in Document No. 2007OR034023 of the Medina County Recorder's records and being further bounded and described as follows:

Commencing at a 5/8" iron pin found at the northeasterly corner of Sublot 254 of Eagle Oaks Subdivision No. 7 as recorded in Plat Vol. 15, P. 24 of the Medina County Recorder's records; thence **South 00°26'28" East**, along the easterly line of said Eagle Oaks Subdivision No. 7, a distance of **144.89 feet** to a 5/8" iron pin (capped "Schwartz 7193") found at the **TRUE PLACE OF BEGINNING** for the parcel of land herein described;

Thence **North 88°13'43" East**, along the southerly line of a parcel of land conveyed on 05/05/2023 to SHN Brunswick, LLC as recorded in Document No. 2023OR006328 of the Medina County Recorder's records, a distance of **2228.55 feet** to a 5/8" iron pin (capped "Lewis Land Professionals") set;

Thence **South 00°05'29" East**, along the westerly line of a parcel of land conveyed on 05/06/1987 to John R. & Barbara A. Rocha as recorded in O.R. 373, P. 893 of the Medina County Recorder's records, the westerly line of a parcel of land conveyed on 01/05/2021 to Henry A. & Cynthia Hoffman as recorded in Document No. 2021OR000292 of the Medina County Recorder's, the westerly line of a parcel of land conveyed on 12/24/2013 to 922 Pearl, LLC as recorded in Document No. 2013OR033603 of the Medina County Recorder's records, and a westerly line of Sublot 13 of North Brunswick Allotment as recorded in Plat Vol. 4, P. 8 of the Medina County Recorder's records, passing over a 1" iron pin found at 100.58 feet, and a 5/8" iron pin found at 446.91 feet, a distance of **465.18 feet** to a 5/8" iron pin (capped "Lewis Land Professionals") set;

Thence **South 88°06'06" West**, along the northerly line of said North Brunswick Allotment, a distance of **146.40 feet** to a 5/8" iron pin (capped "Lewis Land Professionals") set;

8691 Wadsworth Rd. Ste. 100 Wadsworth, Ohio 44281
(330) 335-8232

Thence North 00°02'36" West, along the easterly line of a record 0.100 Ac. parcel of land conveyed on 12/08/2022 to Ambrose Properties New England, LLC as recorded in Document No. 2022OR024876 of the Medina County Recorder's records, and the easterly line of a record 1.0000 Ac. parcel of land conveyed on 12/18/2020 to Dorub Holdings, LLC as recorded in Document No. 2020OR032838 of the Medina County Recorder's records, a distance of 217.00 feet to a point (witnessed by a 5/8" iron pin (illegible cap) found North 00°02'36" West, 0.80 feet);

Thence South 88°06'06" West, along the northerly line of said record 1.0000 Ac. Dorub Holdings, LLC parcel, and the northerly line of a record 0.747 Ac. parcel of land conveyed on 12/18/2020 to Dorub Holdings, LLC as recorded in Document No. 2020OR032838 of the Medina County Recorder's records, a distance of 371.00 feet to a 5/8" iron pin found;

Thence South 00°02'36" East, along the westerly line of said record 0.747 Ac. Dorub Holdings, LLC parcel, passing over a 1-1/2" iron pipe found at 216.88 feet, a distance of 217.00 feet to a point (witnessed by a said 1-1/2" iron pipe found North 00°02'36" West, 0.12 feet);

Thence South 88°06'06" West, along the northerly line of a record 0.828 Ac. parcel of land conveyed on 12/08/2022 to Ambrose Properties New England, LLC as recorded in Document No. 2022OR024876 of the Medina County Recorder's records, the northerly line of a record 4.790 Ac. parcel of land conveyed on 12/08/2022 to Ambrose Properties New England, LLC as recorded in Document No. 2022OR024876 of the Medina County Recorder's records, the northerly line of a parcel of land conveyed on 03/04/1992 to Timothy R. Hendricks as recorded in O.R. 676, P. 858 of the Medina County Recorder's records, the northerly line of a parcel of land conveyed on 07/01/2015 to Bradford J. & Brandy L. Hughes as recorded in Document No. 2015OR013692 of the Medina County Recorder's records, the northerly line of a parcel of land conveyed on 09/30/2014 to Kevin M. Seifert as recorded in Document No. 2014OR019631 of the Medina County Recorder's records, the northerly line of a parcel of land conveyed on 04/14/2020 to Jane Costlow as recorded in Document No. 2020OR007974 of the Medina County Recorder's records, and the northerly line of a parcel of land conveyed on 02/11/2016 to Robert & Karyl Getson as recorded in Document No. 2016OR002794 of the Medina County Recorder's records a distance of 1708.69 feet to a 5/8" iron pin (capped "Lewis Land Professionals") set;

Thence North 00°24'33" West, along the easterly line of said Eagle Oaks Subdivision No. 7, passing over a 5/8" iron pin found at 45.06 feet, and a 5/8" iron pin found at 411.23 feet, a distance of 470.05 feet to the **PLACE OF BEGINNING** and containing 22.0536 acres of land, more or less, as surveyed by Louis J. Giffels, Registered Surveyor No. 7790 in May 2024, for and on behalf of Lewis Land Professionals, Inc.

The **BASIS OF BEARING** for this description is Grid North of the Ohio State Plane Coordinate System, NAD83 (2011), North Zone as established by GPS Observation.

8691 Wadsworth Rd. Ste. 100 Wadsworth, Ohio 44281
(330) 335-8232

**Exhibit B
Annexation Plat**

See attached.

PLAT OF REGULAR ANNEXATION OF 22.0536 ACRES
FROM THE TOWNSHIP OF BRUNSWICK HILLS TO THE CITY OF BRUNSWICK

Situated in the Township of Brunswick Hills, County of Medina, State of Ohio,
and known as being part of Lot 7, Tract 1 of Original Brunswick Township

LEWIS LAND PROFESSIONALS, INC. CIVIL ENGINEERS, SURVEYORS

ACCEPTANCE

I, Thomas G. Simon, Trustee of the Thomas G. Simon 2005 Trust U/A/D/ May 26, 2005, owner of the land embraced within this annexation plat, hereby acknowledge this plat and annexation to be my free act and deed. I certify that there are no delinquent taxes or assessments against the lands embraced within this plat.


Thomas G. Simon, Trustee

STATE OF OHIO
MEDINA COUNTY

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED THOMAS G. SIMON WHO ACKNOWLEDGED THE MAKING OF THE FOREGOING INSTRUMENT AND THE SIGNING OF THIS PLAT TO BE THEIR FREE ACT AND DEED, IN TESTIMONY WHEREOF I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT MEDINA THIS 17 DAY OF SEPTEMBER 2024.

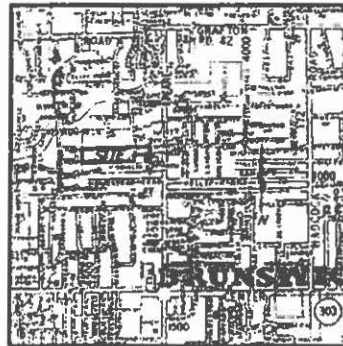
OHIO


NOTARY PUBLIC



Patricia S Eck
Notary Public, State of Ohio
My Commission Expires
October 24, 2028

PER OHIO REVISED CODE 709.02



LOCATION MAP

TOTAL AREA TO
BE ANNEXED
=22.0536 ACRES

SURVEYOR'S CERTIFICATION

I hereby certify that I have surveyed the land on this plat, that the plat is a correct representation of the land surveyed, that the survey balances and closes, that all dimensional and geodetic details are correct, and that the monuments shown thereon exist or shall be set at all lot corners and radius returns.

Louis J. Giffels



Date: 05/29/2024

Reg. Ohio Surveyor No. PS-#7790



APPROVALS

This Annexation Plat was duly accepted by the Brunswick City Council at its regular meeting held on the ____ day of _____, 2024 by Ordinance No. _____.

President

Deputy Clerk of Council

Approved this ____ day of _____, 2024, by the Medina County Commissioners.

Commissioner

Commissioner

Commissioner

Approved for transfer this ____ day of _____, 2024, by the

Medina County Tax Map Office.

Tax Map Draftsman: _____

Received for transfer this ____ day of _____, 2024, by the

Medina County Auditor's Office.

County Auditor: _____

Received and Recorded this ____ day of _____, 2024, by the Medina County Recorder's Office and is recorded by Plat Document No. _____.

Recorder: _____


Lewis Land Professionals, Inc.

Civil Engineering & Surveying
8891 Wadsworth Rd., Suite 100 Wadsworth, Ohio 44281
Phone: (330) 335-8232
www.landproinc.com

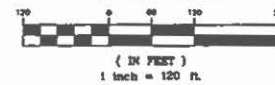
SHEET 1 OF 2

PROJ. No. 24-106 DRAWING NAME 24-106.dwg

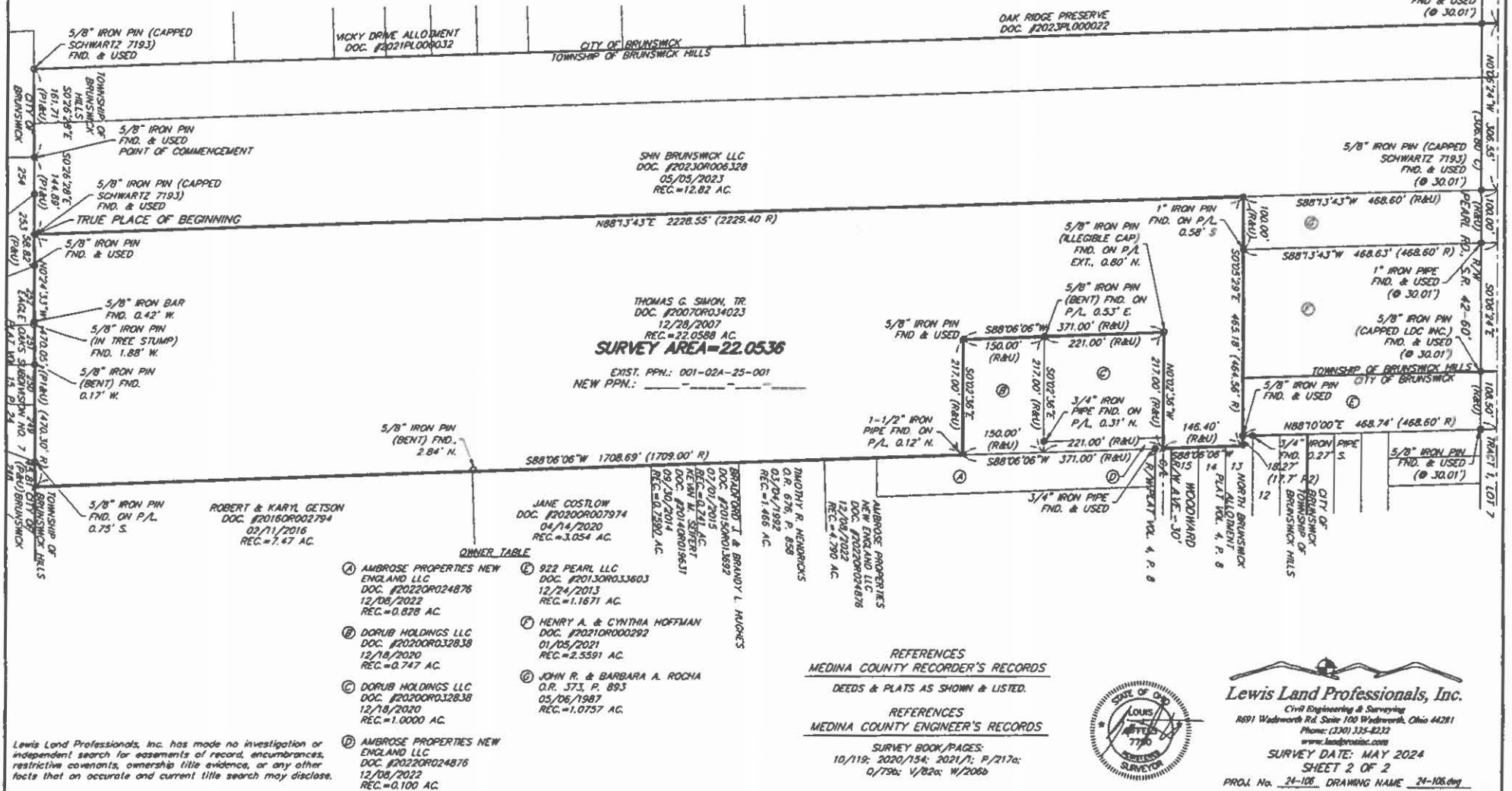
SURVEY LEGEND

- - 5/8" x 30" Iron Pin Set w/cap Lewis Land Professionals
- ▲ - Mog Nail Set
- - Drill Hole Set
- - Monument Bar Found & Described
- - Iron Pin Found & Described
- - Iron Pipe Found & Described
- ☆ - Drill Hole Found & Described
- △ - Mog Nail Found & Described
- Fnd. (F) - Found
- Usd. (U) - Used
- Plat1 (P1) - Plat Vol. 15, P. 24
- Plat2 (P2) - Plat Vol. 4, P. 8
- Plat3 (P3) - Doc. #2023PL000022
- Rec. (R) - Record Deed
- Calc. (C) - Calculated
- R/W - Right of Way
- C/L - Centerline
- P/L - Property Line

GRAPHIC SCALE



The "Basis of Bearings" for this survey is Grid North of the NAD83 (2011), Ohio State Plane, North Zone as established by GPS Observation.



Lewis Land Professionals, Inc. has made no investigation or independent search for encumbrances of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

REFERENCES
MEDINA COUNTY RECORDER'S RECORDS
DEEDS & PLATS AS SHOWN & LISTED.

REFERENCES
MEDINA COUNTY ENGINEER'S RECORDS

SURVEY BOOK/PAGES:
10/119; 2020/134; 2021/1; P/2170;
Q/790; V/820; W/2060



Lewis Land Professionals, Inc.
Civil Engineering & Surveying
8691 Wadsworth Rd. Suite 100 Wadsworth, Ohio 44281
Phone: (330) 325-4232
www.lewislandpros.com
SURVEY DATE: MAY 2024
SHEET 2 OF 2
PROJ. No. 24-108 DRAWING NAME 24-108.dwg

Exhibit C
Property and Adjacent Tracts

Parcel Number	Name	Mailing Address
Annexation Parcel		
001-02A-25-001	Simon, Thomas G., Trustee	2 Berea Commons Suite 1 Berea, Ohio 44017
Properties Adjacent to Annexation Parcel		
001-02A-21-009	SHN Brunswick, LLC	10940 S Parker Rd #136 Parker, CO 80134
001-02A-25-002	Rocha, John R. & Barbara A.	989 Substation Rd. Brunswick, Ohio 44212
001-02A-25-047	Hoffman, Henry A. & Cynthia	7902 Salisbury Dr. Parma, Ohio 44129
003-18A-07-136	922 Pearl, LLC	P.O. Box 41187 Brecksville, Ohio 44141
001-02A-25-023	Ambrose Properties of New England, LLC	3660 Center Rd. #117 Brunswick, Ohio 44212
001-02A-25-024	Ambrose Properties of New England, LLC	3660 Center Rd. #117 Brunswick, Ohio 44212
001-02A-25-025	Ambrose Properties of New England, LLC	3660 Center Rd. #117 Brunswick, Ohio 44212
001-02A-25-006	Ambrose Properties of New England, LLC	Dorob Holdings, LLC 2211 Medina Rd. Suite 100 Medina, Ohio 44256
001-02A-25-007	Ambrose Properties of New England, LLC	Dorob Holdings, LLC 2211 Medina Rd. Suite 100 Medina, Ohio 44256
001-02A-25-008	Ambrose Properties of New England, LLC	3660 Center Rd. #117 Brunswick, Ohio 44212
001-02A-25-009	Ambrose Properties of New England, LLC	3660 Center Rd. #117 Brunswick, Ohio 44212
001-02A-25-010	Ambrose Properties of New England, LLC	3660 Center Rd. #117 Brunswick, Ohio 44212
001-02A-25-011	Hendricks, Timothy R.	4451 Homestead Dr. Brunswick, Ohio 44212
001-02A-25-012	Hughes, Bradford J. & Brandy L.	4463 Homestead Dr. Brunswick, Ohio 44212
001-02A-25-013	Seifert, Kevin M.	4471 Homestead Dr. Brunswick, Ohio 44212
001-02A-25-014	Costlow, Jane	4479 Homestead Dr. Brunswick, Ohio 44212

Parcel Number	Name	Mailing Address
001-02A-24-001	Getson, Robert & Karyl & Rosa (life est.)	4535 Homestead Dr. Brunswick, Ohio 44212
003-18A-06-106	Linhart, Richard C. & Vee T.	4602 Boxwood Dr. Brunswick, Ohio 44212
003-18A-06-107	Bowers, Christopher E.	4600 Boxwood Dr. Brunswick, Ohio 44212
003-18A-06-108	Hopkins, Miriam	4598 Boxwood Dr. Brunswick, Ohio 44212
003-18A-06-109	Wonder, Gregory L & Kelly R.	4597 Redwood Dr. Brunswick, Ohio 44212
003-18A-06-110	Woolsey, Ruth A.	4599 Redwood Dr. Brunswick, Ohio 44212
003-18A-06-111	Birr, Paula J.	4601 Redwood Dr. Brunswick, Ohio 44212

4868-0354-6809, v. 1

PLAT OF REGULAR ANNEXATION OF 22.0536 ACRES
FROM THE TOWNSHIP OF BRUNSWICK HILLS TO THE CITY OF BRUNSWICK

Situated in the Township of Brunswick Hills, County of Medina, State of Ohio,
and known as being part of Lot 7, Tract 1 of Original Brunswick Township

LEWIS LAND PROFESSIONALS, INC. CIVIL ENGINEERS, SURVEYORS

MEDINA CO COMMISSIO
JUN 25 '24 PM3:22

ACCEPTANCE

PER OHIO REVISED CODE 709.02

I, Thomas G. Simon, Trustee of the Thomas G. Simon 2005 Trust U/A/D/ May 26, 2005, owner of the land embraced within this annexation plat, hereby acknowledge this plat and annexation to be my free act and deed. I certify that there are no delinquent taxes or assessments against the lands embraced within this plat.

Thomas G. Simon
Thomas G. Simon, Trustee

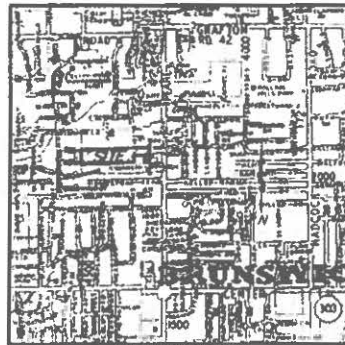
STATE OF OHIO
MEDINA COUNTY

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED THOMAS G. SIMON AND ACKNOWLEDGED THE MAKING OF THE FOREGOING INSTRUMENT AND THE SIGNING OF THIS PLAT TO BE THEIR FREE ACT AND DEED, IN TESTIMONY WHEREOF I HAVE HEREON SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT MEDINA, OHIO THIS 17 DAY OF JULY, 2024.

NOTARY PUBLIC



Patricia S Eck
Notary Public, State of Ohio
My Commission Expires
October 24, 2028



LOCATION MAP

TOTAL AREA TO
BE ANNEXED
=22.0536 ACRES

SURVEYOR'S CERTIFICATION

I hereby certify that I have surveyed the land on this plat, that the plat is a correct representation of the land surveyed, that the survey balances and closes, that all dimensional and geodetic details are correct, and that the monuments shown thereon exist or shall be set at all lot corners and radius returns.

Louis J. Giffels

Louis J. Giffels

Date: 05/29/2024

Reg. Ohio Surveyor No. PS-77790



APPROVALS

This Annexation Plat was duly accepted by the Brunswick City Council at its regular meeting held on the ____ day of _____, 2024 by Ordinance No. _____.

President _____

Deputy Clerk of Council _____

Approved this ____ day of _____, 2024, by the Medina County Commissioners.

Commissioner _____

Commissioner _____

Commissioner _____

Approved for transfer this ____ day of _____, 2024, by the

Medina County Tax Map Office.

Tax Map Draftsman: _____

Received for transfer this ____ day of _____, 2024, by the

Medina County Auditor's Office.

County Auditor: _____

Received and Recorded this ____ day of _____, 2024, by the Medina County Recorder's Office and is recorded by Plat Document No. _____.

Recorder: _____


Lewis Land Professionals, Inc.

Civil Engineering & Surveying
8841 Wadsworth Rd., Suite 100 Wadsworth, Ohio 44281
Phone: (330) 515-8252
www.lewislandpros.com

SHEET 1 OF 2

PROJ. No. 24-106 DRAWING NAME 24-106.dwg

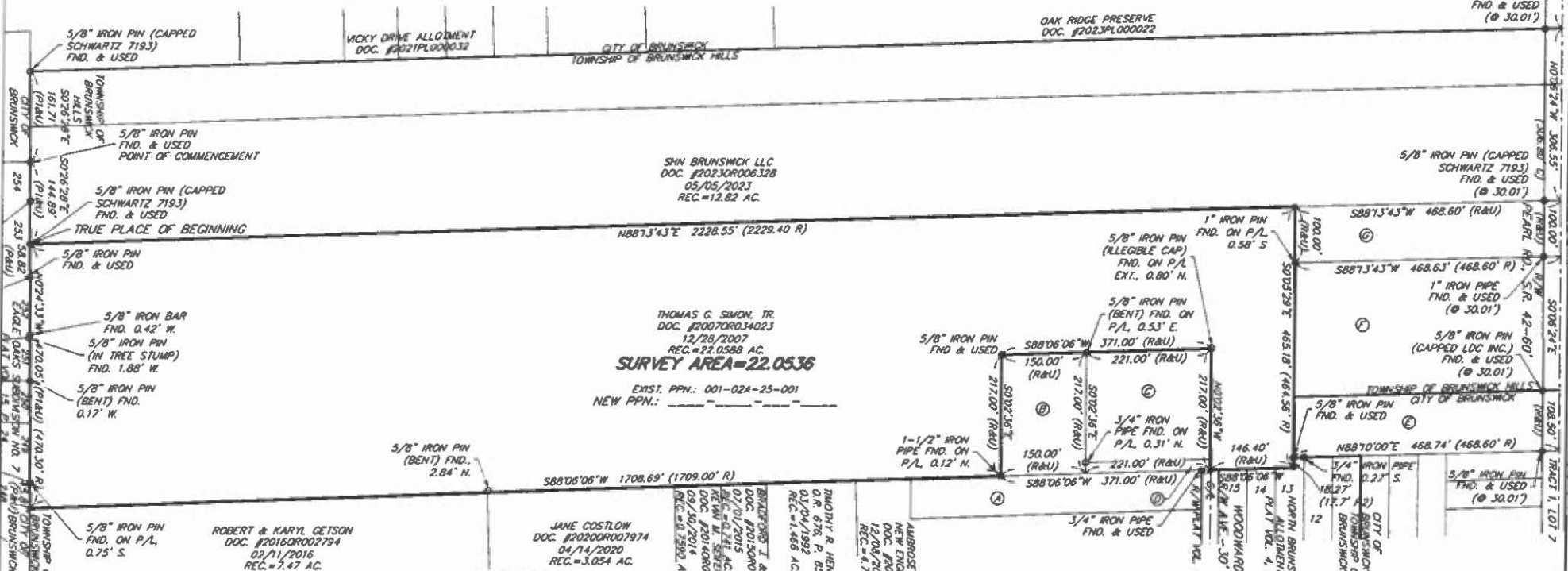
SURVEY LEGEND

- - 5/8" x 30" Iron Pin Set w/cap Lewis Land Professionals
- ▲ - Mag Nail Set
- - Drill Hole Set
- - Monument Box Found & Described
- - Iron Pin Found & Described
- - Iron Pipe Found & Described
- ◇ - Drill Hole Found & Described
- △ - Mag Nail Found & Described
- Fnd. (F) - Found
- Usd. (U) - Used
- Plot1 (P1) - Plot Vol. 15, P. 24
- Plot2 (P2) - Plot Vol. 4, P. 8
- Plot3 (P3) - Doc. #2023PL000022
- Rec. (R) - Record Deed
- Calc. (C) - Calculated
- R/W - Right of Way
- C/L - Centerline
- P/L - Property Line

GRAPHIC SCALE



The "Basis of Bearings" for this survey is Grid North of the NAD83 (2011), Ohio State Plane, North Zone as established by GPS Observation.



OWNER TABLE

- | | |
|--|---|
| ① AMBROSE PROPERTIES NEW ENGLAND LLC
DOC. #2022OR024876
12/06/2022
REC.=0.828 AC. | ② 922 PEARL LLC
DOC. #2013OR033603
12/24/2013
REC.=1.1671 AC. |
| ③ DORUB HOLDINGS LLC
DOC. #2020OR032838
12/18/2020
REC.=0.747 AC. | ④ HENRY A. & CYNTHIA HOFFMAN
DOC. #2021OR000292
01/05/2021
REC.=2.5591 AC. |
| ⑤ DORUB HOLDINGS LLC
DOC. #2020OR032838
12/18/2020
REC.=1.0000 AC. | ⑥ JOHN R. & BARBARA A. ROCHA
O.R. 373, P. 893
05/06/1987
REC.=1.0757 AC. |
| ⑦ AMBROSE PROPERTIES NEW ENGLAND LLC
DOC. #2022OR024876
12/06/2022
REC.=0.100 AC. | |

REFERENCES
MEDINA COUNTY RECORDER'S RECORDS
DEEDS & PLATS AS SHOWN & LISTED.

REFERENCES
MEDINA COUNTY ENGINEER'S RECORDS
SURVEY BOOK/PAGES:
10/118: 2020/154; 2021/1, P/217a;
0/790; V/82a; W/206b



Lewis Land Professionals, Inc.

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Phone: (330) 335-8232
www.lewislandpros.com

SURVEY DATE: MAY 2024
SHEET 2 OF 2

PROJ. No. 24-105 DRAWING NAME 24-105.dwg

Lewis Land Professionals, Inc. has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

CITY OF BRUNSWICK, OHIO
RESOLUTION NUMBER 63-2024

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION DECLARING THE INTENTION OF THE CITY OF BRUNSWICK TO PROVIDE MUNICIPAL SERVICES TO A 22.0536± ACRE PROPERTY (PPN 001-02A-25-001) LOCATED ON WOODWARD AVENUE.

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

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

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

SECTION 1: The Council for the City of Brunswick hereby declares that, should the Medina County Commissioners grant the annexation of 22.0536± acres of property located on Woodward Avenue (PPN 001-02A-25-001), the City of Brunswick will provide police protection, fire prevention/suppression, EMS service, and any and all other services rendered to residents of the City of Brunswick. Additionally, the City of Brunswick will support any application to the Cleveland Division of Water for connection to the water system for the provision of water services to the property and to the Medina County Sanitary Engineer for connection to the sanitary sewer system, subject to payment of any and all applicable costs and fees.

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

SECTION 3: This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, welfare, and providing for the usual daily operation of a municipality, and for the further reason that the approved legislation must be filed with the Medina County Commissioners’ Office twenty (20) days before the August 27, 2024 hearing date. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: _____

AYES _____ NAYS _____

ADOPTED: _____

AYES _____ NAYS _____

ATTEST: _____
Assistant Clerk of Council

Irene Jayapandian

PROPOSED LEGISLATION



DATE: 7/15/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Carl DeForest

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 64-2024** - An emergency resolution amending Resolution No. 59-2024 by increasing the not to exceed amount of 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 by \$48,167.76 from \$2,345,908.00 to \$2,394,075.76. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Dennis Nevar*)

BACKGROUND: The CM has submitted proposed Guaranteed Maximum Price No. 1 relative to sitework, concrete, asphalt, pre-purchased equipment and fire hydrant/waterline assembly for the Project in an amount not to exceed \$2,542,503.26. Pursuant to Resolution No. 59-2024, Guaranteed Maximum Price No. 1 was approved in the amount not to exceed \$2,345,908.00, which accounted for CM Fees to be paid thereunder pursuant to Resolution No. 92-2023 and the CM PO in the amount of \$196,595.26.

PURPOSE AND EXPLANATION: It has been determined that the sum of \$48,167.76 (representing a 2.0% CM Contingency) was incorrectly allocated to the CR Fees instead of being allocated to Guaranteed Maximum Price No. 1. Resolution No. 59-2024 must be amended to increase the 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 by \$48,167.76 from \$2,345,908.00 to an amount not to exceed \$2,394,075.76.

IMPLEMENTATION SCHEDULE: Immediately.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Upon City Council approval, existing PO#202459367 would be increased by 48,167.76 to a revised total of \$2,394,075.76. These applicable costs will be charged to acct#359-0437-56881.

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?

Immediate passage is necessary to meet the design and construction timeline for the Project.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 64-2024

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AMENDING RESOLUTION NO. 59-2024 BY INCREASING THE NOT TO EXCEED AMOUNT OF 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 BY \$48,167.76 FROM \$2,345,908.00 TO \$2,394,075.76.

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 as Construction Manager (the “CM”) 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 the CM 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 CM Services (the “CM Fees”) per certified Purchase Order No. 202358335 (the “CM PO”), of which \$26,400.00 has been accounted for to date.

WHEREAS: The CM has submitted proposed Guaranteed Maximum Price No. 1 relative to sitework, concrete, asphalt, pre-purchased equipment and fire hydrant/waterline assembly for the Project in an amount not to exceed \$2,542,503.26.

WHEREAS: Pursuant to Resolution No. 59-2024, Guaranteed Maximum Price No. 1 was approved in the amount not to exceed \$2,345,908.00, which accounted for CM Fees to be paid thereunder pursuant to Resolution No. 92-2023 and the CM PO in the amount of \$196,595.26.

WHEREAS: It has been determined that the sum of \$48,167.76 (representing a 2.0% CM Contingency) was incorrectly allocated to the CR Fees instead of being allocated to Guaranteed Maximum Price No. 1.

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

SECTION 1: That Resolution No. 59-2024 is hereby amended by increasing the 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 by \$48,167.76 from \$2,345,908.00 to an amount not to

exceed \$2,394,075.76.

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: _____

Assistant Clerk of Council
Irene Jayapandian

PROPOSED LEGISLATION



DATE: 7/15/2024

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Carl DeForest

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 65-2024** - An emergency resolution authorizing the City Manager and Finance Director to enter into Guaranteed Maximum Price Amendment No. 2 with RFC Contracting, LLC for specified site furnishings, landscaping, fencing & gates, masonry, steel, rough and finish carpentry, roofing, siding, openings, drywall/ceilings, flooring, painting, specialties, fire suppression, plumbing, HVAC, electrical/technology, and selected alternates for the new fire station headquarters project in an amount not to exceed \$8,534,527.95. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Dennis Nevar*)

BACKGROUND: Pursuant to the authority granted under Resolution No. 92-2023, the total amount of \$800,000.00 has been encumbered for CM Services (the "CM Fees") per certified Purchase Order No. 202358335 (the "CM PO"), of which \$174,827.50 has been accounted for to date. The CM has submitted proposed Guaranteed Maximum Price No. 2 relative to specified site furnishings, landscaping, fencing & gates, masonry, steel, rough and finish carpentry, roofing, siding, openings, drywall/ceilings, flooring, painting, specialties, fire suppression, plumbing, HVAC, electrical/technology and selected alternates for the Project in an amount of \$9,119,762.06, which amount includes CM Fees to be paid pursuant to the CM PO in the amount of \$585,234.11.

PURPOSE AND EXPLANATION: To authorize the City Manager and Finance Director, with the approval of the Law Director, to enter into Guaranteed Maximum Price Amendment No. 2 with RFC Contracting, LLC for specified site furnishings, landscaping, fencing & gates, masonry, steel, rough and finish carpentry, roofing, siding, openings, drywall/ceilings, flooring, painting, specialties, fire suppression, plumbing, HVAC, electrical/technology and selected alternates for the Project in an amount not to exceed \$8,534,527.95.

IMPLEMENTATION SCHEDULE: Immediately.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Upon City Council approval, the GMP #002 total of \$8,534,527.95 will be charged to the Fire Station Construction Fund #359 - acct#359-0437-56881.

Please also note that the CMAR related service costs **not included** in the \$8,534,527.95 above will be charged to PO#202358335 as previously approved by City Council Res#92-2023.

**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?

Immediate passage is necessary to meet the design and construction timeline for the Project.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 65-2024

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER AND FINANCE DIRECTOR TO ENTER INTO GUARANTEED MAXIMUM PRICE AMENDMENT NO. 2 WITH RFC CONTRACTING, LLC FOR SPECIFIED SITE FURNISHINGS, LANDSCAPING, FENCING & GATES, MASONRY, STEEL, ROUGH AND FINISH CARPENTRY, ROOFING, SIDING, OPENINGS, DRYWALL/CEILINGS, FLOORING, PAINTING, SPECIALITIES, FIRE SUPPRESSION, PLUMBING, HVAC, ELECTRICAL/TECHNOLOGY AND SELECTED ALTERNATES FOR THE NEW FIRE STATION HEADQUARTERS PROJECT IN AN AMOUNT NOT TO EXCEED \$8,534,527.95.

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 as Construction Manager (the “CM”) 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 the CM 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 CM Services (the “CM Fees”) per certified Purchase Order No. 202358335 (the “CM PO”), of which \$174,827.50 has been accounted for to date.

WHEREAS: The CM has submitted proposed Guaranteed Maximum Price No. 2 relative to specified site furnishings, landscaping, fencing & gates, masonry, steel, rough and finish carpentry, roofing, siding, openings, drywall/ceilings, flooring, painting, specialties, fire suppression, plumbing, HVAC, electrical/technology and selected alternates for the Project in an amount of \$9,119,762.06, which amount includes CM Fees to be paid pursuant to the CM PO in the amount of \$585,234.11.

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. 2 with RFC Contracting, LLC for specified site furnishings, landscaping, fencing & gates, masonry, steel, rough and finish carpentry, roofing, siding, openings, drywall/ceilings, flooring, painting, specialties, fire suppression, plumbing, HVAC, electrical/technology and selected alternates for the Project in an amount not to exceed \$8,534,527.95.

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: _____
Assistant Clerk of Council
Irene Jayapandian