

CITY OF ROCKY RIVER

November 28, 2022

The Regular Legislative Meeting of Council was called to order by Mr. Moran, President of Council at 7:00 p.m. in the David J. Cook Council Chambers.

Council Members Present: Mr. Hunt, Mr. Shepherd, Mrs. Gallagher, Mr. Furry,
Mrs. Morris, Mr. Sindelar, Mr. Moran

Administration: Mayor Bobst, Mr. Thomas, Mr. Snyder

Assistant Law Director: Mr. Dever

The meeting was opened with a Pledge of Allegiance.

MOTION:

Moved by Mr. Moran seconded by Mr. Furry that the reading of the minutes of the Legislative Meeting of November 14th and the Special Meeting and the Committee-of-the-Whole Meeting minutes of November 21st be waived and that the minutes be accepted as submitted.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – aye
	Morris – aye	Sindelar – aye	Moran - aye	
	7 ayes	0 nays		PASSED

MAYOR’S REPORT:

The Mayor announced that the last week of bulk leaf collection is the week of December 12th. After that leaves and yard waste must be bagged in the brown bags, placed on the tree lawn for collection on the regular collection day.

The Mayor announced that final paving for Spencer, Oak and Culver will be next spring. It will not be finished in this construction season.

The Mayor announced that today was Membership Monday at the Civic Center with a special promotion of three months free with a Civic Center membership. The total for today was \$80,349 an all-time high. \$63,000 was memberships and the balance was Lacrosse registration. Director Thomas added that fee revenue for the month of October was \$199,000 at the Civic Center. Comparing that to October 2019, pre-covid was \$141,000. The Mayor added that in 2021 the promotion day revenue was \$46,000 with COVID still a concern. The Mayor said this is a shout out to Director Holub and the staff for creative marketing ideas exposing people to the Civic Center and it’s programming and entice additional memberships.

The Mayor shared that a program that was used at the Senior Center during COVID due to social isolation, is being brought back to the Senior Center. In the Senior Center Strategic Plan social isolation was identified as being extremely important during even the best of times. To mitigate social isolation, the Peer-to-Peer Program is being brought back and will be called “REACH” an acronym for River Elder Adult Community Helpline. It was to be initiated in January 2023 but the program is starting early due to the holiday season. Resources will be shared along with programming opportunities at the Senior Center.

The Mayor encourages Council to attend All Aglow this weekend. The “Pop Tarts” will be performing Friday evening beginning at 6:00 p.m. in front of City Hall followed by a drive-in movie featuring “Elf” with free popcorn. Saturday will bring fun and entertainment festivities all day long on Detroit and Old Detroit Road including carriage rides. Beginning at 5:30 p.m. the DJ will begin with Santa arriving about 5:45 p.m. There will be a street dance with lots of surprises along with hot chocolate, free chicken fingers and fries from 5-6 from Flip Side. The Chamber will be doing reindeer food for a children’s project. The Mayor thanked the Chamber of Commerce, Director Snyder and the Service Department and Rec Department along with the Police and Fire Departments. Bring family, neighbors and friends.

Director Snyder followed the Mayor with an update on Bradstreet’s Landing. The pier will be opened for visitors by the end of the year. The final piece of railing will be delivered the first week of December and once installed the pier will be open. The electrical work will be done in early 2023 but the pier will be open during daylight. The fencing and everything will be slid over to the eastside opening the way for visitors. Director Snyder said there have been material delays and issues during this whole project, but Director Snyder has stayed on it. There will be a press release discussing Bradstreet’s Landing to update the residents on everything going on with this project. Bradstreet’s Landing will be a regional attraction when it is all done. Phase II has been bid three times now for the revetment, pedestrian bridge, boardwalk and the upland portion of Bradstreet Landing, the parking lot and entrance drive. The first two bids had one bidder and came in 20-30% over the engineer’s estimate with a contractor that did not have the qualifications to perform the work affectively. The third bid was earlier this month and one bid came in. Value engineering was included to adjust the scope of the project and change materials for the last bid. Concrete has been an issue. The revetment has 80 pre-cast blocks that vary in sizes. A few years ago, these blocks were a couple hundred dollars. Currently the cost for each block is \$6,400. It would be over \$500,000 in pre-cast stone for the revetment. As an alternate the city looked at natural stone and there was only a deduct for \$9,000. The total bid for this including contingency came in at \$3.9 million dollars which is a lot more than originally estimated, more than the design and engineer’s estimate which was \$2.5-3 million. Director Snyder listed reasons for this:

1. There is a lot of money between ARPA funds and other funding for projects. Contractors have more work than they can possibly do.
2. There is uncertainty as contractors do not feel comfortable with timelines or setting prices on something they will have to stick to. Concrete costs will increase an 8-10% as of January first with expected shortages nationwide. Fabrizi is limited to 20-25 yards a day.

The administration has spoken together along with designers and engineers and may decide to rebid at the beginning of the year with a base with alternates to maximize the implementation of the project with the money that the city has. This project is an important project for the community and Director Snyder will use the appropriated money as effectively as he can. The Mayor added that there is workforce issues, commodity issues, timing issues and more federal money coming to the state that has not been distributed yet which means more construction projects to compete with.

- President Moran asked if bidders can help with suggestions for the quoting process on identifying alternates. Director Snyder said this conversation has begun on the implementation side on how to do this project better and reduce costs.
- The Mayor added that these issues are happening in every community. Either there are no bids or the bids are so high that the city budgets cannot accommodate the project. There will be a project update being sent out via ReadyNotify explaining all of this.

LAW DEPARTMENT: Mr. Dever shared with Council that he reviewed the 28-page long MOU in conformance with HB 4 that was recently passed between Children and Family Services and Police

Departments concerning investigations involving abuse or neglect of children as far as standardizing a protocol on how it should be done. The requirement is for all police forces in Cuyahoga County will sign off on this MOU and it will be the process followed for interviewing the children by police, investigators and the turnaround time getting back to the police department concerning the outcomes of the investigation. Mr. Dever says it is good to go but he is questioning whether the MOU requires Council to approve the Chief signing it. Mr. Dever said this is a good thing as it improves the quality of justice.

The Mayor added that the prior Law Director, in the spirit of transparency, that the city does all intergovernmental agreements through Council.

COMMITTEE REPORTS: Finance Committee: Mr. Moran stated that the Finance Meeting is this Friday, December 2nd. Mr. Moran asked that all notes be sent to Clerk Pease for copies to be made and distributed to Council Friday morning.

- Mr. Sindelar stated that the court did not feel the form useful. Mr. Moran will forward his report from last year for Mr. Sindelar to follow.

COMMUNICATIONS FROM COUNCIL: NONE

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 70-22 **BY: CHRISTINA MORRIS**
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT FOR A PERIOD OF ONE YEAR FOR THE REMOVAL OF GRIT AND SCREENINGS TO A MUNICIPAL LANDFILL FOR THE WASTEWATER TREATMENT PLANT FROM KIMBLE COMPANY, AT A COST OF \$86.35 PER TON AS FURTHER DESCRIBED IN EXHIBIT "A"
2nd READING

This ordinance is for the removal of grit & screenings for the WWTP. This is inorganic material, such as fine particles of sand, corn, or toilet paper that is removed as part of the initial screening process at the plant. This material is taken to a landfill about once a week and Kimble won the competitive bidding process and was the only bid. Superintendent Barille believes that the pricing is acceptable given the economic climate. The WWTP is evaluating their specs to possibly get more bids in the future.

ORDINANCE NO. 71-22 **BY: CHRISTINA MORRIS**
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH PVS CHEMICAL SOLUTIONS, INC., FOR THE PURCHASE AND SUPPLY OF SODIUM BISULFITE FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT AT A COST OF \$1.87 PER GALLON FOR ONE (1) YEAR AS FURTHER DESCRIBED IN EXHIBIT "A"
2nd READING

This is an agreement for the purchase and supply of Sodium Bisulfite for the WWTP for the removal of the chlorine content in the wastewater and is required by an EPA permit and used only in the summer months. PVS Solutions was the low bidder of three and currently holds the supply contract for 2022.

ORDINANCE NO. 72-22 **BY: CHRISTINA MORRIS**
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH PVS TECHNOLOGIES, INC. FOR THE PURCHASE

**AND SUPPLY OF FERRIC CHLORIDE FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT AT A COST OF \$1173.00 PER DRY TON FOR ONE (1) YEAR AS FURTHER DESCRIBED IN EXHIBIT “A”
2nd READING**

This is an agreement for the purchase and supply of Ferric Chloride for the WWTP which removes phosphorous. There were two bids with a significant increase in price over the past two years. The price has doubled since 2021. PVS Technologies won the bid for 2023 and currently holds the contract through 2022.

ORDINANCE NO. 73-22 **BY: CHRISTINA MORRIS**
**AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH JAMES DIAZ FARM FOR THE REMOVAL OF DIGESTED SLUDGE CAKE (SUMMER SEASON) FOR THE WASTEWATER TREATMENT PLANT AT A COST OF \$46.00 PER TON FOR ONE (1) YEAR AS FURTHER DESCRIBED IN EXHIBIT “A”
2nd READING**

This is an agreement with James Diaz for the removal of Digested Sludge Cake. This is a farm that takes the digested sludge cake and uses it as fertilizer. This service is used April through November. James Diaz was the only bidder and historically has been the low bidder for the past five years and has to be credentialed by the EPA for land application during the summer.

RESOLUTION NO. 75-22 **BY: CHRISTINA MORRIS**
**A RESOLUTION REQUESTING THAT THE CITY OF ROCKY RIVER APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) LOAN AGREEMENT ON BEHALF OF THE WASTEWATER TREATMENT PLANT FOR CONSTRUCTION OF THE CEPT AND FINAL CLARIFIER IMPROVEMENTS PROJECT; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN
2nd READING**

Councilwoman Morris said this resolution is necessary for the WWTP to apply for a zero-interest loan for construction of the CEPT and Final Clarifier Improvements Project. There have not been any questions regarding this resolution.

ORDINANCE NO. 76-22 **BY: JAMES W. MORAN**
**AN EMERGENCY ORDINANCE CREATING POSITIONS AND FIXING OR ESTABLISHING THE ANNUAL SALARIES AND HOURLY RATES COMMENCING JANUARY 1, 2023 FOR THE APPOINTED EMPLOYEES IN THE SEVERAL DIVISIONS AND DEPARTMENTS OF THE CITY OF ROCKY RIVER
2nd READING**

President Moran said this is a yearly outline approving a not to exceed number for all the positions of the city. This includes increases by contract going up by 3%. There are increases for dollar per hour for the recreation department employees from \$9.30 to \$10.10 per hour. There is a position for the administrative coordinator at the Rec Dept., a rate change for the assistant rec director position, a title change in the public building department. The WWTP approved a salary increase for the administrative assistant and the Fire Division and WWTP are still working on their contract. Thank you to Councilwoman Morris for noticing an error in the exhibit which will be amended for the next Legislative meeting.

ORDINANCE NO. 77-22 **BY: JAMES W. MORAN**

AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023
2nd READING

President Moran said he appreciates the administration for presenting Council with the 2023 Budget book. Council looks forward to the meeting this Friday to go over the details with the Directors beginning at 8:15-12:30 p.m. It is nice to have the complete outline done before the year has started. Mr. Moran thanked Director Thomas and all the Directors for their work on the budget.

ORDINANCE NO. 79-22 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO AN AGREEMENT TO RENEW VARIOUS INSURANCE COVERAGES FOR THE CITY OF ROCKY RIVER WITH MCGOWAN INSURANCE COMPANY, INC. FOR THE YEAR 2023 AT A TOTAL COST OF \$286,899.00, AS FURTHER DESCRIBED IN EXHIBIT "A"
2nd READING

Mr. Shepherd said this would authorize for next year the various insurance needs of the city to be placed with McGowan Insurance Company as agent as underwritten by Zurich American Insurance Company. Funds are allocated to various funds throughout the city. Mr. Shepherd said it is about an 8% increase and as discussed last week, the claims cost has gone up 15%, the city has added \$4 million in valuation to the coverage across all three policies. Neighboring cities have experienced larger rate increases than this. Mr. Shepherd broke down the percentages; the City is .081; the WWTP is .086; the Court is 0.86.

- Mrs. Morris asked how the city claims are. Mr. Shepherd said that the city has a very good claim history which is why the percentage increase is so low.

ORDINANCE NO. 80-22 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO AN AGREEMENT TO RENEW VARIOUS INSURANCE COVERAGES FOR THE ROCKY RIVER MUNICIPAL COURT WITH MCGOWAN INSURANCE COMPANY, INC., FOR THE YEAR 2023 AT A TOTAL COST OF \$8,012.00, AS FURTHER DESCRIBED IN EXHIBIT "A"
2nd READING

Mr. Shepherd said that as with the last ordinance McGowan is the agent and Zurich American underwrites this insurance. The cost of this insurance is paid out of the General Fund Judges-Insurance and Court-Insurance.

ORDINANCE NO. 81-22 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO AN AGREEMENT TO RENEW VARIOUS INSURANCE COVERAGES FOR THE ROCKY RIVER WASTE WATER TREATMENT PLANT WITH MCGOWAN INSURANCE COMPANY, INC. FOR THE YEAR 2023 AT A TOTAL COST OF \$104,144.00, AS FURTHER DESCRIBED IN EXHIBIT "A"
2nd READING

Mr. Shepherd said that like the other two ordinances, McGowan is the agent underwritten by Zurich American. This policy is paid out of the WWTP Utility Fund.

NEW BUSINESS: NONE

CONSENT AGENDA:

ORDINANCE NO. 65-22 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH QUALITY CONTROL INSPECTION, INC. FOR THE BRADSTREET'S LANDING WATERFRONT PHASE II IMPROVEMENT PROJECT CONSTRUCTION MANAGEMENT SERVICES IN AN AMOUNT NOT TO EXCEED \$217,134.00, AS FURTHER DESCRIBED IN EXHIBIT "A"
3rd READING

Mr. Shepherd stated that this authorizes the city to enter a contract with Quality Control Inspection for Phase II Construction Management Services for the Bradstreet's Landing Project. The city used this company for the first phase of this project and have been happy with their work. They will not be paid unless the city goes forward with the project. However, they are assisting with bidding and the city may owe them something for that. Hopefully the bidding goes smoothly after the first and the city can move forward with the underlying project.

ORDINANCE NO. 66-22 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE A COMMODITY BUILDING FOR THE SERVICE DIVISION FROM CLEAR SPAN, AT A COST NOT TO EXCEED \$113,388.67, AS FURTHER DESCRIBED IN EXHIBIT "A"
3rd READING

Mr. Sindelar said that a Commodity Building houses dry goods along with some equipment. There has been little discussion after the first week. This building probably will pay for itself in saving the dry good materials and housing some of the equipment.

ORDINANCE NO. 67-22 **BY: JAMES W. MORAN**
AN ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO PURCHASE GASOLINE, FUEL OIL AND ALLIED PRODUCTS ON THE OPEN MARKET AT THE BEST PRICES POSSIBLE FOR THE PERIOD JANUARY 1, 2023 TO DECEMBER 31, 2023
3rd READING

Mr. Moran said the Safety-Service Director has the opportunity to buy gas at a better price then what the state bid is at saving approximately 20-26 cents per gallon on unleaded and more or less on diesel fuel. The city may still purchase on the state bid but the city saves money on the Open Market. Thank you to Director Snyder for the extra work and the money he saves the city.

ORDINANCE NO. 68-22 **BY: JAMES W. MORAN**
AN ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO PURCHASE TIRES ON THE OPEN MARKET AT THE BEST PRICES POSSIBLE FOR THE PERIOD JANUARY 1, 2023 TO DECEMBER 31, 2023
3rd READING

Mr. Moran said this is similar to the last ordinance but this is for the purchase of tires on the Open Market. The city saves money by purchasing outside the State bid but can still use the State bid if it is a better price. Thank you to Director Snyder for the extra work he does regarding the last two ordinances.

ORDINANCE NO. 69-22 **BY: DAVID W. FURRY**
AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY

RIVER, SPECIFICALLY SECTION 953.02 ENTITLED FEES, PERTAINING TO ROCKY RIVER MUNICIPAL ICE SKATING RINK, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
3rd READING

This is a two-year adjustment of Hamilton Ice Arena fees with some procedural changes. The procedural change which, where applicable, a Civic Center member rate was added to stay consistent with previous resident rates to offset member rate increases. The Parks and Rec Commission adjusted some suggested fee increases suggested by the Rec Department. That was done so resident rate increases would be equal to or less than non-resident rate increases. Ice rental and pavilion rental fees are being increased to bring the city closer to neighboring communities.

ORDINANCE NO. 74-22 **BY: CHRISTINA MORRIS**
AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH RUPLE TRUCKING LLC FOR THE REMOVAL OF DIGESTED SLUDGE CAKE (WINTER SEASON) FOR THE WASTEWATER TREATMENT PLANT AT A COST OF \$56.99 PER TON FOR ONE (1) YEAR AS FURTHER DESCRIBED IN EXHIBIT “A”
3rd READING

This is an agreement with Ruple Trucking, LLC for the removal of Digested Sludge Cake in the winter season to a landfill. Councilwoman said that the bid was late due to a late bid from the previous hauler. Ruple was the low bidder and is a new supplier for the city. This agreement needs to be approved by December 1st.

AMENDED RESOLUTION NO. 78-22 **BY: JOHN B. SHEPHERD**
AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS FOR THE RESURFACING OF A PORTION OF HILLIARD BOULEVARD WITHIN THE CITY OF ROCKY RIVER, AS FURTHER DESCRIBED IN EXHIBIT “A”
3rd READING

Mr. Shepherd said this project is for the resurfacing of Hilliard Blvd. from Gasser to Wooster Road. Hilliard is a County Road and the County will participate for 50% of the project and capped at \$239,000. The attached contract sets forth the various responsibilities for the two parties in this project.

The items on the Consent Agenda, Ordinance Nos. 65-22, 66-22, 67-22, 68-22, 69-22,74-22 and Amended Resolution No. 78-22 have all been read for the third time. Mr. Moran moved to pass all the items on the Consent Agenda, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – aye
	Morris – aye	Sindelar – aye	Moran - aye	
	7 ayes	0 nays		PASSED

MISCELLANEOUS BUSINESS: Mr. Sindelar asked if the administration has looked at a Design Build Contract or Management Risk for Bradstreet’s Landing. Mr. Snyder said that in a typical design build contract there is a collaboration between the design engineer and the builder to work together on one contract. That could streamline timelines and one single contract. The downside is it can scare away sub-contractors and take away control the city has working with the designer. Regarding Bradstreet, SmithGroup did the Master Plan for Bradstreet Landing. The Mayor added that when the city built the police station, the administration did look at Design Build Contract. Subs were all bid out individually and Bowen acted in that role and did all the bids for all the subs. The city did not have a general contractor. The Mayor said it is something the city has looked at but there has not been that perfect

project or the kind of project that would benefit from that.

- Mrs. Gallagher asked if the pre-cast block cost will ever decrease in price. Mr. Snyder said they should but he does not know when.

PUBLIC COMMENT: NONE

President Moran said that the next City Council meeting will be next Monday on December 5th with a Finance Committee Meeting this Friday, December 2nd at 8:15 a.m.

As there was no further business by members of Council, the meeting was adjourned at 8:00 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council