

CITY OF ROCKY RIVER

March 15, 2021

The Special Meeting of Council was called to order by Mr. Moran, President of Council, at 7:00 pm via Zoom.

Council Members Present: Mr. Hunt, Mr. Shepherd, Mr. O'Donnell, Mr. Furry,
Mrs. Morris, Mr. Klym, Mr. Moran

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

Law Director: Mr. Bemer

The meeting was opened with the Pledge of Allegiance.

MOTION:

Moved by Mr. Moran, seconded by Mr. O'Donnell, that the reading of the minutes of the Legislative Meeting of February 22nd be waived and that the minutes be accepted as submitted.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry – aye
	Morris – aye	Klym – abstain	Moran – aye	
	6 ayes	1 abstain	0 nays	PASSED

Moved by Mr. Moran, seconded by Mr. Furry, that the reading of the minutes of the Committee-of-the-Whole Meeting of March 1st be waived and that the minutes be accepted as submitted.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry – aye
	Morris – aye	Klym – abstain	Moran – aye	
	7 ayes	0 nays		PASSED

The Special Meeting this evening is in regards to Ordinance Nos. 10-21 through 16-21.

AUDIENCE PARTICIPATION: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 10-21

BY: THOMAS J. HUNT

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
AN AGREEMENT WITH GDOT DESIGN LLC FOR FURNITURE, FIXTURES
AND EQUIPMENT FOR THE POLICE STATION FOR THE CITY OF ROCKY
RIVER IN AN AMOUNT NOT TO EXCEED \$209,999.97 AS FURTHER
DESCRIBED IN EXHIBIT "A"**

3rd READING

Mr. Hunt said this ordinance has been discussed for several weeks. The contract price is \$209,999.97 as stated in the title, for furniture, fixtures and equipment for the new police station. There is a contingency in the amount of \$10,000.00 that Director Snyder answered questions about several weeks ago regarding the potential need for other items needed to get the department up and running. The bid is approximately \$45,000 less than the estimate and there are no unresolved findings on the State Auditor's website.

- Councilman Klym asked if the entire amount for this ordinance is being covered by a grant or an anonymous donation. Mr. Hunt confirmed that the funds are being paid out of the Donation and Bequests Fund and will cover this contract and additional needs for the training room.

Mr. Hunt moved for passage Ordinance No.10-21, seconded by Mr. Furry.

Vote: Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
Morris – aye	Klym – aye	Moran - aye	
7 ayes	0 nays		PASSED

RESOLUTION NO. 11-21

BY: MICHAEL P. O'DONNELL

A RESOLUTION AUTHORIZING THE CERTIFICATION OF UNPAID PROPERTY MAINTENANCE COSTS TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION IN ACCORDANCE WITH THE LAWS OF THE STATE OF OHIO AND AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

2nd READING

Mr. O'Donnell stated that this is a resolution to certify the special assessments on Exhibit A to the County Fiscal Officer on unpaid property maintenance costs as of December 31, 2020. The city has provided maintenance services for the three properties listed on Exhibit A. The owners have been billed totaling \$917.00 and payment was due in early March. This will allow the city to collect this money by placing a lien on the individual property owner's tax bill. Mr. O'Donnell will see passage at next week's meeting.

NEW BUSINESS:

RESOLUTION NO. 12-21

BY: JOHN B. SHEPHERD

A RESOLUTION AUTHORIZING THE MAYOR TO RENEW OUR AGREEMENT WITH NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) FOR THE NOPEC 2021 ENERGIZED COMMUNITY GRANT AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Shepherd will defer discussion of this resolution to the Committee-of-the-Whole Meeting immediately following this Special Meeting.

ORDINANCE NO. 13-21

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH CHAGRIN VALLEY PAVING, INC. FOR THE RESURFACING OF US 6A RAMPS C & D AT A COST NOT TO EXCEED \$232,273.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Shepherd will defer discussion of this ordinance to the Committee-of-the-Whole Meeting immediately following this Special Meeting.

ORDINANCE NO. 14-21

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH DLZ OHIO, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE RESURFACING OF US 6A RAMPS C & D IN AN AMOUNT

**NOT TO EXCEED \$32,965.00 AS FURTHER DESCRIBED IN EXHIBIT “A”
1st READING**

Mr. Shepherd will defer discussion of this ordinance to the Committee-of-the-Whole Meeting immediately following this Special Meeting.

ORDINANCE NO. 15-21 **BY: DAVID W. FURRY**
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
A CONTRACT BETWEEN THE CITY OF ROCKY RIVER AND HAZEN AND
SAWYER FOR PROFESSIONAL CONSULTING SANITARY ENGINEERING
SERVICES FOR CEPT AND FINAL CLARIFIER CAPITAL IMPROVEMENT FOR
THE ROCKY RIVER WASTEWATER TREATMENT PLANT IN AN AMOUNT
NOT TO EXCEED \$2,903,559.00 INCLUDING, AS AUTHORIZED, TASK 400 –
CONSTRUCTION ADMINISTRATION SERVICES AS FURTHER DESCRIBED IN
EXHIBIT “A”
1st READING**

Mr. Furry will defer discussion of this ordinance to the Committee-of-the-Whole Meeting immediately following this Special Meeting.

ORDINANCE NO. 16-21 **BY: MICHAEL P. O'DONNELL**
**AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY THE
CITY OF CLEVELAND, DIVISION OF WATER FOR WATER METER
READINGS NEEDED BY THE CITY OF ROCKY RIVER IN THE AMOUNT OF
\$33,251.16, FOR THE PERIOD FROM MARCH 1, 2020 TO FEBRUARY 28, 2021 AS
FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
1st READING**

Mr. O'Donnell said as this is a new ordinance, he will defer discussion of this ordinance to the Committee-of-the-Whole Meeting immediately following this Special Meeting.

PUBLIC COMMENT: NONE

Mr. Moran adjourned the Special Meeting at 7:15 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council

CITY OF ROCKY RIVER

March 15, 2021

The meeting of the Committee-of-the-Whole was called to order by Mr. Moran, President, immediately following the Special Meeting, via Zoom.

Council Members Present: Mr. Hunt, Mr. Shepherd, Mr. O'Donnell, Mr. Furry,
Mrs. Morris, Mr. Klym, Mr. Moran

Administration: Mayor Bobst, Director Thomas, Director Snyder

Law Director: Mr. Bemer

MAYOR'S REPORT:

Mayor Bobst apologized for the technical difficulties at last week's City Council Meeting. The issues have been addressed along with three individuals including the Mayor and Clerk Pease being trained to manage all of the zoom meetings. Thank you for your patience and rescheduling a Special Meeting so legislation can be moved ahead.

The city received a County Preventative Maintenance Reimbursement Grant in the amount of \$61,283, which will pay for a portion of the materials for the road construction projects anticipated for this summer. Congratulations and thank you to Director Snyder for securing another grant.

The Tree Lawn Tree Planting Program will begin with the planting of 150 trees. This includes tree lawns along with trees planted in parks and public spaces including the Chamber of Commerce Winter Tree Lighting trees. The streets receiving tree lawn trees are as follows: Argyle, Meadowhill, Kensington Oval, Kensington, Sunnyhill, Thompson Circle, Shoreland, Schlather Lane, Struhar and Story. Jameston will be having waterline work completed this summer and trees will be planted after the completion of this project.

The Mayor discussed the good work of Director Thomas, Director Snyder and Superintendent Barille regarding their work on electric utility service. Rates were negotiated at a 32% reduction for electric service and these prices will be locked in for an extended period. This savings is across all departments. The Mayor thanked Director Thomas for his leadership and Director Snyder and Superintendent Barille for their support.

The Swim-A-Thon at the indoor pool raised more than \$21,000 for Elle's Enchanted Forest. Thank you to Harland Radford for his good work in raising funds for many projects across the city. Lakewood and Rocky River Rotary also support Mr. Radford's projects. Twenty-five families participate which is an all-time high number of participants. A big thank you to Michelle Eible, the Aquatics Manager, Director Bob Holub and the rest of the Recreation Center staff.

The Mayor announced that Sherwin Williams has a brand new color of paint, #6215 called Rocky River! It is a beautiful shade of green with a little bit of blue. It comes in interior and exterior paint.

The Rocky River Senior Center is holding a Jell-O Recipe Contest on April 9, 2021. The recipe needs to be made and submitted to the Senior Center to be judged.

The Mayor encouraged Council to review the Senior Center Quill Publication, as it is a perfect illustration of what the Senior Center has been able to do for the seniors. It is filled with fun zoom activities for learning and participation. This has not been an easy task but they have succeeded in keeping the seniors engaged.

The Mayor respectfully requested an Executive Session this evening under Article X, Section 6, Subsection I, and a public employment issue and under Article X, Section 6, Subsection III, an imminent litigation matter.

MOTION:

Moved by Mr. Moran, seconded by Mr. O'Donnell and Mr. Furry that an Executive Session under Article X, Section 6, Subsection I, and a public employment issue and under Article X, Section 6, Subsection III, and an imminent litigation matter be held before the end of this meeting.

Vote: Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
Morris– aye	Klym – aye	Moran – aye	
7 ayes	0 nays		PASSED

COMMITTEE REPORTS: Parks and Recreation Commission Meeting: Mr. Klym reported on the Parks and Recreation Commission Meeting held last Thursday morning at 7:45 a.m. via zoom. Mr. Klym forwarded an email from Director Holub's February report. In the report, Mr. Holub mentions that the ice from the rink will be removed on March 27th, he discussed pool planning, playground options for Rocky River Park and the engineering being completed at the tennis courts at Linden and Tri-City Park. During the meeting, an increase of rental fees at Elmwood Cabin, the Gazebo at Rocky River Park and baseball fields was discussed. Soccer field rental may be added. Mr. Holub is looking at what other communities charge. Preparing the fields costs the city money. There will be an ordinance presented to Council regarding these rental fees. The meeting had one visitor who discussed the Civic Center and COVID regarding when it is open, masks/no masks and how things are going. Mr. Klym explained that masks do not have to be worn while exercising, hours are not stretched yet but will be and more people are attending. Exercise machines are still distanced and the visitor asked about cubbies being put back in the exercise room. Cubbies cannot be added back as the room is still needed for the spacing of machines and stretching. There was also a discussion on the TV's being turned off as there were disagreements regarding CNN and Fox News.

Planning, Zoning and Economic Development: Councilwoman Morris applauded the BZA on a skillful conflict resolution between neighbors, which ended in a compromise. Mrs. Morris and Mr. Moran were very impressed.

Mr. Klym added that he and Mrs. Morris attended the Northeast Ohio Local Governments Clean Energy Caucus. It was an interesting discussion by the City of Shaker Heights and their Sustainability Director and Mayor David Weiss. They discussed how the city used US Green Building Council's LEED for Cities to focus its sustainability efforts resulting in 100% renewable power for city operations, composting for city residents & facilities, using GIS mapping to track streetlights & trees, and expanding its electric vehicle charging program. CEO Sam Spofforth from Clean Energy Ohio

discussed a number of things regarding fleets and powering for a clean future in Ohio. There may be some grants for fleet analysis available. Mr. Klym said it was interesting information on what other cities are doing. Mr. Shepherd asked Mr. Klym to forward the meeting information to him.

Mrs. Morris also attended a Power of Clean Future, Peer-to-Peer Connections with Power of Clean Future Ohio. Basically, it was trying to find ways for cities to join forces in making these kind of choices in their city planning. Mrs. Morris will see if there was a recording of this meeting and will forward it to Council.

COMMUNICATION & ANNOUNCEMENTS: NONE

UNFINISHED BUSINESS:

RESOLUTION NO. 11-21: Mr. O'Donnell covered this resolution at the Special Meeting this evening. He will be seeking passage of this resolution next week.

RESOLUTION NO. 12-21: This authorizes the Mayor to enter into a renewal agreement with NOPEC for funding from the NOPEC 2021 Energized Community Grant in the amount of \$59,328. These grants have been accumulating for the purchase of a backup generator for Memorial Hall and the Civic Center. The funds, including this grant, will total \$315,598. The engineering is complete and the plan is to have the generator installed this year. Memorial Hall will be classified as a Red Cross Emergency Shelter.

ORDINANCE NO. 13-21: This authorizes the Mayor to enter into a contract with Chagrin Valley Paving, Inc. to resurface the north and south marginal on Lake Road near the bridge. This is the same area that sidewalk ordinances were passed a few months ago in conjunction with the Community Confluence Project. This project will repave the ramps, improve the ADA compliance at the crossings, will extend the sidewalk on the north marginal at the end of the ramp. The project will use thermal plastic markings. Five bids were received and this was the lowest bid at \$232,273, which includes a contingency amount of \$23,000 and was \$7,017 lower than the second lowest bid and \$46,512 lower than the Engineer's estimate of \$278,785. This contractor worked for the city on Center Ridge and did a good job and also has good references from the cities of Mentor and Bay Village. There are no unresolved findings in the State Auditor's Data Base.

- The Mayor added that ODOT Urban Paving will pay \$124,000 for the roadway only. There will be some additional funding from other sources. These are the two marginal across from the Yacht Club entrance.
- Mr. Furry asked about the location of Ramps A & B. Mr. Snyder said that Ramp A is the westbound lane and Ramp B is the eastbound lane of the Marian Ramp.
- Mr. Hunt asked if the studies on the Marian Ramp will not be coming to fruition. The Mayor said not currently. Mr. Snyder said this is not a complete replacement but a resurfacing project. The Mayor said there is an ongoing evaluation of the Marian Ramp and at some point, the maintenance of that ramp will become a topic of conversation. This is separate from that.

ORDINANCE NO. 14-21: This is a companion ordinance to 13-21 and is for a Construction Management Administration Contract for the same project just discussed. This proposes that the city

enter an agreement with DLZ Ohio, Inc. There were four proposals submitted to the city and reviewed by three representatives of MacKay and Director Snyder. It was determined that DLZ would be the best company for this job. DLZ worked on the Center Ridge Road Signalization Project and did an incredible job. They have experience with similar projects and have a strong attention to detail and have a clear understanding of this project. DLZ originally came in at \$53,979 but the city went back to them to reduce the amount to \$32,965 by adjusting their fees to better match the schedule of the project and re-evaluating the inspection criteria. This brought the fee down to a more consistent level of this type of a job. A substitute exhibit was received in packets last week with a new cover letter. The contractor will track their hours as they work on this project. If the project comes in with less hours, they will only charge for the hours worked. The contract is capped at \$32,965. There were no unresolved findings in the State Auditor's Database.

- Mr. Furry asked if ODOT is chipping in on this ordinance. Mr. Snyder said they paid for some of the engineering but do not pay for the construction administration.
- Mr. Moran asked what US6A is. This is how ODOT classified the roadway.

ORDINANCE NO. 15-21: Mr. Furry stated that Council received the Schedule B compensation for the consulting engineers, Hazen & Sawyer for the CEPT and final clarifier project at the WWTP. Council also received Schedule B-1, which further breaks down the various tasks line by line. CEPT stands for Chemically Enhanced Primary Treatments. This is not enhancing capacity but converting the Excessive Flow Clarifiers to CEPT's. Of the 128MM gallons day max that the WWTP could treat a day, only approx. 45MM gallons day could be chemically treated or approximately 35% of daily capacity, after conversion 100% of capacity will be chemically treated.

This is a big-ticket item as this is for soft costs only. Task 100, which is project management and administration, is slated for \$101,759. Task 200, which is preliminary engineering and design, is slated for \$309,125. Task 300, which is detailed design, is slated for \$1,558,613. Task 400, which is Construction Administration Services as authorized is slated for \$934,062. The total is not to exceed is \$2,903,559.

This is based on a not to exceed basis fixed price lump sum basis, which means the totality of the contract as each task might be plus or minus some.

It is for over \$2.9MM and that is just the soft costs. Plant Supt. Barille plans to apply for a low interest loan for the Tasks 100-300 (basically \$1.9MM) and Task 400 would be rolled into the construction portion of the contract and the Supt. will seek a grant at low or zero interest loans.

Plant Supt. Barille estimates roughly \$16MM which was the least costly alternative to comply with our No Feasible Alternatives. The EPA recommended alternatives in the \$70MM+ stage as they are trying to get all plants in Ohio to completely eliminate sanitary bypasses. Lakewood had to put \$40MM into their plant and NEORS D had a consent decree about 5 years ago to invest almost \$3 billion to eliminate their bypasses. If you have seen any of the huge underground tanks/wells they drilled, you can see why it cost so much.

This was approved by the Management Committee albeit not unanimously as Rocky River, Bay Village and Fairview Park voted for it. Westlake voted no due to disputes on cost allocation, but deemed that the project was necessary. A RFQ was sent out and two replies were received, one from Hazen and

Sawyer, one from Brown and Caldwell. Both firms decided to team up with Hazen doing the majority of the work. There will be three full reads on this ordinance.

- Mr. O'Donnell asked if Westlake has agreed to go along with this. The Mayor said there is another meeting in April to continue the discussion. The Sewer Flow and Strength Study has always been used but Westlake is presenting that the capital be based on a different formula based on other data points like I & I and information from hydraulic modeling.
- Mr. Hunt asked what Rocky River's percentage is, based on the last flow and strength study. The Mayor will let him know.

ORDINANCE NO. 16-21: Mr. O'Donnell said this is an annual ordinance to authorize payment to the City of Cleveland for the annual cost of the water meter readings for the consumption data needed to generate the sanitary sewer bills in the amount of \$33,251.16. Residents are charged quarterly and this data will calculate the annual over or short amount billed and calculate new estimates for the next billing year.

NEW BUSINESS: NONE

MISCELLANEOUS BUSINESS: NONE

Council moved into Executive Session at 7:58 p.m.

Council reconvened after the Executive Session and as there was no further business by members of Council, the meeting was adjourned at 8:50 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council