

CITY OF ROCKY RIVER

November 1, 2021

The meeting of the Committee-of-the-Whole was called to order by Mr. Moran, President, at 7:00 p.m.

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

Administration: Mayor Bobst, Mr. Snyder

Assistant Law Director: Mr. O'Shea

The meeting was opened with the Pledge of Allegiance.

MAYOR'S REPORT:

The Mayor stated that Tri-City Park has 50 new trees being planted. These are a result of the Urban Forestry Grant between the cities of Rocky River, Fairview Park and Westlake. Thank you to Director Snyder who is always a part of these initiatives.

The wooden stairs at Rocky River Park that descend near the restroom area are being replaced. The retaining wall by the stairs and playground is also being evaluated. The cement stairs that descend to the beach will be replaced also.

The Mayor shared Building Department Statistics through the end of October:

- Permits total 1,595 including both residential and commercial. Last year at this time the total was 1,444.
- Valuation totals \$38,000,250 compared to \$57,000,000 last year. In 2019 the valuation total was \$40,000,000; in 2018 \$24,000,000; in 2017 \$29,000,000; in 2016 \$19,000,000; in 2015 \$18,000,000.

The City of Rocky River is still in a very good place but not at the same pace as 2020. Residential investment drove the \$57,000,000 in 2020. Residential investment is still strong and outpaces commercial in terms of valuation and numbers of permits. Please let the Mayor know if there is any specific information needed.

The Mayor stated that two grants were submitted late last week. The first grant is for the Cuyahoga County Maintenance/Material Reimbursement Program. This is for reclamite for Wooster from Detroit Road to Center Ridge Road. The city will be paving from Center Ridge to the Fairview line next year and reclamite will be applied after the repaving. The second grant is an ODNR Healthy Urban Canopy Grant, for public property, which is an adjunct to the County Urban Canopy Grant that was received for planting on private property. Council has a resolution on this evening's agenda in support of this grant. The Mayor thanked Director Snyder and his staff for the work and focus toward looking for additional local money to leverage to receive these grants.

The Senior Center will be hosting their Quilt and Craft Show this weekend on Friday and Saturday. Everyone is welcome.

The Mayor stated that Election Day is tomorrow with polls opening at 6:30 a.m.

President Moran welcomed Assistant Law Director O'Shea to this evening's meeting.

COMMITTEE REPORTS: Planning, Zoning and Economic Development Committee: Councilwoman Morris stated that the BZA will be meeting this Thursday, beginning at 7:00 p.m.

COMMUNICATION: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 68-21: Mrs. Morris stated that this ordinance would amend the code so that the fire code is automatically updated along with the Ohio Fire Code. This will be placed on the consent agenda.

ORDINANCE NO. 69-21: Mrs. Morris stated this ordinance updates the construction of sidewalks to add 6-inch base of gravel rather than 4 inches of gravel. This will be placed on the consent agenda.

ORDINANCE NO. 70-21: Mrs. Morris said this ordinance amends four sections:

1. It will update the property maintenance codes to be pulled from the most current edition of the International Property Maintenance Code;
2. Pest control to be the explicit responsibility of the building owner rather than the tenant;
3. It makes basement sleeping rooms conditional on exits;
4. It updates the stacking of firewood rules explicit for safety reasons.

This will be added to the consent agenda.

ORDINANCE NO. 71-21: Mrs. Morris said this has been referred to the Land Use Commission for a combination meeting of the Planning Commission, BZA and the Architectural Review Board. The Commissions met last week and this ordinance will be rewritten by Law Director Bemer and the rewrite will be presented to the Commission first and then City Council.

ORDINANCE NO. 72-21: Mrs. Morris said this ordinance brings old code up to new standards and requires new construction, rentals and leases to have carbon monoxide and smoke detector alarms installed. This will be placed on the consent agenda.

ORDINANCE NO. 73-21: Mrs. Morris said this was referred to the Planning Commission and was discussed at the joint meeting last Wednesday, October 27th. This would amend the Codified Ordinances for height requirements and accessory uses and structures regarding garages. Mrs. Morris said the suggestion was made to raise the garage one foot to 16 feet, for modern vehicles and require a variance for anything more than that so that the use of garages is limited.

- Mr. Shepherd commented that Council is looking to the Commissions for a recommendation, but this is ultimately City Council's decision. City Council has discussed this but has not come to a consensus.
- Mr. Moran said that the Commissions asked what Council's thought was regarding this. Mr. Moran stated that Council was not in total agreement concerning this change and that is why it was referred to the Commissions.
- Mrs. Morris added that every garage will go to the Architectural Review to make sure the addition fits on the existing lot.
- Mr. O'Donnell asked if they were limiting the second story of the garage to storage only and was there general agreement among the Boards. Mrs. Morris said that most of members agree that limiting use for the garage is what they would want to do, if built correctly. Mr. O'Donnell added that Commissioner Reich circulated an article stating that some communities state that there can be a bathroom or a kitchen, but not both so it cannot be a habitable space for an Airbnb. The Mayor added that habitable is permitted in many of these, but not as a dwelling space.

- Mr. Klym said that the way it came to Council was piecemeal. There are larger questions here regarding the future of the city and what these spaces should be used for as the community changes. Spaces are being used differently. It may take Council going back to look at the entire ordinance and see how it inner relates to other ordinances within the zoning and planning code and having a bigger discussion on what the city should allow. There may need to be more of a discussion with the community and comparing with more communities in the State of Ohio. Mr. Klym feels this is a bigger discussion to have.
- Mr. Shepherd asked if this comes back as a Planning Commission recommendation, does that change the vote or the number of votes needed to overturn. The Mayor does not think so as Council referred it to the Commissions for their recommendation.
- Mr. O'Donnell asked in a procedural standpoint, is this one in the same position as 71-21 and has been referred back to the Law Department for revision to go back to them and then back to City Council. Mr. Moran said yes, but there will be more discussion.
- The Mayor will have Commissioner Reich look at other communities beyond those that are contiguous and put together several samples. The Mayor can also send this out through the Mayors and Managers meeting to all communities in Cuyahoga County for feedback.
- Mr. Hunt asked if it is worth having Mr. Bemer rewrite this piece of legislation when more discussion is needed. Mr. Shepherd agrees that it should come back as an informal recommendation as opposed to a piece of legislation. Mr. Moran stated that the Planning Commission was driving the meeting and were not ready to agree or disagree due to the many pieces and parts to this ordinance.
- Mrs. Morris stated that the point is limiting use, but is Council in agreement that limiting use is what City Council wants to do. Mr. Shepherd stated that City Council is not there yet and Mr. Moran said this needs to be discussed further.
- The Mayor said the limitations of use can be defined; it is not black or white but shades of gray in that use with many parameters that can control depending on the structure itself. It is a much bigger question and it is a community question.

ORDINANCE NO. 74-21: Mr. O'Donnell said this is an amendment to the annual wage ordinance for the 2020-2021 year for the employees of the city. This ordinance recognizes that there is a 27th pay period this year and accounts for that. This does not change anyone's annual compensation included in the wage ordinance. This will be added to the consent agenda.

ORDINANCE NO. 75-21: Mr. Shepherd said this is scheduled for a third read and he would like it on the consent agenda. Mr. Shepherd said that this allows the city to have a contract with the Cuyahoga County Board of Health to provide mandated health services for the citizens of Rocky River.

- Mrs. Morris asked if the County helped with the mandated COVID testing of employees at the Senior Center. The Mayor said no, the County did not provide that service.

ORDINANCE NO. 76-21: Mr. Furry stated that this is a two-year renewal with Hazen and Sawyer for professional consulting services at the WWTP. This is the first renewal as they replaced AECOMM as the consulting engineers at the WWTP. There are a couple of different sections in this. First is the retainer services which had an increase allocated from \$30,000 to \$34,300. Per Superintendent Barille, 92% of this was used in the last two-year cycle. This increase is basically due to hourly rate increases.

The next section is miscellaneous services and is reactive for projects and issues that arise which require attention and was fully utilized in 2020 and 2021. Pending anything unforeseen, this should be less based on all of the other recent capital projects that have been going on at the WWTP the last few years.

Additional engineering has no change in scope or money and all sections of the agreement are on a not to exceed basis.

Hourly rates increased 5% across the board in aggregate, but is in effect a 2.5% year based on the two-year contract. Non-emergency language is being utilized.

The WWTP is experiencing significant price increases due to multiple factors:

1. Supply chain issues due to the COVID-19;
2. Transportation issues of chemicals due to reduced workforce of truckers and increased demand for same;
3. Lastly some of the larger chemical producers reduced staffing and production due to COVID and now are having a hard time keeping up with the demand.

ORDINANCE NO. 77-21: This is for a one-year renewal with PVS Technologies Inc. for the purchase of ferric chloride. This is the product that has had some volatility over the last five years. Two bids were received with PVS Technology, Inc., the current supplier, being the lowest and best bid at \$672 a dry ton which is a price increase of \$94 a dry ton, with the next bidder as \$240 a dry ton increase. Operationally, they are continuing to investigate ways to use the chemicals more efficiently; the possibility of a more appropriate chemical to use; and to streamline the Ferric dosing strategy for phosphoric reduction. This is slated for three full reads, utilizes non-emergency language and is necessary to comply with the NPDES permit.

ORDINANCE NO. 78-21: This is also for a one- year renewal with PVS Chemical Solutions, Inc. for the purchase of sodium bisulfite, which is added to the final effluent and excess flow and is used to remove chlorine in the plant effluent. This is a one-year renewal with our current provider PVS Chemical Solutions at the current rate of \$1.62 a gallon. This was last bid out in 2019 with four bids received within a range of \$1.62 to \$2.1273 per gallon. PVS Chemicals Solutions, Inc. was the lowest and best bid at \$1.62 a gallon and kept that price for three years. This is slated for three reads and non-emergency language is being utilized and is necessary to comply with the NPDES permit.

ORDINANCE NO. 79-21: This is also for a one-year renewal with Bonded Chemicals Inc. for the purchase of sodium hypochlorite at \$1.30 a gallon. This is used in three different application points: effluent, pre-chlorination and primary sludge. The first stage is effluent or disinfection, the second or pre-chlorination is odor control and the third or primary sludge is a thickener to settle the sludge. Bonded Chemicals is the current supplier and bids received last year had a range of \$.79 to \$1.255 a gallon. This is slated for three reads and will not be using emergency language. This is necessary to comply with the NPDES permit.

ORDINANCE NO. 80-21: This is a two-year agreement with Cuyahoga County Board of Health and the City of Rocky River. The Board of Health has developed its Stormwater Management Program to assist municipalities in Cuyahoga County per the U.S. EPA's Phase II Stormwater Regulations in meeting the required stormwater management goals. The cost is \$2,685 annually or \$5,370 over the two-year agreement. Based on the dollar amount it did not require councilmanic approval, but since it is a governmental entity the WWTP chose full disclosure. Non-emergency language is being utilized.

ORDINANCE NO. 81-21: This is for the removal of digested sludgecake for the WWTP to a landfill and is a renewal of an existing contract where the WWTP must haul to landfill during the winter months. Two bids were received, one from Kimble Company for \$46.47 a ton and the other from Pen Ohio Corp for \$67.50 a ton. This bid two years ago represented a slight increase from the then current provider Rumpke of Northern Ohio whose contract was expiring at \$42.87 a ton. This is for the months the city cannot send it to Mr. Diaz due to regulations

set by the EPA for the renewal of the NPDES permit. This is slated for three reads and will be using emergency language. This is necessary to comply with the NPDES permit.

ORDINANCE NO. 82-21: This is for a one-year renewal of an agreement with James Diaz for the removal of digested sludge cake at a cost of \$30.50 a ton. This is actually a renewal of last year's contract at the same price for 2022 as noted on Exhibit A. In 2019, two bids were received; one from James Diaz for \$30.50 a ton and one from Quasar Energy Group for \$49.33 a ton. This was an increase of \$8 a ton, but is still the least costly alternative during the non-winter months. Mr. Furry is anticipating three full reads and non-emergency language is being utilized.

ORDINANCE NO. 83-21: This is for a one-year renewal on an existing agreement with Kimble Company. This ordinance is for the removal of grit and screenings from the WWTP. Grit is removed by grit tanks by the screening building, screenings are separated by the bar screens at the Headworks building and are then removed by mechanical means and sent to the landfill. Three bids were received in December 2020 with a range of \$71.75 to \$94 a ton with Kimble Company being the lowest and best bid. This is slated for three reads and is utilizing emergency language and is necessary for compliance with the NPDES permit.

- Mr. Shepherd asked if Ordinance No. 79-21 is a substantial increase with only one bid. Is there any due diligence to receive any other bids. Mr. Furry will follow up on this. Director Snyder stated that Superintendent Barille did contact other vendors specifically to try to increase bids to make it more competitive. Mr. Snyder feels this is market driven. The Mayor stated that the Management Committee reviews the Hazen and Sawyer contract but not the specific bids for chemicals or grit and screening removal. Director Snyder will get more information on the scope of what the total cost will be for these ordinances.
- Mrs. Morris asked what the difference is in removal of digested sludge cake in winter verses other seasons. The Mayor responded land application because of the run-off.

RESOLUTION NO. 84-21: Mr. Shepherd said this resolution authorizes the city to participate in the State Cooperative Purchasing Program and get prices with the advantage of having larger orders. There is no commitment to purchase. This will be read for a second time next week.

ORDINANCE NO. 85-21: This is to purchase gasoline, fuel oil and allied products on the Open Market at the best prices possible for the period January 1, 2022 to December 31, 2022. The city saves a substantial amount of money at the current price. The city has done this for the last ten years. This will be read for a second time next week.

ORDINANCE NO. 86-21: This is to purchase tires on the Open Market at the best prices possible. This will be read for a second time next week.

NEW BUSINESS:

RESOLUTION NO. 87-21: Mr. Shepherd said this resolution was referenced in the Mayor's Report this evening. This authorizes an application to participate in the Ohio Department of Natural Resources Urban Canopy Restoration Grant Program for tree lawn tree planting. The application has been submitted and this will have three full reads. The grant funding request can be from \$2,500 to \$25,000 and is a 50/50 match. This is in addition to the city's other tree programs. This is for \$13,000 with a proposal Director Snyder has put together. Director Snyder stated the basis of this project is to leverage funding that was received from the Cuyahoga County Planning Commission as part of the Healthy Urban Tree Canopy Program. The City of Rocky River was awarded funds to plant trees on private property in the area of Dale, Carmen, Forestview and Northview where the Urban Tree Canopy is lacking. By targeting private property the city is able to increase canopy in areas with restrictions on tree lawns. To maximize the overall gain in the urban canopy in that area and to leverage that grant

with this grant to plant in available spaces on public property at the same time. There are approximately 70 available sites by the tree inventory. This will be part of the 2022 Program for Planting. This will be a separate planting location in addition to the normal tree planting following construction projects. The city match will be \$13,910 which includes the purchase and planting of the trees.

- Mr. Furry asked if there is interest in this project. Mr. Snyder said residents have been notified and trees are planted unless the residents say they do not want one on the public side. Confirmation letters have been sent to residents on the private side to get final numbers for the planting. There will be eight species of native trees a resident can select from, and then the city will plant the tree.
- Mr. O'Donnell asked if Resolution No. 87-21 is the public side with a proposal of \$26,000 to submit. Can the city have multiple applications going out at the same time. Director Snyder said yes, but we would be going against ourselves.

MISCELLANEOUS BUSINESS: The 2022 Budget Books will be presented at next week's Legislative Meeting.

As there was no further business by members of Council, the meeting was adjourned at 7:53 p.m. The next meeting will be held on Monday, November 8th in Council Chambers.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council