

CITY OF ROCKY RIVER

December 21, 2020

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

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

Administration: Mayor Bobst, Director Snyder

Law Director: Mr. Bemer

Assistant Law Director: Mr. O'Shea

The meeting was opened with the Pledge of Allegiance.

MAYOR'S REPORT:

The Mayor stated that the city received a check in the amount of \$1,055,000 from the Bureau of Workers Compensation, which represents 372% of the 2019 premium. The Mayor is very pleased to have received this and the money will be put to good use.

The Mayor stated that the city ended the year with \$15,477,000 from income tax collection. The projected estimate was \$15,750,000, which was slightly more by about 1.73%. There may be another small distribution received and that percentage will be moderated further. This amount is consistent with what was anticipated for the 2021 Budget.

The Auditor of State, Keith Faber visited the city, spending time discussing the CARES Act audit and the city's audit. There were many positive comments along with good information regarding the CARES Act audit. Documentation was discussed and will be in place to present for the audit. Congratulations to Director Thomas and his staff for all their efforts.

This year marks the 50th anniversary of the Westshore Enforcement Bureau that began in 1970. This was the first of its kind, a collaborative where multi-jurisdictional communities came together because of a common concern about drug use and drug trafficking. Since about 2004, there have been about 3,200 cases that the Bureau has addressed and have collected almost 19,000 pounds of prescription drugs collected in drop boxes in each police station. The Westshore Enforcement Bureau initiated Narcan for police departments. They have been involved in the Westshore Young Leaders Program that teaches positive life skills, drug prevention skills and healthy lifestyles to teens. Their quick response team follows up on individuals that have overdosed along with their families. There are a number of things that go on behind the scenes and the Bureau reports regularly to the Westshore Council of Governments. They do a tremendous job.

Director Snyder sent the Mayor information regarding the 2021 Spring Tree Lawn Planting Project. The areas receiving trees are as follows: Ward 1 – Meadowhill Lane and Argyle Road; Ward 2 – Sunnyhill Drive and Thomson Circle; Ward 3 – Shoreland Avenue and Schlather Lane; Ward 4 – Struhar Drive and Story Road. For the 2022 planting the following will receive trees following waterline work and new sidewalks: Ward 1 - Erie Road; Ward 2 - Kings Mill Run and Colonial Court; Ward 3 – Malvern Avenue and Telbir Road; Ward 4 - Fairhill Road and Nelson Park Drive; beyond that it will be Morewood Parkway after the sewer project.

Rich Snyder also shared that Rocky River was #1 in Cuyahoga County for the recycling of Household Hazardous Wastes for 2020 out of 59 communities. The total for Rocky River was 28,607 lbs. which is just over 14 tons of household hazardous waste. Westlake was second with just over 18,000 lbs. The Mayor thanked the community for recycling these items.

The Mayor wished everyone a very Merry Christmas and a Happy New Year.

COMMITTEE REPORTS: NONE

COMMUNICATION & ANNOUNCEMENTS: NONE

UNFINISHED BUSINESS:

ORDINANCE NOS. 100-20, 101-20, 102-20: For several years, Council has been encouraging the city to consider putting the insurance needs out to market. This year, the city hired Crain Langner Insurance Consultants to aid the city in this process. Crain Langner put together bid specifications and advertised the bid and targeted any identified companies to bid. This was called an RFP with bid specifications that were advertised. The net result of the process was that McGowan Insurance Agency with Zurich Insurance Company came in with the winning proposal for the city, WWTP and the Courts. According to the analysis, they were a clear-cut winner with the most comprehensive coverage. Between the three entities, it resulted in an actual savings in the range of \$30,000 over what was paid last year for insurance. There has been some discussion on this and there are issues. At this stage, the insurance runs out on January 1st, 2021 and if these ordinances are passed this evening that will ensure insurance will be in place for the city for 2021.

- Mr. Klym asked about the discussion regarding a Broker Services Agreement. Mr. Klym thinks that Director Bemer indicated that this type of agreement will be put in place and that the “special relationship” definition will be included in the relationship the city will be having with McGowan as a proposed agent or broker. Mr. Bemer said this was presented last week. The agreement will identify the actual contract of insurance, which will include the specifications and all of the provisions of a typical large insurance policy along with an Exhibit A, which includes the specific broker’s agreement with the city and McGowan. Mr. Bemer has recommended the representations that have been made via email to be specifically included in the agreement. Mr. Klym said that in the past with McGowan as a broker, the city has not had a Broker Services Agreement, is that correct. That is Mr. Bemer’s understanding as well.
- Mr. O’Donnell stated they have been the city’s broker for years so why are they offering that now when they have not offered it in the past. The Mayor said it was recommended by Crain Langner and McGowan agreed to it. Mr. O’Donnell said they have never suggested in the past that they have this heightened duty to the city; it was Crain Langner that came in and offered that. The Mayor said that was correct.
- Mr. Furry said he stated his piece last week. Mr. Furry’s concern is with McGowan, not Zurich or any of the other providers and why did they not offer this before. Is McGowan really advocates for the city or for whom?
- Mr. Bemer commiserates with Council’s comments. It is correct, there has been a long-standing working relationship between the Safety Service Department and McGowan & Company predating Mr. Bemer’s time with the city. There was a change in ownership and management within the last five years and unfortunately the prior working on a handshake relationship had continued on, so all the comments are well taken. This needs to be a business arm lengths transaction and it seems like going forward that will be done. The Mayor added it needs to be documented with the expectations spelled out.

- Mr. Moran asked Mr. Bemer if he believes that this has a little bit more bite to it with this new agreement. Mr. Bemer said certainly, it will identify those emails presented that provided significant representations; the quarterly reviews, the issues that were seen in the fire truck litigation, why the asset lists were not appreciated; the risk management and the increase in coverage. Unfortunately, it took a serious matter for the city to realize that frankly the city was not being served as well as it should have been.
- Mr. Shepherd added that Mr. Brad Weber is in the meeting. Crain Langner, as consultants did recommend this and this is why the city hired Crain Langner to find out things that were needed. It was listed in the bid specifications that they wanted this type of arrangement with anybody that did business with the city going forward. Mr. Weber concurred stating that a Broker Services Agreement is something they recommend for all their clients and all broker relationships. Mr. Weber stated that insurance has complex terms and conditions. These insurance policies are hundreds of pages long and there are two very compatible proposals with McGowan and a second proposal. Mr. Weber fully supports going with McGowan with a Broker Services Agreement in place, as the city would be well served with them along with the “special relationship” clause would add a higher degree of care than what was experienced in the past. Mr. Weber certainly understands the feelings of Council of feeling let down and underserved by McGowan in the past.

ORDINANCE NO. 103-20: This is for the removal of digested sludgecake for the WWTP to a landfill. Two bids were received, one from Kimble Company for \$46.47 a ton and one from the Pen Ohio Corp for \$67.50 a ton. This represents a slight increase from the current provider Rumpke of Northern Ohio whose contract is expiring at \$42.87 a ton. This is for the months when the city cannot send it to Mr. Diaz along with Ordinance 88-20 due to regulations set by the EPA for the renewal of our NPDES permit. This is necessary to comply with the NPDES permit.

ORDINANCE NO. 104-20: This ordinance is for the removal of grit and screenings from the WWTP. This has to be removed by mechanical means and must be sent to landfill. Three bids were received 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 should be noted that emergency language is being utilized and it is necessary for compliance with the NPDES permit and be in place by January 1, 2021. Mr. Furry has not had many questions on these ordinances.

RESOLUTION NO. 105-20: Mrs. Morris stated that this gives the city’s permission to release the land so the ODNR can approve a shoreland erosions control adding rocks to the shoreline at the 700 Lake Condos.

- Mr. Furry asked if this should be passed this evening. Mrs. Morris does not think it matters one way or the other.
- Mr. Klym asked if this is just for the shoreline project and just for erosion control and that there is not anything regarding a pier or dockage. Mrs. Morris stated they are not going to ask for a pier or dockage. Mr. Bemer believes that in talking with Ray Reich that this has to do with the revetment that 700 Lake is doing for erosion control. Anytime there is shore work along Lake Erie that is below the high water mark by 574.3 feet, the ODNR requires a release from the municipality in question concerning any type work so it is clear on the record that the city does not utilize this private land in any way nor the shoreline area that is contiguous.
- Mr. Furry stated that with all the restrictions for the pier, they are not the same as what 700 Lake Road has to do with the revetment. If this helps them out, he does not see why it needs to be held back.
- The Mayor added that the city is not providing this. ODNR is providing this. ODNR wants to be sure the city does not have an issue with this. This is not ours to award to them or to release to them. They just

want the city to weigh in on the fact that does this cause any additional issues for the city. Mrs. Morris stated it releases the city from them so they can do what they need to do.

- Mr. Moran stated that the three read rule can be waived and considered at the Special Meeting this evening.

NEW BUSINESS: NONE

MISCELLANEOUS BUSINESS: President Moran thanked Director Snyder for the tour through the new police facility. The offices are in place; gas lines will be turned on soon for heat and drywall is almost ready to be put up with the exception of some electrical work to be done. Contact Mr. Snyder for a tour.

As there was no further business by members of Council, the meeting was adjourned at 7:26 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council