

CITY OF ROCKY RIVER

March 20, 2023

The Committee-of-the-Whole 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, Mr. Furry,
Mrs. Morris, Mr. Sindelar, Mr. Moran

Absent: Mrs. Gallagher

Administration: Mayor Bobst, Mr. Snyder

Law Director: Mr. O'Shea

The meeting was opened with a Pledge of Allegiance.

MAYOR'S REPORT:

The Mayor said that Council received a new ordinance this evening, Ordinance No. 23-23 regarding Phase II for Bradstreet's Landing. The Mayor is hoping this can be moved along and the Mayor is respectfully requesting that the 72-hour notification rule be waived and Ordinance No. 23-23 be added to this evening's agenda. Additionally, a revised exhibit for Ordinance No. 17-23 is at Council's desk reflecting additional monies that was in the budget but not for this specific project.

The Mayor thanked Safety-Service Director Snyder for the submission of the Community Funding Project to Congressman Max Miller's office. This is for the Wooster/Rockcliff Project involving the inverted sewers on Rockcliff, the sanitary sewer on Wooster and safety pedestrian access components that are consistent with the Confluence Grant /TLCI Grant. The total project cost is \$4.7 million and the city requested \$3,250,000 from the Congressman's office. Congressman Miller was in the Mayor's office Friday for a meeting and Director Snyder had the chance to meet with him to discuss the project and Safety Town. It was a good and productive meeting. Congressman Miller understands the importance of this project. The funding is for Fiscal Year 2024.

The Mayor mentioned that she received a follow-up email regarding bipartisan railroad legislation. The bill itself is 18 pages and includes the following requirements:

- Train length and weight
- What the trains consist of
- Route analysis and selection
- Speed restrictions
- Track standards
- Track, bridge and railcar maintenance
- Signaling and train control
- Response plans
- Any other requirements the Secretary determines is necessary

The Mayor will forward this email to Council.

The Mayor discussed the city's salt supply. Currently there is 700-750 tons in the barn and the city needs to order 790 tons to reach the 90% by the end of May. Service Commissioner Dave Arendec feels there is room in the barn for the additional 790 tons and it will not need to be stored outside.

The County Emergency Management convened all the police chiefs regarding the April 8th, 2024 total eclipse with Avon Lake being the epicenter. They are predicting there will be 3-4 times the normal population in the area. They are working on plans for crowd and traffic control. The MetroParks will be opening park land for camping and Avon Lake will be opening camp areas as well. The Mayor will share with Council as plans develop.

The Mayor announced and congratulated Keira Lenaghan, a junior at Magnificat who won the 2023 Ohio High School Athletic Association Uneven Parallel Bars event. This is the same event her mother won in 1987.

Laurie Schaefer and Deb Huff attended the Senior Center State Conference last week. This year Laurie presented as Deb Huff has presented in previous years. They were very well received and are leaders among leaders.

City Hall has a new custodian, Jeff Frantz, replacing Fred Hobson.

The Mayor said that the architectural contract for the Senior Center will be forwarded to City Council this week.

- President Moran added that the RRHS Girls Basketball Varsity Coach, Jamey Pfahl, was awarded Coach of the Year for the Great Lake's Conference. Hats off to Coach Pfahl.
- Law Director O'Shea added that the Lutheran West Boys Varsity Basketball Team played in the State Final game this weekend. Lutheran West came up short but congratulations on a great season.

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: NONE

MOTION:

President Moran moved to waive the 72-hour rule to add Ordinance No. 23-23 to this evening's agenda for discussion, seconded by Mr. Furry.

Vote:	Mr. Hunt – aye	Mr. Shepherd – aye	Mr. Furry - aye
	Mrs. Morris – aye	Mr. Sindelar – aye	Mr. Moran – aye
	6 ayes	0 nays	PASSED

UNFINISHED BUSINESS:

ORDINANCE NO. 12-23: Mrs. Morris stated that this is the ordinance to purchase Sodium Hypochlorite for the WWTP. This is a new type of two-year contract. As the city has seen increases from .76 to \$2.60. The first year of the contract is fixed pricing at \$2.60 a gallon. The second year of the contract includes a market adjustment clause to allow up to a 15% escalation or de-escalation in price at the discretion of the WWTP. This will be placed on a consent agenda.

ORDINANCE NO. 13-23: Mrs. Morris stated that this will not be placed on the consent agenda because this will be held for a third read until it is passed by the Ohio Water Development Authority Board and this is for the No Feasible Alternative CEPT/Final Clarifier Contract.

- Mr. Sindelar added that Superintendent Barille did a wonderful job handling questions and explaining everything very well. Mr. Sindelar thinks the residents will appreciate his due diligence investigating and finding the best way to save money.
- The Mayor added that he has demonstrated cost savings through changing the way the WWTP uses chemicals and modifying some of the processes. That has been extremely effective at the WWTP.
- Mrs. Morris appreciates his consideration in environmental impact. He is very conscientious about the environment.

ORDINANCE NO. 14-23: Mr. Hunt said this has been pending for some time. This will authorize Director Snyder to purchase 2 Ford Interceptors from Statewide Ford Lincoln/Statewide Emergency Products for the police department. The first vehicle is a 3.3 Gas Engine and the cost will be \$45,659 and the other is a 3.0-liter Eco Boost Engine and the cost will be \$49,247. \$45,000 was appropriated for each of these vehicles in the budget. The additional amount of money needed for outfitting the two vehicles will be covered by the additional supplemental appropriations in Ordinance No. 17-23.

ORDINANCE NO. 15-23: Mr. Shepherd said this contract was presented to North Bay Construction, Inc. for the City Hall boiler. This was put out to bid and they were the lowest compliant bid. There have not been any issues with this ordinance and it will be placed on the consent agenda.

ORDINANCE NO. 16-23: Mr. Shepherd stated that this is an annual ordinance for money to be set aside for emergency repair for sewer and storm sewers as needed and Fabrizi was the only bid response. The city engineer and Safety-Service Director found their prices reasonable. Fabrizi has done a good job. This is a fund set aside for emergency repairs when the city cannot do them. It is not required that these funds are spent, but only if the need arises. This will be read for a third time and will be on the consent agenda.

- Mr. Sindelar stated that it is important to highlight how difficult it has been to get contractors to bid on projects this year.

ORDINANCE NO. 17-23: Mr. Moran said that this is the supplemental appropriations to amend Ordinance No. 77-22 which is the 2023 Budget. This will not be placed on the consent agenda because it will need to be amended at next week's meeting. There is an addition to the Capital Improvement in the amount of \$705,000. Part of this supplemental appropriation has to do with Ordinance No. 14-23 and taking money from equipment purchase and putting the money into POPAS to purchase the vehicles. Also, taking money from the Service Garage for a pole barn and put it in Capital Improvement with an additional \$70,000 making the grand total for appropriations \$613,000.

- Mr. Snyder added that the big change was the addition of appropriations of \$605,000 to the Capital Improvement Fund for the Bradstreet's Landing Phase II Project. The bids came in higher than expected but based on market values and trends, the administration feels that moving forward with this project including the base bid plus the alternates is the best course of action to achieve and implement this park to best serve the community and region.
- Mr. Furry asked if this is for 2022 and the rest will be 2023. Mr. Snyder stated that \$3.2 million

dollars for Bradstreet's Landing was appropriated this year and the additional \$605,000 will get the budget to the total value.

- The Mayor added that because this new exhibit is related to the awarding of the contract for Bradstreet's Landing, Council can hold this until the passage of the other ordinance.
 - Mr. Snyder asked how that would factor in for the passage of the police vehicles. The Mayor responded if the police cars are delayed that would be ok. The Mayor wants Council to be comfortable with the Bradstreet's Landing contract.
- Mr. Moran said that there will be a motion to amend the revised exhibit and this will be discussed further at next week's meeting.

ORDINANCE NO. 18-23: Mr. Shepherd said this ordinance allows for the approval of \$35,000 for specialized parts for repair and maintenance for the city's fleet of vehicles. This is below the \$50,000 and is an example of the city bringing Council an ordinance that does not need Council's approval but is keeping Council informed. Best Equipment is the primary dealer in the area for certain types of equipment used on the refuse and leaf collection vehicles. The city has had a good experience for parts supplies and repairs as needed. This will be read for a second time next week.

ORDINANCE NO. 19-23: Mr. Shepherd said that this authorizes \$60,000 to be used as needed for televising and cleaning the sewer infrastructure. As discussed last week, C & K Industrial Services already works at the two sites that monitor the sanitary sewer overflow in Rocky River. This is above the \$50,000 because the Safety-Service Director Snyder feels the city will be more aggressive and will do more of this, this year.

NEW BUSINESS:

ORDINANCE NO. 20-23: Mrs. Morris said this is an ordinance that began with the Zurich Insurance Underwriter that did a risk engineering assessment. One of the things noted in October 2021, was that the WWTP has not had an IR inspection of the electrical systems in the city. Infrared testing shows heat issues on the electrical panels. This ordinance is for the WWTP as they have specific and more needs. The IR test is \$28,500 and the contractor is Herbst Electric, a reliable contractor. They are asking Council to allow for \$20,000 in emergency repairs in case they do find anything.

- Mr. Snyder added that this is not asking for additional appropriations as these funds have been appropriated, but asking for authorization to implement the funds for the IR scans and any emergency repairs as found through this testing.
- The Mayor added that this is part of the Management Committee's review of the budget.

ORDINANCE NO. 21-23: Mr. Shepherd noted that he has a friendship with the owners of Lake Road Market but has no business involvement with them. The city advertised for a proposal to operate the concessions at the outdoor municipal pool, the Hamilton Ice Arena and the Don Umerley Civic Center. This was advertised and actually went to three vendors and the only response was received from Lake Road Market. This would be working under a lease agreement model and the agreement would total what they pay for the right to do this in the amount of \$9,450 for each year of the two-year agreement. The previous contract was \$8,100. The city maintains ownership of all current city property including coolers and the food prep equipment. The vendor has agreed to hire locally with preference going to Rocky River students, supervised by adult age managers and the city will not employ any concession related staff and adult employees will be background checked. The vendor will work within mutual agreed upon time

frames, cancelation for events such as weather will be directed by the rec department staff. They have agreed to have traditional options for food choices as well as unique and/or healthy options for residents and facility guests. Mr. Shepherd added that Lake Road Market runs a good business.

- Mr. Sindelar is questioning the first page of the contract; 2nd paragraph first line to remove the word with after the word choosing.

ORDINANCE NO. 22-23: Mr. Hunt said this is to improve changes to the Civil Service rules. Hiring new hires for police and fire is getting more difficult to get qualified prospects to sit for exams. Chiefs Lenart and Lichman, Mr. Greco, the Civil Service Secretary and Civil Service Commission have approved the changes set forth in the attachment and as follows:

- Applicants for the fire entrance exam now must show proof of enrollment, current enrollment, or proof of graduation from an accredited Fire Academy and Paramedic School
- The civil service entrance exams can now be executed through an online testing company. Please note the online testing company will comply and execute the city's civil service application requirements just like written based exam companies. As a side note, written exams will remain in place.
- Extra credit for a 2 year and 4-year degree were increased by 1 point. This increase is in line with the other Westshore communities
- Agility testing will now be required to be completed by the time a conditional offer of employment is given.
- Lateral transfer hiring will be permitted. No entrance exam will be needed for this process but the applicant must have previously been employed with an Ohio political subdivision and current or previous employment shall be the result of a Civil Service examination process. The remaining background check process and hiring process will remain the same.
- Finally, candidates who would like to take the fire lieutenant promotional exam must complete their 24-month probation as firefighter. If they pass, they then must complete an additional 48 months of service as a regular firefighter before promotion.

Mr. Hunt said this will be read for the first-time next week.

- Mr. Furry asked if this needs to be reviewed every few years. The Mayor explained that this was part of the Charter Review Commission and was put in to place when it was passed a year and a half ago. The Civil Service Commission can approve to change the rules and City Council has 45 days to ratify these rules from the day they voted to ratify these rules. Mr. Hunt added that the rules were approved unanimously with the Commission. This will allow the city to expand their applicant pool state wide.
- Mr. Moran asked what the difference is with 2 years versus 24 months. Mr. O'Shea stated that some businesses or operations calculate by months opposed to years.
- The Mayor said the Civil Service is available if Council has questions.

ORDINANCE NO. 23-23: Mr. Shepherd said this is a contract for Phase II for Bradstreet's Landing Project. This is the fourth overall bid process for Phase II. The city has had a hard time getting

contractors to bid. This time two bids were received and Precision bid was \$3,919,007 and is above the Engineer's Estimate of \$3,615,210 but within the 10% rule so the city does not need to rebid. It was also less than Hanes Construction of \$4,207,051. The experience is that prices are probably going to go up as time goes and the city is anxious to get this project done. Precision's references were extremely favorable including references from work done at Cleveland Public Square Improvement Project, the Cleveland Museum of Art Site Improvements and some improvements in Elyria. They have completed all required forms and bid book and have no unresolved findings with the Auditor of State and they are within 10% of the engineer's estimate.

Mr. Snyder said there were five total alternates:

- Alternate I & II were add deducts utilizing natural stone as opposed to pre-cast concrete but the natural stone was much more expensive than the pre-cast concrete.
- Alternate III is the entrance drive and parking lot
- Alternate IV was a pedestrian gateway coming off of Lake Road to the parking lot
- Alternative V was some bench improvements

The total base bid of this project is the shoreline revetment, the pedestrian bridge over Spencer Creek, the interpretive access boardwalk and the turn around that ties into the existing parking lot structure.

The base bid by itself is more than 10% over the engineer's estimate but by incorporating alternate III, it brings the total cost within 10% of the engineer's estimate. The city would not have been able to award the base bid alone. The Mayor added that they did not want to segregate that but wanted to see what the numbers looked like as that is a critical part of the project that needs to be done. Director Snyder wanted to provide transparency.

- Mr. Furry asked how much parking is being added or taken away. Mr. Snyder said it will be a loss of about 25% but upon review of the site, typically the majority of the parking lot is not used.
- The Mayor clarified that there was too much parking and they wanted to add more green space which is good for stormwater management. There was a lot of use of parking by non-park use by neighboring residents, groups gathering there as a launch point to walk, cycle, etc.
- Mr. Furry asked if the pier would be open prior to Phase II beginning. Mr. Snyder said yes, that the contractors are aware of keeping pedestrian access to the pier during the scope of this project. There may be some short periods of temporary closing of the pier but the contractor is aware of the importance for the access to the pier be available. Mr. Snyder said the contractor is set to complete by the end of November 2023. They are ready to mobilize as soon as the contractor is awarded the contract. The Mayor said that QCI also helped in the evaluation of Precision. The administration is comfortable with moving ahead.
- Mrs. Morris asked what the Pedestrian Gateway is. Mr. Shepherd said the Pedestrian Gateway could be added and still be under the 10%. The Mayor explained that it is on the western side eventually where the restrooms will be and it is a connector to the little store then heading down onto the sidewalk that goes around the driveway. On the eastern end there is a handicap accessible area that follows the driveway. Mr. Snyder will share the plans with Council.
- Mr. Moran asked about additional parking across the street on the eastside of the driveway to the WWTP. The Mayor said there is gravel but it is part of the lease for the WWTP and the city would have to talk to the other communities. The Mayor did see rough renderings of angled

parking on Lake Road along with pedestrian signalization. Council will have to look at the park's capacity versus how much parking Council would want in this location.

Mr. Shepherd asked Director Snyder if the contract has substantial clauses to assure timely performance. Mr. Snyder and the Mayor said yes, as an incentive. Mr. Snyder added that they mirrored ODOT's CMS when it come to liquidated damages for this and is much higher than \$150.00 a day. The overall cost of the project determines the rate. It is consistent with ODOT's projects.

MISCELLANEOUS BUSINESS: Happy Birthday to Councilman Shepherd.

As there was no further business by members of Council, Mr. Moran adjourned the meeting at 7:57 p.m. The next meeting will be a Legislative Meeting on March 27th.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council