

CITY OF ROCKY RIVER

March 6, 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, Mrs. Gallagher, Mr. Furry,
Mrs. Morris, Mr. Sindelar, Mr. Moran

Administration: Mayor Bobst

Law Director: Mr. O'Shea

The meeting was opened with a Pledge of Allegiance.

MAYOR'S REPORT:

The Mayor stated that the Cuyahoga County Mayors and Managers Association composed a letter that was sent to the Federal Rail Administration along with all the Federal representatives including Senator Brown and Senator Vance. This letter was regarding additional laws that would be helpful to the first responders should there be any derailments or accidents on the tracks. Some things are already in place today. There are training sessions, as one was held several years ago over the Rocky River. Between Hazmat and the regional approach to hazmat along with the training done by the safety forces, the city does have response protocols including EMA (Emergency Management) from the County. Both Chief Lenart and the Mayor were interviewed by the Plain Dealer about what happens if there should be a spill, what happens with the contact with the conductor, etc. Basically, the mayors and managers want to be sure that stricter laws are put into place. There was a delegation of Mayors from northeast Ohio in Washington DC last week so much of this was hand delivered. On that same day the Bipartisan Bill was introduced in the Senate that would tighten the federal oversight of trains carrying hazardous materials called the Railroad Safety Act of 2023 and both of Ohio's senators cosponsored that along with many other senators. Going forward the trains will be required to:

- Submit a gas discharge plan for all hazardous materials.
- The bill requires real carriers to provide advance notification and information regarding the transportation of hazardous materials to each state emergency response commissioner or other state agencies that are part of the planning for emergency response.
- Additional requirements regarding the length of trains, the weight of trains, route analysis and selections, speed restrictions, track standards, track and rail car maintenance, signaling and train control, response plans and reducing or eliminating blocked crossings that result in train delays.

There is a lot happening on this front and obviously many of the railroad unions are in step with this legislation as they have been asking for some of these safety features for some time like two person crews, etc. They also want the railroad to phase in newer safer tank cars that would be done over the next couple of years but not over the next decade. They also want hot box detection every ten miles on the tracks which is what contributed to the derailment in East Palestine. The bill also increases hazmat fees for railroads to pay for grants to train state and local firefighters and others to respond to hazmat incidences. The legislation also increases fines for safety violations from the current cap of \$225,000 to greater than a million or 1% of a railroad's operating income which for the largest carriers could be \$50,000,000. There is a lot happening on this front, federally and state.

- Law Director O'Shea stated that the City of Rocky River is preempted from being able to regulate this. The city has to refer to the Feds on everything.
- Mrs. Morris is asking if this safety act will help build up the infrastructure. The Mayor said that the Ohio Rail Development Commission handles federal money.

The Mayor announced that the bid opening for the second phase of Bradstreet's Landing will be this Friday, March 10th.

The Mayor mentioned a letter to the editor in the WestLife discussing roundabouts in Rocky River. The Mayor reiterated that there are no plans, no engineering or discussions about roundabouts in the city.

The Mayor said there have been complaints by neighbors regarding trash on tree lawns prior to refuse day. The Mayor reiterated that the city encourages residents to put trash on tree lawns on refuse day. A ReadyNotify will be sent out to residents and the city is working with absentee landlords.

There was heavy rainfall on March 3rd and 4th causing some high flow, some overflow and some bypasses. The Mayor said that all of the investment by City Council has made a big difference. The overflow was 12.7 mgs (million gallons), the bypass was .01 mgs which really speaks to the work done in the collection systems. There was a bypass at the plant but was better than it has been.

The Mayor had the opportunity to speak to the Akron/Cleveland Association of Realtors last week who gathered here in Rocky River for their Politics and Pancakes meeting. The Mayor welcomed all the realtors to Rocky River giving the Mayor the opportunity to understand the importance and the significance of realtors, learning about the community, selling the community and had an interesting discussion on the point of sale. The Mayor had the opportunity to discuss the fact that the US EPA or the Ohio EPA is requiring the city to do I & I removal so illegal connections into the sanitary sewer are removed and how the city will go about that. It was a very productive conversation. The Mayor thanked this organization along with all the member realtors that do so much to keep real estate moving in the city and educating people about this great community. There were a lot of positive comments about the City of Rocky River.

The Mayor said that the Swim-a-Thon was held yesterday and was very well attended. Lots of groups, lots of individuals, lots of families raising funds for Elle's Enchanted Forest and Safety Town. A big thank you to Harlan Radford who enthusiastically heads that effort and also thanks to Michelle Eibel and staff at the indoor pool.

Registration for Summer Camp at the Recreation Center was sold out in seven minutes. The Rec Center piloted a new package where a family could sign up for all nine weeks during one registration. Presently, there is a long waiting list and most of those should be honored as more staff is hired.

The city received the County Community Recycling Grant in the amount of \$6,000 to be used for the printing of recycling materials, for the shredding events held in the city and other things. The city is waiting to hear about another grant that is tied to this.

Thursday is the Barley Corn Concert at the Senior Center beginning at 1:30 p.m.

The Mayor announced that Mark Owens, a resident who works for Team NEO, Jobs Ohio in economic development and is involved in Aerozone discussions and Aer Lingus discussions and is from Ireland. Mr. Owens was named by the Government of Ireland as the first ever Irish Honorary Counsel General for the State of Ohio. Congratulations to Mark. He is heading to Washington DC later this week to meet with the Prime Minister.

- Mr. Moran confirmed that both Ohio Senators co-sponsored the Railroad Safety Act and asked if the Governor has weighed in at all. The Mayor said the Governor has weighed in a great deal, not on the Railroad Safety Act, but the Mayor is heading to Columbus to discuss more of this issue.

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: NONE

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 85-22: Mrs. Gallagher said that Council received a revised exhibit for this ordinance in packets this week that was agreed upon by the Planning Commission at their meeting on February 21st. Mrs. Gallagher anticipates a third read next week. This will be placed on the consent agenda.

- Mr. Furry asked if the revised language by the Planning Commission was similar to other municipalities.
- Mrs. Morris asked what is considered living area. Mrs. Gallagher responded that a living area would not be like a breezeway.
- Mr. Sindelar said he feels the exhibit is too wordy and not easily understood. He knows the purpose but does not feel it is being conveyed in this rewrite.
- The Mayor said that in the Building Department and in the Building Code it obviously means something to them and to the Planning Commission, but it also should make sense to the residents.
- Mr. Moran said that a garage is a garage without plumbing and additional facilities inside the garage and the Building Department needs to be able to stop someone who is building more than a garage.
- Mr. O'Shea stated that this language was vetted by the Building Department and the Planning Commission with many questions and they all had a rapid appreciation of what it means.
- The Mayor said this is about garages that have been built that are not actually attached to the house but are attached by a breezeway and other things and that is problematic. The Building Commissioner is always available as well as Bill Bishop could speak to Council if requested.
- Mr. Moran said that if Council has any other questions or concerns, please contact Mrs. Gallagher before next week's meeting.

ORDINANCE NO. 9-23: Mr. Hunt said this is scheduled for a third read next week. This ordinance authorizes the city to enter into a contract with Statewide Ford to purchase a 2023 Ford Explore Utility Vehicle for use by the Fire Chief. The current vehicles will then be passed down from the Fire Chief, to the Fire Prevention Officer then to auction. Mr. Hunt said there was \$40,000 appropriated in the 2022 Budget that was not spent for this vehicle. \$60,000 was appropriated in the budget and this is under that amount. It is time to replace the Chief's vehicle with something that is functional and can be used in emergency responses. This will be placed on a consent agenda.

ORDINANCE NO. 11-23: Mr. Shepherd stated that this ordinance is for a software upgrade and to put a system in place so the city can do its own sewer billing and allow for online payments and email billing if requested. An issue was raised last week about the price possibly being adjusted, but Mr. Shepherd received an email from Director Thomas saying the price would not be adjusted upwards. This is scheduled for a third read and will be placed on a consent agenda.

- Mr. Furry reiterated that he did have a problem with a 19-page contract. Mr. Shepherd discussed the contract with Law Director O'Shea and there are some minor issues that will be reviewed this week and he is optimistic that they will be ironed out.

ORDINANCE NO. 12-23: Mrs. Morris stated that this is the contract with Bonded Chemicals, Inc. for the purchase of Sodium Hypochlorite for the WWTP. This product is bid every year for compliance in the warmer months from May to October. This is a new type of contract that they are experimenting with. The first year of the contract is fixed pricing at \$2.60 a gallon. Over the past few years, the cost has gone from .76 to \$2.60 and the WWTP uses about 130,000 gallons in a year. The second year of the contract includes a market adjustment clause to allow for up to a 15% escalation or de-escalation. The City of Columbus has used this type of contract and has been able to keep their costs down.

ORDINANCE NO. 13-23: Mrs. Morris stated that this is for the Final Clarifier contract with Shook Construction in the amount of \$26,000,000. This is a requirement of the OEPA as part of the No Feasible Alternative Study. The project was recommended by the Management Committee on February 8th. This project has already completed Engineering and Design and was bid out for construction and three bids were received at very competitive prices all under the engineering estimate of \$28,000,000. The \$26,000,000 is with a 10% contingency so that is why it is elevated from the actual base bids that were presented. This project will be funded through the Division of Environmental Financial Assistance through a Water Pollution Control Loan Fund at a reduced interest rate. This project is now pending and will go to their Board. The funding will be managed by the Ohio Water Development Authority. This will be read twice and tabled until funding is approved. Mrs. Morris said that Superintendent Barille did a great job in explaining these two ordinances at last week's meeting.

ORDINANCE NO. 14-23: Mr. Hunt said this will be read for the second time next week. This was discussed last week after the first read and is for the authorized purchase of two vehicles for the police department with a change in the line item for budgeting purposes from the Equipment Purchase line to the POPAS account. An extra amount of \$25,000 will be needed to upfit these new vehicles. One vehicle has a V6 engine and one vehicle has the echo boost engine. Total cost of the two vehicles is just shy of \$95,000 plus another \$25,000 for upfitting the two vehicles. These will replace two vehicles that are currently in the fleet with higher mileage and engine hours. The old vehicles will be used by auxiliary police or be moved to other city departments for continued use. These vehicles are not appropriate as pursuit vehicles.

- Mr. Sindelar asked what the mileage is on the two vehicles being replaced. Mr. Hunt responded that one had 110,000 miles and 18,000 engine hours and the other had 68,000 miles and 15,400 engine hours but these amounts need to be confirmed. Mr. Hunt will confirm this at next week's meeting.

ORDINANCE NO. 15-23: Mr. Shepherd said this contract was presented to North Bay Construction, Inc. for the City Hall boiler in the amount of \$97,570. Mr. Shepherd thanked President Moran for covering these ordinances last week in his absence. The city received three proposal and North Bay was the second lowest price at \$420.00 more but the lowest bid from Cavalry Mechanics was an incomplete bid. The city does have history with North Bay as they recently completed a project at the WWTP in an efficient and timely manner. The funds for this project come from the Capital Improvement Fund

Buildings account.

ORDINANCE NO. 16-23: Mr. Shepherd said this ordinance is scheduled for a second read. This is an annual ordinance for money to be set aside for emergency repair for sewer and storm sewers as needed throughout the year, if needed immediately. Fabrizi was the only bid received. This is an as needed ordinance and the city is not obligated to spend this money. The prices have been reviewed by the Director of Safety Service and the City Engineer and they have recommended Fabrizi. Fabrizi has done a nice job in the past on these repairs.

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 is making sure that \$120,000 is ready and available for the police vehicles. Director Thomas explained that the supplement is needed for the following. (Keep in mind an amount in parentheses will be recorded as a decrease to appropriations.)

1. The Police interceptor purchase is being switched to the Police Division POPAS account, an increase of \$120,000, from Equipment Purchase, a decrease of 90,000. While this is a switch to change the account, the amount does not net to \$0.00.
2. The construction cost of a pole barn storage building is being switched to Capital Improvement, an increase of 60,000 from Service Garage, a decrease of 60,000.
3. The other increase of 40,000 in Capital Improvement relates to transaction costs for issuing debt for the Senior Center addition, if that project moves along this year.

The City-wide increase is a net 70,000. This will be read for the second time next week.

NEW BUSINESS:

ORDINANCE NO. 18-23: Mr. Shepherd said this has not yet been read. This sets aside \$35,000 for specialized parts for the fleet of vehicles. The city does their own maintenance on their vehicles and this vendor is the primary dealer in this area for Leach, Loadmaster and Old Dominion Brush equipment for the refuse and leaf collection vehicles. This money is not necessarily spent but set aside if a specialized part is needed for a repair.

- Mr. Furry asked if they have a local presence as the address listed is Indiana. The Mayor said they have been extremely responsive, but she will check with Director Snyder.

MISCELLANEOUS BUSINESS: Happy Birthday to Councilman Sindelar.

As there was no further business by members of Council, Mr. Moran adjourned the meeting at 7:44 p.m. The next meeting will be a Legislative Meeting on March 13th.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council