

CITY OF ROCKY RIVER

March 13, 2023

The Regular Legislative 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

Law Director: Mr. O'Shea

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

The meeting was opened with a Pledge of Allegiance.

MOTION:

Moved by Mr. Moran seconded by Mr. Furry that the reading of the minutes of the Legislative Meeting of February 27th be waived and that the minutes be accepted as submitted.

Vote:	Hunt – aye	Shepherd – abstain	Gallagher – aye	Furry – aye
	Morris – aye	Sindelar – aye	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 6th be waived and that the minutes be accepted as submitted.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – aye
	Morris – aye	Sindelar – aye	Moran - aye	
	7 ayes		0 nays	PASSED

MAYOR'S REPORT:

The Bradstreet bid opening was last Friday and the city received two bids. These bids are being evaluated along with the primary and the subs. The bids are within a couple hundred thousand dollars of each other with the base bid. This will take some time as they want to be sure that from a construction standpoint the most appropriate contractor and sub is selected. Director Snyder is already doing a lot of hard work on this as well as Smith Group JJR and others on behalf of the city. Legislation for this should be in front of Council in two weeks.

The Beachcliff TLCI bids were also opened. The Engineer's estimate was \$242,000 and there were two bids received. RMH appears to be the low bidder at \$225,496.

The Mayor received a letter from the National Arbor Day Foundation and the city was awarded the Tree City USA for the 39th consecutive year. The city also received the Growth Award for the fifth year running and that is all because of Rich's good work and his work with the Parks Department and others. Next year, hopefully, will be the city's 40th Tree City USA and the City of Rocky River will be hosting Tree City USA in honor of the 40th anniversary, thanks again to Director Snyder.

The city also received an award from the Cuyahoga County Preventive Maintenance Reimbursement Program for streets in the amount of \$54,000 to be used for striping, crack sealing and a number of other

things. This is for County Streets, i.e., Hilliard, Wooster and Story Roads. This request was submitted by Director Snyder and his staff. This is a good partnership with the County.

Magnificat High School is the State CYO Basketball Champions. The administration will be sending a note over on behalf of City Council and the Administration congratulating the team on their amazing season.

Next week Council will be receiving legislation regarding a concession agreement. The city went out for concession proposals for the outdoor pool and the hockey arena. There was one responsive proposal from Lake Road Market who has some capabilities because of what they are able to do at the store along with the city's facilities.

The Senior Center had a very successful week last week. They did run out of Soda Bread but it is back in stock this week at the Senior Center.

The Mayor shared that she received a very large binder, Book 1 Volume 1, produced by Joyce Waltz Umerley, the former Senior Center Director. Joyce cares deeply for the city and asked the Mayor if the city had a compendium of descriptions of all the memorials in the city. Joyce has done histories on each of the memorials in the city. There was an article in the Residence Reference about this, hoping residents would call and provide information. This first volume focuses on the parks and the second volume is Service Garage, Senior Center, the Recreation Center and other locations. The Mayor will have Volume 1 in her office and hopes that residents and others will share additional stories that can be added in hopes of someday publishing it with the Historical Society. It is designed to be easily added to and is a labor of love. It is one of the most beautiful gifts the city has received in a long time. Included in the binder is a big thank you to Bob Holub, the recreation director, for his work on this project.

- Mrs. Morris asked what the engineer's estimate was for Bradstreet's Landing. The Mayor responded that the base bid was around \$2.7 million.
- Mr. Sindelar asked what the qualifications are for Tree City USA. Director Snyder said that there is a variety of different things the city needs to meet to qualify to be a Tree City USA community. There is a certain amount of money that needs to be spent per capita, the city has to have an Arbor Day event, the city has to show how money is spent towards trees and typically the same criteria on an annual basis. The Growth Award is more specific and a little tougher. That is actually showing on a management aspect that the city is doing different projects and certain things much more in depth. The Mayor said that she has the award letter along with the press release and she will scan that to all the Council members.
- Mr. Sindelar asked if the Arbor Day Foundation runs the Tree City USA and if they are a National 501C3. The Mayor and Director Snyder believes so but will confirm. Director Snyder said it is the Arbor Day Foundation that runs Tree City USA, but when it comes to actually evaluating the applications and issuing the awards, it goes through the Ohio Department of Natural Resources. Next year when the City of Rocky River hosts Tree City USA, that will be the award ceremony for Northeast Ohio communities. It is always hosted in different cities and Rocky River has hosted it before for the 10th or 20th anniversary. There is a stone behind the Senior Center depicting this celebration.

LAW DEPARTMENT: NONE

COMMITTEE REPORTS: Parks, Recreation and Health Committee: Councilman Furry reported that the Parks and Rec Commission met on March 9th and increasing various fees was up for approval including: dodgeball, wiffleball, indoor soccer futsal, floor roller hockey, renting the sport court flooring, hourly rate, summer tennis for youth, adult tennis, tackle and padded flag football, youth cheerleading, youth volleyball and youth soccer. The increases were due to cost-of-living adjustments including increases in the cost of uniforms, staffing, etc. The Mayor noted that these are fees under the purview of the Commission and will not come to Council.

COMMUNICATIONS FROM COUNCIL: Councilwomen Morris and Gallagher announced that there will be a Special BZA Meeting to look at the new Kennedy Office Building tomorrow evening at 7:00 p.m. to discuss a height variance request. This will be built at the former Mike's Garage. A Planning Commission meeting will be held on Thursday for a pre-preliminary for the new building at the former Mason's Garage.

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 12-23

BY: CHRISTINA MORRIS

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH BONDED CHEMICALS, INC. FOR THE PURCHASE AND SUPPLY OF SODIUM HYPOCHLORITE FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT AT A COST OF \$2.60 PER GALLON FOR TWO (2) YEARS AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mrs. Morris said this was discussed at last week's meeting. This is 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 and the second year of the contract includes a market adjustment clause to allow for up to 15% escalation or de-escalation. The City of Columbus has used this type of contract and have seen positive results. This will help mitigate some risk for next year.

ORDINANCE NO. 13-23

BY: CHRISTINA MORRIS

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT BETWEEN THE CITY OF ROCKY RIVER AND SHOOK CONSTRUCTION COMPANY FOR ROCKY RIVER WWTP CEPT AND FINAL CLARIFIER IMPROVEMENTS PROJECT IN AN AMOUNT NOT TO EXCEED \$26,050,107.60

2nd READING

Mrs. Morris said that this is a project that is a requirement 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. This project will be funded through the Division of Environmental Financial Assistance through a Water Pollution Control Loan Fund at a reduced interest rate. After reading this for a second time, this ordinance will be placed on hold until the State votes and approves the funding later this month.

ORDINANCE NO. 14-23

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE TWO (2) FORD EXPLORER INTERCEPTORS FROM

STATEWIDE FORD LINCOLN/STATEWIDE EMERGENCY PRODUCTS FOR THE POLICE DEPARTMENT AT A COST NOT TO EXCEED \$94,906.00 AS FURTHER DESCRIBED IN EXHIBITS “A” AND “B”

2nd READING

Mr. Hunt said that this has been discussed for a couple of weeks. This is for the purchase of two vehicles for the Police Department. This will be discussed at next week’s Committee-of-the-Whole Meeting followed by a third read at the next Legislative meeting.

ORDINANCE NO. 15-23

BY: JOHN B. SHEPHERD

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH NORTH BAY CONSTRUCTION, INC., FOR THE CITY HALL BOILER REPLACEMENT AT A COST NOT TO EXCEED \$97,570.00, AS FURTHER DESCRIBED IN EXHIBIT “A”

2nd READING

Mr. Shepherd said the city received three proposals for this project and this particular vendor was the second lowest price by \$420.00. The first proposal was disqualified for being incomplete. This vendor has done work for the WWTP and has done it in satisfactory fashion. There will be two more meetings to discuss this ordinance.

ORDINANCE NO. 16-23

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO AN AGREEMENT WITH FABRIZI TRUCKING & PAVING CO., INC. FOR THE EMERGENCY REPAIR OF STORM AND SANITARY SEWERS WITHIN THE CITY OF ROCKY RIVER AND THE ROCKY RIVER WASTE WATER TREATMENT PLANT AT A COST NOT TO EXCEED \$175,000.00 AS FURTHER DESCRIBED IN EXHIBIT “A”

2nd READING

Mr. Shepherd said this ordinance sets up a fund that does not have to be spent but is there for emergency repairs for the sanitary and storm sewers. This was put out to bid and only one proposal was received. The City Engineer and the Director of Safety Services reviewed the prices and believe they are fair. The city has had very good experiences with Fabrizi. With this contract, Fabrizi will only do the repairs when necessary and when the city cannot do them.

ORDINANCE NO. 17-23

BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND TO AMEND AMENDED ORDINANCE NO. 77-22

2nd READING

Mr. Moran said that this has to do primarily with Ordinance No. 14-23 and the purchase of two vehicles for the Police Department. Amended Ordinance No. 77-22 is the 2023 Budget and changes need to be made to cover this expense. This is making sure that \$120,000 is ready and available for the police vehicles. 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.

1. 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.

2. 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 of \$70,000. This is a second read and will be read for a third time in two weeks.

NEW BUSINESS:

ORDINANCE NO. 18-23

BY: JOHN B. SHEPHERD

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO PURCHASE PARTS AS NEEDED FROM BEST EQUIPMENT COMPANY, INC., IN AN AMOUNT NOT TO EXCEED \$35,000.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

Mr. Shepherd stated that the city does a lot of repairs on the city's vehicles and this sets up a fund that can be used for those repairs. Mr. Shepherd asked Director Snyder if Best Equipment Company does repair services and sells parts. Mr. Snyder said yes that it is parts and service. They typically do some of the repairs on large hydraulic cylinders and typically large repairs that the city cannot do with the equipment on hand or are labor intensive. The legislation has the company based in Indianapolis but they have a service location in North Royalton that is service based only.

ORDINANCE NO. 19-23

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO PURCHASE SEWER TELEVISIONING AND CLEANING SERVICES AS NEEDED FROM C & K INDUSTRIAL SERVICES, IN AN AMOUNT NOT TO EXCEED \$60,000.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

Mr. Shepherd said that the city is allowed to spend up to \$50,000 with an ordinance for these types of services. Director Snyder anticipates an aggressive season of testing and possibly exceeding the \$50,000 threshold and would like to set up a \$60,000 fund to be used if needed for these types of services. C & K Industrial Services currently does monthly inspection and repair services for the flow meters located at the two remaining sanitary sewer overflows. The Service Department believes that C & K has done excellent service for the city with competitive pricing. The city is evaluating options for the purchase of a new sewer televising truck so that many of these services can be done in house. Mr. Snyder explained that you need the jet to use the camera because you need to clean the line and then televise.

- Mr. Snyder explained that there are multiple companies that have this televising capability but the reason C & K is on this ordinance is that they provide great service and are in the city as they do the monthly monitoring of the flow meters at the sanitary overflows. This does not prohibit the city from using Triple A or United Survey as they have different capabilities.

Mr. Shepherd added that the funds for this are in the budget in the Sewer Television Account of the Capital Improvement Fund.

- Councilwoman Morris is asking about the allowances in the budget and if it increases when costs increase. The Mayor explained that \$50,000 is the bid limit and that is tied to the State and per the Charter. The \$50,000 has not increased for many years. Mr. Furry stated that when he began on Council it was \$25,000 so there were many ordinances in a year.
- President Moran explained that it use to be \$25,000 and was increased about 16 years ago. There are many ordinances that still come to Council that are under the \$50,000 but it is good that

Council is kept apprised at what is going on and these items are in the budget. Even though inflation has increased, he feels the \$50,000 does not need to be increased at this time. Things are very transparent and Council appreciates being in the know about everything.

- The Mayor said it was wise to tie it to the State because if the State moves it, the city would move the amount as well.

CONSENT AGENDA:

AMENDED ORDINANCE NO. 85-22

BY: JEANNE GALLAGHER

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1123.02 OF THE DEVELOPMENT CODE ENTITLED “DEFINITIONS”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

3rd READING

Mrs. Gallagher said that Council has discussed this several times. This pertains to the garages being built in the city as attached garages but are only connected by a breezeway.

ORDINANCE NO. 9-23

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE ONE (1) FORD EXPLORER FROM STATEWIDE FORD LINCOLN/STATEWIDE EMERGENCY PRODUCTS FOR THE FIRE DIVISION AT A COST NOT TO EXCEED \$55,878.00, AS FURTHER DESCRIBED IN EXHIBIT “A”

3rd READING

Mr. Hunt said 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 appropriation would be less than the amount set forth in the 2023 Budget which was \$60,000. There was actually \$40,000 set aside in the 2022 Budget that went unspent. This has been a couple of years in the works. The current vehicle will be used by the Fire Prevention Officer and the current vehicle that he is using will be auctioned.

ORDINANCE NO. 11-23

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SOFTWARE SUPPLY, IMPLEMENTATION AND SUPPORT CONTRACT WITH CIVICA NORTH AMERICA, INC. TO PROVIDE SOFTWARE FOR BILLING, ACCOUNT AND RATE ADMINISTRATIONS OF THE SEWER USER UNIT CHARGE FOR SANITARY AND STORM SEWER USE IN A PROPOSED COST NOT TO EXCEED \$93,900.00 AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

3rd READING

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 by a resident. There was one issue regarding the nature of the contract that was discussed by Mr. Shepherd and Law Director O’Shea. It was determined that the issues were not substantial enough or material enough to change it. Some of them have to do with limitations of damages, caps on damages and secondary damages such as lost profits and secondary issues. These are industry standard in the software industry for software provider contracts. When working with a software provider, it is based upon your working relationship, experience with them and references. The city has worked with Civica North America Inc. for a long time and they have done a good job for the city. Any software contract will have almost the identical type restrictions.

The items on the Consent Agenda, Amended Ordinance No. 85-22, Ordinance Nos. 9-23 and 11-23 have all been read for the third time. Mr. Moran moved to pass all the items on the Consent Agenda, seconded by Mr. Hunt.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – aye
	Morris – aye	Sindelar – aye	Moran - aye	
	7 ayes	0 nays		PASSED

PUBLIC COMMENT: NONE

MISCELLANEOUS BUSINESS: Council received an invitation to attend the Citizen Police Academy Graduation on Tuesday, March 28, 2023 at 7:00 p.m. at Memorial Hall.

- Mr. Furry asked how Gov.deals has been utilized for auction. Director Snyder stated that it is working really well. The city has made a significant improvement in bidders on items and money brought in. One Silverado auctioned for about \$9,000 and another vehicle that was a 1997 Ford Lift truck for \$3050. The city is receiving substantially more money in revenue than when the city went through the former typical process. It is also easy to upload photos and the buyers pay any closing fees. It costs the city nothing other than minimal administrative work. It has been great.

Mr. Moran said that the next meeting will be a Committee-of-the-Whole Meeting on March 20, 2023.

The meeting was adjourned at 7:42 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council