

CITY OF ROCKY RIVER

February 27, 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, Mrs. Gallagher, Mr. Furry,
Mrs. Morris, Mr. Sindelar, Mr. Moran

Absent: Mr. Shepherd

Absent: Law Director O'Shea

Administration: 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 13th be waived and that the minutes be accepted as submitted.

Vote:	Hunt – abstain	Gallagher – aye	Furry – aye	
	Morris – aye	Sindelar – aye	Moran - aye	
	5 ayes	1 abstain	0 nays	PASSED

Mr. David Conley, Consultant, Regional External Affairs from the Illuminating Company:

Mr. Conley spoke at this evening's meeting introducing himself as the liaison for City Council and First Energy, the Illuminating. Company. Mr. Conley has been with First Energy 13 years. Mr. Conley shared his card and a brochure with Council and then discussed the storm process the Illuminating Company follows which begins a week or more before a storm event happens. There are meteorologists on staff that watch for weather events and evaluate staffing levels to best approach the event before it happens. Once the storm happens, the Illuminating Company addresses the hazards – down lines/poles, broken equipment that could hurt someone or possibly kill someone. Once hazards are under control, the restoration process begins with critical infrastructures, hospitals, police and fire and then from the largest outage to the smallest. In addition, the Illuminating Company comes through communities with tree trimming contractors every four years to allow the conductors to have four years of growth and then every five years there is full circuit inspections examining everything on the circuits to be sure there is nothing obvious that will become a major issue.

- President Moran stated that Dave also lives in Rocky River. When there have been issues, the city has received attention from the Illuminating Company and Mr. Moran appreciates all the work that has been done.
- Law Director O'Shea asked if it was true that if you call the Illuminating Company ten times a resident is likely to get more attention. He's been told the squeaky wheel gets the oil. Mr. Conley said that once an outage is reported until it is closed out, it is still there. Calling non-stop will help with added detail.
- Mr. Sindelar asked about the way trees are trimmed around Illuminating Company lines. Mr. Conley said that the forestry crews and on staff arborists use directional pruning that is designed

to be the healthiest for the trees while allowing the Illuminating Company to keep the clearance for the lines. The main goal is for residents who complain that their tree keeps causing power outages and what is the Illuminating Company going to do to fix the problem. The Illuminating Company has a rate base that they are allowed to use for forestry work in trimming around the right away so it needs to be justified how far to trim on a resident's tree. Director Snyder elaborated that a key part of this is making sure that the municipality plants the right tree in the right spot so there are not overstory trees that are directly under utility lines. The pruning technique used has been done with purpose and designed to be the most effective way for successfully keeping the power on and not for aesthetics. It is the city's responsibility not to put those foresters in that situation. Additionally, Mr. Conley has always been fantastic on being available for the city when needed. If residents call, Dave always answers his phone. Mr. Snyder added that last year, First Energy did downline training for the city's safety personnel including fire, police and the service department. If there is a downed line, the Illuminating Company must be alerted.

- President Moran stated that it is important for multiple residents to report an outage so the Illuminating Company knows the number of residents affected.

President Moran thanked Mr. Conley for attending this evening's City Council Meeting.

President Moran then welcomed Superintendent Nick Barille who will discuss Ordinance Nos. 12-23 and 13-23. Superintendent Barille is at the meeting this evening to preface these two pieces of legislation that are on the agenda for a first read. Ordinance No. 12-23 is in regards to a bonded contract for Sodium Hypochlorite for the WWTP at a cost of \$2.60 per gallon for two years. This product is bid every year and is required for plant compliance during the disinfection months of May through the end of October during chlorination season. The times outside of these months, this product is used for odor control. The contract was modified for this bidding cycle in an attempt to mitigate price inflation from year to year. The price of sodium hypochlorite has gone from .76 a gallon to \$1.30 gallon in 2022 and now to \$2.60 a gallon. Each time this has been bid there has only been one bidder and it is always Bonded Chemical. As part of this rapid increase, it is hard when the products are doubling and the WWTP uses about 130,000 gallons a year. Mr. Barille studied what other large municipalities were doing about the price increase. The City of Columbus, which is one of the biggest plants in Ohio, have seen positive results exercising this type of contract for the past year into 2025. Within this contract, the second year of the contract includes a market adjustment clause to allow up to a 15% aggregate increase and can only increase two times in a full calendar year and proper documentation needs to be provided to justify this market increase. At the same time the WWTP has the opportunity to provide the same documentation if the market happened to decrease suddenly. This contract will be a total two year of 2023 and 2024, all of the compliance season for 2023 will be fixed at \$2.60 and that gets the WWTP through compliance. Mr. Barille is experimenting with other chemicals for odor control so is not as dependent on this chemical for odor control. The price escalation/de-escalation will come into effect in 2024. The WWTP compliance requirements is six months of the year. Mr. Barille feels he was able to mitigate the fact of renewing at the same rate. Through the contract modification the WWTP was able to entice a second bidder and secure a lower unit price than the City of Lorain who bid out annually. This helps curve some of the risk with the market volatility next year. This ordinance can have three full reads.

- Mr. Furry asked how this will get through the compliance for this year when the contract states six months. Mr. Barille said it starts in April but includes pending deliveries and the full year deliveries will be delivered in October to represent that fixed price. Mr. Furry asked for the potential de-escalation clause, what type of network does Nick have to check prices. Mr. Barille will wait to see the results for the Regional Sewer District and the City of Lorain expires at the end of the year. Superintendent Barille feels the market will adjust.

- President Moran asked if the WWTP can buy directly from the manufacturer as opposed to Bonded Chemical. Mr. Barille feels the increase is due to the transportation costs as transporters need to be hazardous material certified. Mr. Barille also noted that this chemical loses its industrial strength within 14 days.

Mr. Barille then discussed Ordinance No. 13-23 which is in regard to the CEPT Final Clarifier Project Contract with Shook Construction at a not to exceed amount of \$26,050,107.60. This project is a requirement of the OEPA as part of the No Feasible Alternative Study. This project has already completed Engineering and Design and was bid out for construction and three bidders were received at very competitive prices all under the engineering estimate. Shook Construction, Great Lakes Construction and Kokosing Industrial were the three bidders. The Engineer's estimate was \$28,000,000. The \$26,000,000 includes 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 and at their Board Meeting on March 30th, Nick expects to have the funding approved. He presented this to Council with the intention that this will be read twice and tabled until funding is approved. Superintendent Barille is confident that this will be approved. The nomination was accepted and it will be read by the OWDA Board for the final approval. This project was recommended by the Management Committee on February 8th.

- Mr. Furry stated that the loan amount is higher than the bid amount based on the 10% contingency. Mr. Barille stated that the city is not matching anything as this is an interest-bearing loan. Director Thomas added that the loan application went in at the engineer's estimate amount of \$30,000,000. The EPA has reviewed the documentation along the way and gotten the bid results in so the OWDA Board will see both of those. While EPA has a loan application for approximately a \$30,000,000 project, the approved loan amount will be made for the approved contract amount. The engineering and design costs were funded by a loan that will be rolled in to the construction loan. The engineering and design was about \$1.1 million dollars.

MAYOR'S REPORT: Director Snyder updated Council on the Public Works Projects. The administration had a pre-bid for Phase II of Bradstreet's Landing this past week. There is a lot of interest from contractors. The bid period was set to end this Friday, but will be pushed back one week to allow more time for competitive bids. The bid opening will be March 10th at noon.

Mr. Snyder said that there is more railing going in at Bradstreet's Landing this week with the majority of the railing installed soon and then the pier will be open.

LAW DEPARTMENT: NONE

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: President Moran noted that Mr. Fred Hobson from the City Hall Building and Maintenance Department retired last Friday. Fred was at work very early daily, is a resident of Rocky River and he enjoyed his job and position. Mr. Hobson did a great job and was a great addition to the city. Fred will be missed.

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

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”
ON HOLD**

This ordinance has been referred to the Planning Commission and is still on hold.

ORDINANCE NO. 5-23**BY: JOHN B. SHEPHERD**

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO EXTEND A CONTRACT FOR ONE (1) YEAR FOR FULL-SERVICE VENDING WITH METROPOLITAN VENDING COMPANY FOR THE CITY OF ROCKY RIVER RECREATION DEPARTMENT, AS FURTHER DESCRIBED IN EXHIBIT “A”
3rd READING**

Mr. Moran stated that this is an extension to a two-year program with Metropolitan Vending who has done a great job. The city receives a revenue stream between 28-30% of gross sales from these services. Mr. Moran moved Ordinance No. 5-23 for passage, seconded by Mr. Furry.

Vote: Hunt – aye	Gallagher – aye	Furry – aye
Morris – aye	Sindelar – aye	Moran - aye
6 ayes		0 nays

PASSED**ORDINANCE NO. 6-23****BY: THOMAS J. HUNT**

**AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO TO ACCEPT A GRANT UP TO \$35,000.00 FOR THE OPERATION OF THE MARINE PATROL FOR THE YEAR 2023 AS FURTHER DESCRIBED IN EXHIBIT “A”
3rd READING**

Mr. Hunt asked if there were any questions or comments regarding 6-23. This is an annual ordinance where the city accepts grant funds with a nominal match from the city to operate the Marine Patrol. Mr. Hunt moved for passage of Ordinance No. 6-23, seconded by Mr. Furry.

Vote: Hunt – aye	Gallagher – aye	Furry – aye
Morris – aye	Sindelar – aye	Moran - aye
6 ayes		0 nays

PASSED**ORDINANCE NO. 7-23****BY: CHRISTINA MORRIS**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND THE CITY OF ROCKY RIVER REGARDING STORM WATER POLLUTION EDUCATION FOR A TWELVE (12) MONTH TERM, ATTACHED HERETO AS EXHIBIT A
2nd READING**

Mrs. Morris said this and the following ordinance pertain to a MOU that allows for the city to have a liaison with the Cuyahoga Soil and Water Conservation District to set up pollution education and storm water pollution prevention and technical assistance. 7-23 is the education portion and 8-23 has to do with technical assistance. Mrs. Morris has been asked to pass this ordinance this evening as the County would like this contract soon. Mrs. Morris asked that the three read rule be suspended, seconded by Mr. Furry.

Vote: Hunt – aye	Gallagher – aye	Furry – aye
Morris – aye	Sindelar – aye	Moran - aye
6 ayes		0 nays

PASSED

Mrs. Morris asked for passage of Ordinance No. 7-23, seconded by Mr. Furry.

Vote: Hunt – aye	Gallagher – aye	Furry – aye
Morris – aye	Sindelar – aye	Moran - aye
6 ayes		0 nays

PASSED

ORDINANCE NO. 8-23

BY: CHRISTINA MORRIS

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND THE CITY OF ROCKY RIVER REGARDING STORM WATER POLLUTION PREVENTION TECHNICAL ASSISTANCE FOR A TWELVE (12) MONTH TERM, ATTACHED HERETO AS EXHIBIT A

2nd READING

Mrs. Morris said that the city also uses the Soil and Water Conservation District to monitor storm water control measures in the city and technical assistance. Mrs. Morris moved to suspend the three-read rule, seconded by Mr. Furry.

Vote: Hunt – aye	Gallagher – aye	Furry – aye
Morris – aye	Sindelar – aye	Moran - aye
6 ayes		0 nays

PASSED

Mrs. Morris moved Ordinance No. 8-23 for passage, seconded by Mr. Furry.

Vote: Hunt – aye	Gallagher – aye	Furry – aye
Morris – aye	Sindelar – aye	Moran - aye
6 ayes		0 nays

PASSED

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”

2nd 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 current vehicle is a 2017 Ford Explorer with 170,000 miles on it and will be used by the Fire Prevention Officer Williams. This vehicle is slated for delivery in June or July 2023. The current vehicle being used by Officer Williams is the old canine 1997 vehicle that will be auctioned off. This will have one more reading in two weeks.

- Mrs. Morris asked if this vehicle will be retrofitting a hybrid. Mr. Snyder said this is an add/deduct in essence. There is an add to make it a hybrid but they start with the base with a V-6 engine.
- Mrs. Gallagher asked if the city goes out to bid. Mr. Snyder said this is from the State Cooperative list.

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”
2nd READING**

Mr. Moran stated that Councilman Shepherd outlined this ordinance last week. The sewer billing needs this update with the software provided by Civica. Mr. Thomas said there may be a price adjustment that he will present that at the next meeting.

- Mrs. Morris asked what language the framework is written in. Director Thomas noted that the current version is at the end of its functionality and will be replaced with Version 14.

NEW 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”**
1st READING

Mrs. Morris stated that Superintendent Barille discussed this at the beginning of the meeting. Please let her know if there are any questions.

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**
1st READING

Mrs. Morris stated that Superintendent Barille discussed this at the beginning of the meeting. Please let her know if there are any questions.

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”**
1st READING

Mr. Hunt stated that Council received a revised version of this ordinance with corrected invoice exhibits. One vehicle is in the amount of \$45,659.00 and the second in the amount of \$49,247.00 for a total of \$94,906.00. Mr. Hunt appreciates the information passed on from Directors Thomas and Snyder regarding the payment of these vehicles which will be funded from POPAS. There will be legislation tonight regarding a Supplemental Appropriation with regard to the movement of this purchase. It was originally out of the police vehicle and large equipment fund. It will be a \$120,000 line item from the POPAS fund. This will be discussed further at the next meeting and will have three full reads.

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”**

1st READING

Mr. Moran said this contract was presented to North Bay Construction, Inc. This bid was \$420.00 more but the lowest bid from Cavalry Mechanics was an incomplete proposal with required documentation. The city does have history with North Bay as they recently completed a project with the WWTP and Superintendent was pleased with their work. The boiler being replaced at City Hall is not functioning well and needs replaced. The other boiler was replaced by Gardiner as a result of an energy audit in 2016. NOPEC funds are being utilized towards the cost of this boiler. This will have three full reads.

- Mr. Furry asked what was wrong with Cavalry’s bid. Mr. Snyder stated that an addendum was issued for this that needed further clarification on the means and methods that would be attached to the system and the requirement specifically stated that the signed addendum needed to be submitted with the bid documents. By not doing that it circumvented a successful bid.

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”**

1st READING

Mr. Moran stated that this contract is for emergencies. This is an open contract up to \$175,000 to be used when there is an emergency situation and there is not time to go out for bids. The city does a lot of business with Fabrizi. Fabrizi froze their prices since 2011. This is the first time the city needed to rebid and Fabrizi was the only company to bid. This gives the city the option to have Fabrizi work on a project immediately for up to \$175,000.

- Mrs. Morris asked how often this is used. Mr. Snyder responded it is used often. Typically, if there is a sewer repair needed and if this fund is not used, the city gets estimates from different contractors. This allows the city to ask Fabrizi to come immediately. A lot of the work is completed in house but if there is a sewer repair needed that the main is 30 feet down, the city does not have the equipment to do that project. Mr. Snyder added that the city typically asks for \$100,000 to \$150,000 but last year the city only asked for \$50,000. Fabrizi prices compared to ODOT prices were agreeable. This year it was updated and included the WWTP needs also. Fabrizi was the only bidder even though this was sent to multiple contractors directly. The contractors responded that they are not willing to lock in a price for something like this as the cost and availability is not a constant. This is a life line to have in place and Fabrizi’s work is always favorable.

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**

1st READING

Mr. Moran said that 77-22 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.

PUBLIC COMMENT: NONE

MISCELLANEOUS BUSINESS: NONE

Mr. Moran said that next meeting will be a Committee-of-the-Whole on March 6, 2023.

The meeting was adjourned at 8:12 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council