

Cuyahoga Falls City Council
Minutes of the Finance and Appropriations Committee Meeting

May 3, 2021

Members: Tim Gorbach, Chair
Mary Nichols-Rhodes
Jeff Iula

Mr. Gorbach called the meeting to order at 7:00 p.m. All members were present.

Legislation Discussed

Temp. Ord. B-23

Temp. Ord. B-24

Temp. Ord. B-25

Temp. Ord. B-26

Temp. Ord. B-27

Discussion:

Temp. Ord. B-23

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, for the stabilization of Akron-Peninsula Road in the City of Cuyahoga Falls, and declaring an emergency.

Mr. Russ Kring, Water Utilities Superintendent, presented Temporary Ordinance B-23 to Council. Akron-Peninsula Road is in emergency need of repair and stabilization, eliminating the need for competitive bidding. The Water Department has identified a contractor, River Reach Construction, which provides proprietary landslide stabilization services. The Director of Public Service will be authorized to enter into a contract or contracts, without competitive bidding, for the stabilization of Akron-Peninsula Road, in the City of Cuyahoga Falls. The Director of Finance will be authorized and directed to make payment for same from the Storm Drainage Utility Fund, line item Capital Outlay.

Mr. Gorbach stated that the City assessed the situation and shut the road down for safety reasons. He asked if they have an idea the type of remediation it was and how long that will last. Mr. Kring stated that there were a couple options. One option was to put a Band-Aid on it and throw some stone to give it another year, or go ahead knowing that there are a couple of other areas along the street that are going to need addressed. They took care of this one, so that they can move on to the next ones.

Mr. Tony Demasi, City Engineer, stated that they have had to close Akron-Peninsula Road several times over the last 15 years to do some of these major improvements. Although it seems like there is a never-ending number of times they have to do these repairs, they have never had to go back and do a repair twice at the same location. Every time they have done a major repair like this, it seems to have lasted. In a case like this, they feel confident this will last an exceptionally long time.

Finance and Appropriations Committee
May 3, 2021 – Page 2

Mr. Iula moved to bring out Temp. Ord. B-23 with a favorable recommendation, second by Ms. Nichols-Rhodes. Motion passed (3-0).

Temp. Ord. B-24

An ordinance authorizing the Mayor or his designee to enter into an agreement with the Ohio Rail Development Commission and CSX Transportation for grade crossing warning device improvements and implementation of a 4 quadrant light and gate system quiet zone at the Bailey Road/CSX railroad crossing, and declaring an emergency.

The Ohio Rail Development Commission and CSX Transportation (CSX) have identified the need for grade crossing warning device upgrades at the Bailey Road/CSX railroad crossing. The City has requested the implementation of a 4-quadrant light and gate system quiet zone be implemented at this grade crossing. The City has agreed to fund 36% of the preliminary engineering and construction costs of these upgrades, which represents the difference between the warning device upgrades and the quiet zone implementation. The Mayor or his designee will be authorized to enter into an agreement with the Ohio Rail Development Commission and CSX Transportation (CSX) for the grade crossing warning device improvements and implementation of a 4-quadrant light and gate system quiet zone at the Bailey Road/CSX railroad crossing. The Director of Finance will be authorized and directed to make payment for same from the Capital Projects Fund, line item Capital Outlay.

Mr. Gorbach stated that the Administration would like to hold Temporary Ordinance B-24 in committee until further notice.

Temp. Ord. B-25

An ordinance authorizing the Director of Public Service to enter into a modification of Contract No. 8100 with Quality Control Inspection, Inc., and declaring an emergency.

Mr. Tony Demasi presented Temporary Ordinance B-25 to Council. Pursuant to the authority of Board of Control on or about September 21, 2020, the Director of Public Service entered into Contract No. 8100, with Quality Control Inspection, Inc., to provide materials testing and contract administration services for the West Steels Corners Road Resurfacing (the "Project"). For the Project to proceed, the City desires to continue materials testing and contract administration services which will benefit the Project. The Director of Public Service will be authorized to enter into a modification of Contract No. 8100, with Quality Control Inspection, Inc., in an amount not to exceed \$18,732.00. The total contract price after modification as authorized herein shall not exceed \$64,213.00. The Director of Finance will be authorized and directed to make payment for same from the Capital Projects Fund, line item Capital Outlay.

Mr. Demasi stated that Quality Control Inspection has been providing engineering and administration for the West Steels Corners Road resurfacing project that began last year. Due to unforeseen site conditions, the scope of their work has gone beyond what was originally assumed

Finance and Appropriations Committee
May 3, 2021 – Page 3

and has caused their contract to go over the original amount. The main condition that was found was the presence of underground utilities, including gas and water lines, located in the immediate vicinity of the guardrails that are being replaced. This required several weeks of coordination with utility companies, including ODOT and the City and the contractors, so the guardrails can be safely replaced. ODOT will pay 80 percent of this cost through the grant that the City has received.

Mr. Gorbach asked if that was the work that was being done on Northampton Road on that part of Steels Corners Road. Mr. Demasi stated that this is on Steels Corners Road between Northampton Road and State Road. Mr. Gorbach asked if the City's 20 percent is the \$64,213 not to exceed. Mr. Demasi stated that the total contract is \$64,213. The net effect will be 20 percent of the \$64,213.

Mr. Bryan Hoffman, Finance Director, stated that for accounting and financial reporting purposes, they put the total amount in as a cost to the City. They then start to depreciate that total cost over time because the City will own the asset. The City owns the total asset, so they book it for that total amount so that it looks like the City owns the entire thing.

Mr. Iula moved to bring out Temp. Ord. B-25 with a favorable recommendation, second by Ms. Nichols-Rhodes. Motion passed (3-0).

Temp. Ord. B-26

An ordinance authorizing the Director of Public Service to enter into a modification of Contract No. 8076 with Lake Erie Construction Company, and declaring an emergency.

Mr. Tony Demasi presented Temporary Ordinance B-26 to Council. Pursuant to the authority of Board of Control on or about August 14 10, 2020, the Director of Public Service entered into Contract No. 8076, with Lake Erie Construction Company to provide emergency overhead sign repairs on State Route 8, (the "Project). Ohio Revised Code §735.051 authorizes this Council to waive formal competitive bidding and advertising for contracts where there is a real and present emergency arising in connection with the operation and maintenance of a municipally-owned facility. The Ohio Department of Transportation has agreed to reimburse the City at a rate of fifty percent (50%) of the eligible items of expense. The Director of Public Service will be authorized to enter into a modification of Contract No. 8076, with Lake Erie Construction Company in an amount not to exceed \$20,400.00. The total contract price after modification as authorized herein shall not exceed \$70,400.00. The Director of Finance is hereby authorized and directed to make payment for same from the Capital Projects Fund, line item Capital Outlay.

Mr. Demasi stated that, in 2020, ODOT inspected the overhead signs on State Route 8. As a result of their inspection, it was determined that two of those signs, which the City is responsible for, needed to be replaced. ODOT agreed to pay for 50 percent of this work, so the City entered into a contract with Lake Erie Construction to replace the signs. The original contract with them was for \$50,000, so that they can begin work right away. They took down the signs that needed to be

Finance and Appropriations Committee
May 3, 2021 – Page 4

replaced and then they took their time to order the new ones. The project is completed. The City knew that the final cost was going to be somewhat higher than \$50,000, and this modification request is for \$20,400, which will bring the total amount to \$70,400. This is set up as a reimbursement. The City pays the total amount and then the City gets reimbursed by ODOT.

Mr. Gorbach asked if all signs such as these on the expressway are considered more than routine maintenance, or did this fall into a certain category and did the City have to negotiate for that 50 percent. Mr. Demasi stated that the speed limit signs and signs like those are the City's and are considered routine maintenance. These are truss signs, the big overhead signs. At first, it was the City's responsibility, but after a couple discussions with ODOT, they they came back and offered to pay 50 percent. Mr. Gorbach stated that they appreciate the initiative and saving the City some money.

Ms. Nichols-Rhodes moved to bring out Temp. Ord. B-26 with a favorable recommendation, second by Mr. Iula. Motion passed (3-0).

Temp. Ord. B-27

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the demolition of structures located on 3427 Wyoga Lake Road within the city, and removal of demolition debris, and certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law, and declaring an emergency.

Mr. Tony Demasi presented Temporary Ordinance B-27 to Council. The Building Official has declared the building identified as 3427 Wyoga Lake Road (garage only) a dangerous building within the meaning of Chapter 1343 of the Summit County Codified Ordinances. The Building Official has provided notice to all owners and interested parties concerned with the building identified above, instructing such owners and interested parties as to the repairs required to make the building safe, ordering the owners to repair or demolish the buildings accordingly, and informing the owners and interested parties of their right of appeal under Section 1343.07 of said Chapter. No appeals of the Building Official's order have been received and no remediation of the conditions found by the Building Official have been attempted or accomplished by any of the owners or interested parties. The Director of Public Service will be authorized to enter into a contract or contracts, according to law, for the demolition of the dangerous buildings listed above, and removal of debris therefrom. The Director of Finance is authorized to make payment for same from the Capital Projects Fund, Line Item Capital Outlay. In accordance with the Ohio Revised Code Section 715.261 the Director of Finance will be directed to certify the costs of demolition and debris removal to the Clerk of Council who shall then certify the same to the Summit County Fiscal Officer for placement thereof on the tax duplicate together with interest and penalties provided by law.

Mr. Demasi stated that, beginning in 2019, the Community Development Housing Division began serving a code violation order for the garage at 3427 Wyoga Lake Road. That location was a vacant residence at the time. On March 9 of this year, the Summit County Building Department

Finance and Appropriations Committee
May 3, 2021 – Page 5

issued a condemnation order of the garage and ordered its demolition if no response was made by the owner in 30 days. No response was provided within that time period. This ordinance will allow the City to assess the costs for this demolition to the County.

Mr. Gorbach stated that the title of the ordinance says structures, but this is just for one garage. On this property, there is a home and there is a garage. He asked if there are any other outbuildings on the property. Mr. Demasi stated that he was not aware of any. Mr. Gorbach asked if the house was inhabited. Mr. Demasi stated that the house is vacant, but not in a condition that can be condemned.

Mr. Iula moved to bring out Temp. Ord. B-27 with a favorable recommendation, second by Ms. Nichols-Rhodes. Motion passed (3-0).

The meeting adjourned at 7:14 p.m.