

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

January 16, 2024

Members: Mary Nichols-Rhodes, Chair
Mike Brillhart, Vice Chair
Meika Penta, Brian Ashton, Joe Siegfert

Ms. Nichols-Rhodes called the meeting to order at 7:14 p.m. All members were present.

Legislation Discussed

Temp. Ord. A-1
Temp. Ord. A-2
Temp. Ord. A-3
Temp. Ord. A-4
Temp. Ord. A-5
Temp. Ord. A-6
Temp. Ord. A-7
Temp. Ord. A-8
Temp. Ord. A-9
Temp. Ord. A-10
Temp. Res. A-11
Temp. Ord. A-12
Temp. Ord. A-13

Discussion:

Temp. Ord. A-1

An ordinance authorizing the Mayor to enter into a contract or contracts with ScanWorks LLC, for documentation preparation and imaging services for historical and current city records, and declaring an emergency.

Ms. Janet Ciotola, Law Director, presented Temporary Ordinance A-1 to Council. In 2023, the City competitively bid for documentation preparation and imaging services for historical and current City records maintained by various City departments. ScanWorks LLC was the lowest and most responsive bidder and completed the first phase of this project in a timely and workmanlike fashion. The City desires to continue this existing project and ScanWorks LLC is able to continue the project in an efficient and cost-effective manner. The Mayor will be authorized to enter into a contract or contracts without competitive bidding with ScanWorks, LLC, for documentation preparation and imaging services for historical and current city records. The Director of Finance will be authorized to make payment for same from funds previously appropriated thereof.

Ms. Ciotola stated that the project for scanning various city records was bid out last year. The ordinance before Council today is a continuation of the scanning project. This year, they have four departments participating: Finance, Community Development, Human Resources and Engineering. It is estimated that the project will exceed the statutory amount of \$75,000, so it is

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being presented to Council. The project is going well and enables them to search records in a user-friendly fashion.

Ms. Nichols-Rhodes stated that the cost for this estimated is \$125,150. ScanWorks LLC is a local business and they do good work.

Mr. Brillhart moved to bring out Temp. Ord. A-5 with a favorable recommendation, second by Mr. Siegferth. Motion passed (5-0).

Temp. Ord. A-2

An ordinance authorizing the Mayor, as Director of Public Safety, to enter into a contract or contracts for the purchase of Annual Requirements for certain services, materials, supplies, and equipment for use by the Fire Department during 2024, and declaring an emergency.

Fire Chief Martin presented Temporary Ordinance A-2 to Council. The Mayor, as Director of Public Safety, will be authorized to enter into a contract or contracts, according to law, for the purchase of safety and turnout gear by the Fire Department during 2024. The Mayor, as Director of Public Safety, will be authorized to enter into a contract or contracts, without competitive bidding, with Atlantic Emergency Solutions, Inc. in amount not to exceed \$125,000 for vehicle and equipment maintenance during 2024. The Director of Finance will be authorized to make payment for same from Capital Projects Fund, Line Item Capital Outlay and General Fund, Fire Department, Line Item Other Operations.

Ms. Nichols-Rhodes stated that Atlantic Emergency Solutions is the company that visits each station weekly to do whatever maintenance or repairs that are needed.

Chief Martin stated that the only caveat is that they went with Fallsway instead. Atlantic had an increase with which they were not comfortable. They ended up negotiating them down and Atlantic's finance department said they could not honor what they negotiated. Fallsway came in comparatively priced. They are local and they have always been a solid option. This ordinance stands in case they need to go back to Atlantic or if they are dissatisfied with Fallsway. Ms. Nichols-Rhodes stated that the amount is still up to \$125,000.

Mr. James stated that Temporary Ordinance A-2 will have to be amended, because, on Line 22, it says, "Atlantic Emergency Solutions, Inc." Chief Martin stated that they do not think that Fallsway will reach the \$75,000 threshold because the contract they are planning to sign with them is \$50,000. This ordinance allows them to spend that amount with Atlantic Emergency Solutions only. They do a lot of other things with Atlantic that would get to that point. They prefer that this remain as it is. If they need more for Fallsway, they will come back. This is, to his understanding, a maximum-spending ordinance. Fallsway is only for repair and maintenance for their fleet, but they buy a lot of equipment, supplies and parts from Atlantic.

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Mr. Brillhart moved to bring out Temp. Ord. A-2 with a favorable recommendation, second by Mr. Ashton. Motion passed (5-0).

Temp. Ord. A-3

An ordinance authorizing the Director of Public Service to enter into a contract or contracts for the purchase of Annual Requirements for certain services, materials, supplies, and equipment for use by the Electrical Division during 2024, and declaring an emergency.

Mr. Rod Troxell, Electric Superintendent, presented Temporary Ordinance A-3 to Council. The Director of Public Service will be authorized to enter into a contract or contracts, according to law, for the purchase of the following services, materials, supplies and equipment for use by the Electrical Division during 2024:

Fuel
Directional Boring.

The Director of Public Service will be authorized to enter into a contract or contracts, without competitive bidding, with the vendors listed below, for the purchase of the materials, supplies, and equipment for use by the Electrical Division during 2024:

Anixter Inc.
Bell Lumber and Pole Company
Brownstown Electric Supply Company
Brown Wood Preserving
DECO Supply Company, Inc.
Electric Research and Manufacturing Cooperative, Inc. (ERMCO)
Emerald Transformer
Main Street Lighting
MVA Diagnostics
MVA Services
Power Line Supply Company
Professional Electric Products Company (PEPCO)
Siemens Energy, Inc.
Siemens Industry, Inc.
Stella-Jones Corp.
Zemar Transformer Company

The Director of Finance will be authorized to make payment for same from the Electric Fund, Line Items Other Operations and Capital Outlay.

Mr. Troxell stated that they used to do their annual requirement with a bid package, which was quite cumbersome. They had a lot of companies that preferred not to do it that way, so they changed to this. Last year went well for them. The companies that they have listed are the ones

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that continue to treat them well, and they split it between those companies, so they still get competitive prices. Even though it says, "without competitive bidding," he can ensure Council that they are getting competitive bidding for everything. They still plan on doing public bidding for everything else.

Ms. Nichols-Rhodes stated that the estimated cost for Temporary Ordinance A-3 is \$2,915,000.

Mr. Troxell stated that the cost of wood poles has gone up quite a bit, the cost of transformers are ridiculous and the cost of wire has not come down either. They are hoping not to spend all that, but they have to put that in place because of the cost increases they have seen.

Mr. Balthis thanked Mr. Troxell for going through the competitive bidding process. He appreciates that they gave background on how they did competitive bid packets for those supplies and then contractors could not hold the prices because of the price increases with Covid. They are calling and comparing prices. This is allowing them to get those prices quicker to address the needs of the Electric Company. He asked what process they engage in to see if they need to add other companies or look for other sources. Mr. Troxell stated that they have an employee that consistently does that for them. This year is different from last year and that is because the companies they have listed have given them a better price. They no longer use the companies that were consistently overpriced. They are confident that the list they have now will go over \$75,000 because of the cost of materials.

Mr. Siegfert moved to bring out Temp. Ord. A-3 with a favorable recommendation, second by Mr. Brillhart. Motion passed (5-0).

Temp. Ord. A-4

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for city-wide tree removal, trimming, and stump grinding, and declaring an emergency.

Mr. John Ball, Grounds Maintenance Superintendent, presented Temporary Ordinance A-4 to Council. The Director of Public Service will be authorized to enter into a contact or contracts for tree removal, trimming and stump grinding services (for all needs other than utility line clearance), according to law, for a period of two years, with an option for up to three one-year extensions. The Finance Director will be authorized to make payment for same from funds properly appropriated therefor.

Ms. Nichols-Rhodes stated that they went out to bid and there is only one bidder. Pro Tree was the lowest. That was a two-year contract, so they would go to 2024. The cost of this is \$322,500. Last year, it was \$197,722.22. She asked why the pricing is the way it is.

Mr. Bryan Hoffman, Finance Director, stated that these contracts are on a per-unit cost when they do go out to bid them, so they put together the budgets and put an estimate together on what those

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totals might be. They can come in a little bit lower as the year goes on, depending on the needs out there, and that is why they put the budget sheet at \$300,000 where the total last year was a little bit less.

Mr. Stams asked if these are two contracts and the budgets are made each year. Mr. Ball stated that they bid out in two-year increments, so they bid for each year.

Mr. Stams asked if that dollar amount will stay constant through the next two years. Mr. Hoffman stated that the needs for 2025 will be done through the budgeting process when they get there. The contract for the supplier for the tree trimming is done on a two-year basis on a per-unit cost, so they get the pricing per unit for two years. That does not mean that they are going to have the exact cost each year for the amount of work. If there is additional work or the department feels they are going to need additional amounts, the budget may go up or down accordingly.

Mr. Ashton moved to bring out Temp. Ord. A-4 with a favorable recommendation, second by Mr. Siegfert. Motion passed (5-0).

Temp. Ord. A-5

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of Annual Requirements of certain services, materials, and supplies for use by the Garage Division during 2024, and declaring an emergency.

Mr. John Campbell, Motor Vehicle Superintendent, presented Temporary Ordinance A-5 to Council. The Director of Public Service will be authorized to enter into a contract or contracts, according to law, for the purchase of certain materials, supplies and services for use by the Garage Division during 2024:

Fuel
Tires
Repairs
Parts

The Director of Finance will be authorized to make payment for same from the Garage Fund, Line Item Other Operations.

Ms. Nichols-Rhodes stated that the estimated cost is \$1,565,000. Mr. Campbell stated that this represents where costs are going to go this year. There are a few small increases. Fuel is the biggest variable. There has been a decline in diesel prices. There have been small increases in parts and tires. They are on state contract so that price is pretty well set through the year.

Ms. Nichols-Rhodes asked how many of their vehicles, percentage-wise, would use diesel fuel. Mr. Campbell stated that all the five-ton dump trucks and some of the vehicles such as the one-and-a-half-ton rated trucks use diesel fuel. Everything below that is a gas powered truck. Having diesel trucks in some of the smaller-size vehicles is wasteful, especially when looking at the cost

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of the fuel and after-treatment systems. Their use pattern does not dictate the need for diesel in the smaller truck applications.

Mr. Siegferth moved to bring out Temp. Ord. A-5 with a favorable recommendation, second by Ms. Nichols-Rhodes. Motion passed (5-0).

Temp. Ord. A-6

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of Annual Requirements of certain materials and supplies for use by the Street Division during 2024, and declaring an emergency.

Mr. Charles Novak, Street Commissioner, presented Temporary Ordinance A-6 to Council. The Director of Public Service will be authorized to enter into a contract or contracts, according to law, for the purchase of the following materials and supplies for use by the Street Division during 2024:

Rock Salt
Asphaltic Products

The Director of Finance will be authorized to make payment for same from the SCMR Fund, Line Item Other Operations, State Highway Improvement Fund, Line Item Other Operations, Motor Vehicle License Tax Fund, Line Item Other Operations and Capital Projects Fund, Line Item Capital Outlay.

Mr. Novak stated that this year is the same as last several years, only two items, rock salt and asphalt purchases.

Ms. Nichols-Rhodes stated that the estimated cost for this is \$525,000, and asked if they have a lot of rock salt on hand. Mr. Novak stated that they do. It has been probably the mildest winter in the last 50 years as far as salt usage, so they had a little more than their buildings could handle and they actually had outdoor stockpile that they covered. This year, they are budgeting 2,000 tons less than last year. They have to at least purchase 80 percent of that by contract. The price for salt went down this year from last year.

Mr. Balthis asked if the green salt included in the rock salt, or is it separate. He also asked how much of the salt that is on hand is the green salt that is more expensive and more effective on days like today. Mr. Novak stated that they are currently using green salt. These sort of temperatures are why they purchase it. This \$300,000 for rock salt includes the treated salt or green salt. As far as what they intend to purchase 4,000 tons of white rock salt and 1,000 tons of green sale are in that number.

Mr. Balthis asked at what temperature do they switch to the green salt. Mr. Novak stated that it varies. Typically, when it gets below 15 degrees, they start transitioning to that. With the recent

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single-digit temperatures and the high winds that have been occurring recently, they transitioned over to the green salt. It also depends on the forecast for a couple days. If it is going to warm-up soon or if it is going to stay cold for a while plays into what they do with that.

Mrs. Penta moved to bring out Temp. Ord. A-6 with a favorable recommendation, second by Mr. Brillhart. Motion passed (5-0).

Temp. Ord. A-7

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of Annual Requirements of certain materials and supplies for use by the Sanitation Division during 2024, and declaring an emergency.

Mr. Novak, Street Commissioner, presented Temporary Ordinance A-7 to Council. The Director of Public Service will be authorized to enter into a contract or contracts, according to law, for the purchase of the following materials and supplies for use in the Sanitation Division during 2024: Refuse Containers.

The Director of Finance will be authorized to make payment for same from the Sanitation Fund, Line Item Other Operations.

Ms. Nichols-Rhodes stated that Mr. Anthony Zumbo, Service Director, provided her a breakdown of the carts. There will be a purchase of 800 yard waste carts, 1,500 trash carts and 1,000 recycle carts with the ordinance, and the total estimated cost is \$229,500.

Mr. Novak stated that, in that number, there is also \$15,000 set aside for dumpsters and carts of various sizes when a two-yard or a six-yard container might need replaced in one of the City buildings.

Mr. Ashton moved to bring out Temp. Ord. A-7 with a favorable recommendation, second by Mr. Siegfert. Motion passed (5-0).

Temp. Ord. A-8

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the purchase of the City's requirements of certain services, materials, and supplies for use by the Water and Sewer Divisions during 2024, and declaring an emergency.

Mr. Russell Kring, Water Utilities Superintendent, presented Temporary Ordinance A-8 to Council. The Director of Public Service will be authorized to enter into a contract or contracts, according to law, for the purchase of the City's requirements for the following services, materials and supplies for use by the Water and Sewer Divisions during 2024:

Water Treatment Chemicals
Utility Patch Program

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Waterline and Sewer Line Supplies

The Director of Public Service will be authorized to enter into a contract or contracts, without competitive bidding, with the vendors listed below, for the purchase of the materials, supplies, and equipment for use by the Water and Sewer Divisions during 2024:

Badger Meters, Inc.
Core & Main LP
East Jordon Iron Works
Ferguson Enterprises, Inc.

The Director of Finance will be authorized and directed to make payment for same from the Water Fund and Sewer Fund, Line Items Other Operations and Capital Outlay.

Mr. Kring stated that their department runs their process similar to the Electric Department. They bid various parts when they need them; that way, they get the best price. They competitively bid them with the company with the exception of the treatment chemicals. They bid them prior to the coming year. They have gotten the bids back and a lot of chemicals have stabilized and come down a little bit.

Ms. Nichols-Rhodes stated that the cost of purchases with this ordinance is up to \$1,093,342.

Mr. Siegfert moved to bring out Temp. Ord. A-8 with a favorable recommendation, second by Mr. Ashton. Motion passed (5-0).

Temp. Ord. A-9

An ordinance authorizing the Mayor, as Director of Public Safety, or the Director of Public Service to enter into a contract or contracts, according to law, for the purchase or lease of various vehicles and related equipment for use by the City, and declaring an emergency.

Mr. John Campbell, Motor Vehicle Superintendent, presented Temporary Ordinance A-9 to Council. The Mayor, as Director of Public Safety, or the Director of Public Service will be authorized to enter into contracts for the purchase and/or lease of the vehicles and related equipment listed on Exhibit A attached to the ordinance. Notwithstanding and as an exception to Section 181.06 of the Codified Ordinances, expenditures made under the contracts authorized by this ordinance shall not exceed, in the aggregate, \$3,401,000.00, without further consent of City Council by ordinance.

The Mayor as Director of Public Safety, or the Director of Public Service will be authorized to enter into a contract or contracts, without competitive bidding for the purchase of a pre-owned rear loader refuse truck as set forth in the exhibit attached to the ordinance. The Director of Finance will be authorized to make payment for same out of monies lawfully appropriated thereof from the funds as indicated in Exhibit A, Line-Item Capital Outlay.

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Mr. Campbell stated this cost is the capital cost to purchase vehicles. It is their intention to also lease vehicles. The lease numbers are to be determined. For the most part, vehicle prices have not gone down. This is a low number of big vehicles to buy this year. Most of the vehicles are in good shape.

Ms. Nichols-Rhodes stated that this is broken up into the different departments that are purchasing vehicles such as Parks and Recreation, Building and Ground Maintenance, Fire, Street, Sewer, Electric, Sanitation, Storm Drainage Utility and Leisure Time.

Mr. Brillhart moved to bring out Temp. Ord. A-9 with a favorable recommendation, second by Mr. Ashton. Motion passed (5-0).

Temp. Ord. A-10

An ordinance levying special assessments for the repair or replacement of sidewalks and drive approaches in the sidewalk and drive approach repair and replacement district, for the year 2023, and declaring an emergency.

Mr. Tony Demasi, City Engineer, presented Temporary Ordinance A-10 to Council. Resolution No. 15-2022, created the Sidewalk and Drive Approach Repair and Replacement District for the year 2023, and determined the necessity of adjusting or replacing certain sidewalks and drive approaches within the District. Such sidewalks and drive approaches within the District have been repaired or replaced. The portion of the total cost and expense of repairing or replacing sidewalks and drive approaches located within the Sidewalk and Drive Approach Repair and Replacement District for the year 2023 to be paid for by special assessments is hereby established at the rate of \$18.00 per linear foot for replacement of sidewalks and \$8.00 per square foot for drive approaches. That portion of the total cost of the improvement to be paid for by special assessments will be levied and assessed upon the lots and lands provided for in the schedule of special assessments now on file with the Clerk of Council, which special assessments are in proportion to the special benefits and are not in excess of any statutory limitation and which will be adopted and confirmed.

The assessment against each lot or parcel of land shall be payable within thirty (30) days from the levy thereof to the office of the Finance Director with the further provision that all assessments thereof remaining unpaid at the expiration of said thirty days shall be certified by the Clerk of Council to the County Fiscal Officer to be placed on the tax duplicate and collected in two (2) semi-annual installments. A certified copy of this ordinance shall be provided to the County Fiscal Officer by the Clerk of Council within twenty (20) days after its passage.

Ms. Nichols-Rhodes stated that one resolution and two ordinances are all relate to the Sidewalk Program, so she would read all of them, Temporary Ordinances A-11 through A-12, at one time.

Mr. Demasi stated that his department issues permits for owners that want to replace sidewalks on their own. To assist property owners, they have had a program for 30 years where they assist property owners to replace the sidewalks. It is a cooperative, voluntary program where the City

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engages a contractor and performs the work and then invoices the property owners the following year. This year's program has been completely full since the end of November. Their Department is thankful that the Administration and City Council appropriated additional monies for the program this year that will help them do more sidewalks than last year. They are accepting applications for 2025.

Mrs. Penta moved to bring out Temp. Ord. A-10 with a favorable recommendation, second by Mr. Siegferth. Motion passed (5-0).

Temp. Res. A-11

A resolution creating for the year 2024 a sidewalk and drive approach repair or replacement district containing such streets, alleys, or public roadways within the corporate limits of the City of Cuyahoga Falls, declaring the necessity of repairing or replacing the sidewalks and drive approaches abutting on such streets, alleys or public roadways within said corporate limits and providing the method for levying special assessments, and declaring an emergency.

Mr. Tony Demasi, City Engineer, presented Temporary Resolution A-11 to Council. A Sidewalk and Drive Approach Repair or Replacement District will be created for the year 2024 containing those streets, alleys or public roadways within the corporate limits of the City of Cuyahoga Falls, and declaring the necessity of repairing or replacing the sidewalks and drive approaches abutting on such streets, alleys or public roadways, and to provide the method for levying assessments and the right to object to or appeal said assessment.

Mr. Demasi stated that Temporary Ordinance A-11 is an annual resolution that establishes the sidewalk districts citywide for this year.

Ms. Nichols-Rhodes stated that Council appreciates that this program in the city and that the City shares in the replacement costs. For example, in 2023, the \$18 per linear foot is less than half. They are happy that this is something that happens every year. The cost this year is up to \$310,000. That is \$250,000 for the sidewalk replacements and \$60,000 for curbs and ramps.

Mr. Ashton moved to bring out Temp. Res. A-11 with a favorable recommendation, second by Mr. Brillhart. Motion passed (5-0).

Temp. Ord. A-12

An ordinance authorizing the Director of Public Service to enter into a contract or contracts, after publicly advertising for bids, for the replacement or adjustment of concrete sidewalks, drive approaches, and curbs at various locations in the City of Cuyahoga Falls, and declaring an emergency.

Mr. Tony Demasi, City Engineer, presented Temporary Ordinance A-12 to Council. pursuant to Resolution, a sidewalk and drive approach replacement or adjustment district will be created within the City of Cuyahoga Falls for the purpose of replacing or adjusting sidewalks, drive approaches and curbs throughout the City.

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The Director of Public Service will be authorized to enter into a contract or contracts, after publicly advertising for bids, for replacement or adjustment of concrete sidewalks, drive approaches and curbs at various locations in the City of Cuyahoga Falls. All bids submitted must conform to and be in accordance with the specifications for the same now on file by mail to the Office of the City Engineer. The Director of Finance will be authorized to make payment for same from the Capital Projects Fund, Line Item Capital Outlay.

Ms. Penta stated that, by the end of November, it is pretty much closed out to get repairs for sidewalks and aprons for the coming year. They will still accept people needing repairs and will make them possibly in the next year or have it evaluated.

Mrs. Penta moved to bring out Temp. Ord. A-12 with a favorable recommendation, second by Mr. Siegfert. Motion passed (5-0).

Temp. Ord. A-13

An ordinance authorizing the Director of Finance to issue a reimbursement to Princeton Crossroads Investment, LLC for costs associated with the construction of a clubhouse for the Princeton Place Development, increasing appropriations thereof, and declaring an emergency.

Mr. Rob Kurtz, Planning Director, presented Temporary Ordinance A-13 to Council. Princeton Crossroads Investment, LLC have completed the construction of a 151-unit multi-family development located on the west side of Wyoga Lake Rd. As part of the project, Princeton Crossroads, LLC constructed a clubhouse within the Princeton Place development at a cost of \$549,000, and has requested reimbursement of the “In Lieu of Dedication” fees. According to Section 1124.05 (D)(2), the construction of a clubhouse that serves the Princeton Place subdivision is an acceptable use of an “In Lieu of Dedication” payment. Any payment in lieu of dedication as public land shall be used to purchase or develop park sites, community facilities, install Public Art, or to promote the maintenance of open space, which, within reason, serves the subdivision for which payment was made. Such funds shall be deposited in the land preservation and acquisition fund account established for the specific purpose of acquisition or development of the above-mentioned sites. This fee is collected from the developer by the City at the time of permitting. A total of \$90,000 of “in-lieu-of” fees was collected so that is the maximum reimbursement allowed

Mr. Danny Karam was present on behalf of Princeton Crossroads Investment, LLC.

Mr. Ashton moved to bring out Temp. Ord. A-13 with a favorable recommendation, second by Mr. Brillhart. Motion passed (5-0).

The meeting adjourned at 7:54 p.m.