

STREETS COMMITTEE MINUTES
February 7, 2008, 6:30 p.m.

The Streets Committee meeting was held on February 7, 2008, at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order at 6:33 p.m.

Present: Chair John Nickell, Larry Antoskiewicz, Vince Gentile; **Council:** Gary Petrusky, Don Willey, Dan Kasaris; **Administration:** Mayor Bob Stefanik, Assistant Prosecutor Donna Vozar, City Engineer Ken Tyrpak, Service Director Kris Kamps, Community Development Director Thomas Jordan; **Other Attendees:** Nick Cinquepalmi, Joanne DuMound, Mike Zawaski, Sandra Zawaski, Jack Shear, Robert Witsaman, Don Batke.

Moved by Mr. Gentile, seconded by Mr. Antoskiewicz to approve the January 3, 2008, minutes. Yeas: 3. Nays: 0. **Motion carried.**

UNFINISHED BUSINESS

1. Recycling program-rubbish co-mingling

Don Batke, Finance Director for the City of Strongsville, was present to share information on privatization of rubbish collection. Mr. Batke said that it has worked well for them since the program began in 1990. For the first 10 years they used Waste Management and they did a great job. They had a 5 year contract with a 5 year renewal. They decided after 10 years that it would be in the best interest of the community to advertise for bids again just to see what the market was. In 2000, Republic Waste won the bid and they too have been doing a great job. Mr. Batke said that it works well for them and they wouldn't have it any other way.

Robert Witsaman asked if at the time they switched over, did they institute a greater recycling program to coincide with this change. Mr. Batke said yes. Mr. Witsaman said that this is his concern with the privatization. He thinks that our recycling program is greatly inadequate and wonders if we can reduce the cost of rubbish pick up by improving our recycling program. He felt that if the city provided containers and picked up every week that it would improve the participation.

Mr. Batke said that they decided on the comingling process so that there is no need for separation. The residents can put all of their recyclables (glass, cans, plastic) in one bag and then Republic Waste picks it up and takes it to a clean site and separates it there.

Mr. Nickell said that he favors comingling and felt that it would increase our recycling percentage.

Mr. Gentile said that we are spending over \$600,000 per year on our recycling program and only 30% of our households participate.

Mr. Gentile asked Mr. Batke about the savings vs. the increased services and how it has worked for Strongsville. Mr. Batke said that they felt it provided better services for the residents. The cost for this program is \$2.5 million year or roughly \$169.00 per year per household. This allows them to redeploy the Service Department personnel to do other things. You won't necessarily save money, but you are going to provide better service to the residents. Mr. Batke said that there was probably a cost increase because they kept the personnel; you won't save money if you maintain the same level of personnel.

Mr. Antoskiewicz asked if they saw an increase in recycling once they went with the commingled program. Mr. Batke said that he did not think that there was much difference.

Mr. Batke was asked how much was saved in equipments costs, gas, etc. Mr. Batke said you will see a savings due to the fact that you don't have to purchase the packer trucks, etc.

Mr. Gentile asked how the city handled resident complaints.

Mr. Batke said like anything new, it took awhile for the residents to get used to the program, but it really wasn't a long time. He said that now they never get any calls.

Mr. Batke was asked if they still pickup yard waste. Mr. Batke said that Republic Waste will pick it up or the residents can take it to their transfer station.

Mr. Kamps said by adding storm water projects, ditching programs, and road management systems utilizing the manpower freed up by privatization, we will save the city thousands of dollars.

Mr. Nickell said that he sees this as an opportunity to augment city services and provide much needed street repairs and address storm water issues. It might not be a savings to the city, but we are gaining city service workers available to provide these services.

Mr. Gentile said that Mr. Kamps wants to implement a citywide reditching program, the Mayor wants a citywide stream maintenance and inspection program and we can't do this without personnel. By utilizing a privatization program we now have the manpower needed to maintain this community like a 21st century municipality.

Mr. Batke said that they made it clear in their contract that they will pick up everything that the residents place at the curb.

Mr. Nickell said that he gets complaints that the city won't pick up certain items and this would be eliminated if we privatize.

Mr. Nickell said that he has talked with Garfield Hts. who privatized 20 years ago. They told him that they would never go back to doing it in-house.

Mr. Batke recommended that we do not consider the one armed trucks with the totes. Mr. Nickell said that it had been determined that with the terrain of the city, it was not feasible.

2. Automated rubbish system/privatization of trash collection

See Item 1 above.

3. Road work 2007/2008

Committee reviewed project status report issued by Richard L. Bowen + Associates, a copy of which is attached to these minutes. Mr. Kamps gave an update on the concrete work being done. He said that we are finishing up on Bunker Estates, Christopher Drive, Pine Hill, Stephanie Drive, Tiffany Drive, Cedar Estates, Rustic Drive and were looking at doing some work at Hunters Creek and Oaknoll. Asphalt street and paving for 2008 will be looking at Glenwillow Drive, Valley Lane, Gardenside and Patricia.

Mr. Kamps said it is his recommendation to move forward as soon as possible with the budget because the State bidding is going to run out for our trucks and equipment on February 29th and we will need a letter of intent before that date in order to secure those prices. Some of the prices are still at a 2005 rate and they are going to increase this year by at least 20%.

Mr. Gentile asked if we can get Mr. Kamps a letter of intent. He said that he is not comfortable adopting a budget at the end of February in order to purchase this. Mr. Antoskiewicz said that we can review this all at the meeting on the 23rd and if everyone is on board, this still gives enough time for the letter of intent. Mrs. Vozar said something must come from Council to give the Mayor the authority to move in that direction. She said that nothing needs to be voted on tonight. Council will need to take some action on this and she felt that reviewing it at the Special Finance Committee meeting on the 23rd will allow for sufficient time to have this letter delivered by the 29th.

Mr. Kamps said that we are going to use some different techniques for road patching so it holds up better and part of that will be having the street sweeper and some of the other equipment we are looking at this year. We are going to do a pavement management evaluation and will be able to come to Council with recommendations as to where the money should be spent and what streets should be repaired and it will be handled on the worst/first basis.

Mr. Kamps said that if he gets the letter of intent into the vendor by 2/29, he could have the street sweeper within 60 days. This equipment will keep debris out of our sewer system and will take debris off the street that is ruining our crack sealants.

4. Wallings Road rehabilitation

See Item 3 above.

5. Edgerton Road reconstruction

See Item 3 above.

6. Proposed Ordinance 07-73 dedication of Mahican Way, Shawnee Circle, and Chippewa Path in Indian Trails Subdivision

No new information available.

7. Chippewa Creek watershed study

Mayor Stefanik said that there is a meeting scheduled for later this month. Mr. Jordon said the planning stages will be finished and a draft of the final report will be provided at the next meeting.

8. 2007/2008 FEMA catch basin projects

Mr. Kamps said that the program that was in place last year was completed and he did not think that anything was planned for 2008. Remove from agenda.

9. Accepting construction materials at service yard

Mr. Kamps said that we are currently not doing this and does not want to see it start back up. If we are looking at privatization of rubbish he does not know why we would want these materials brought to the service garage. It is a huge expense to the city. Contractors should be told we don't accept

construction materials when they apply for permits. Mr. Antoskiewicz said that this service was for residents who were remodeling their houses, etc., not for construction contractors. If the privatization will allow residents to put construction materials out for pickup, then this won't be an issue.

10. Salt brine

Mr. Kamps said that one of the trucks he is looking to add to the fleet will have brine capacity. We will need to determine if we want to buy a brine tank and have the brine delivered or make it ourselves. It's very close cost wise. It's a natural byproduct of well drilling and the drillers are looking for ways to get rid of it rather than putting it back into the ground so we may have some options there. This will result in at least a 30% savings on salt, and causes less damage to tree lawns and sewers.

11. Sidewalks

Mr. Nickell said that it comes down to budgeting and he does not want sidewalks installed at the expense of potholes. If we could do little sections in our city on the main roads each year it will open up the city to more pedestrian traffic.

Mr. Nickell said that he was looking into amending our code for sidewalks located on a main arterial street to be 5 feet in width, rather than the currently required 6 feet. Mr. Trypak said that the ODOT requirement is only 5 feet.

NEW BUSINESS

1. Ordinance 08-27 Tri County bid for concrete

Jack Shear, Medina Supply addressed the committee. He said that they were the lowest bidder, but the contract was being awarded to the second lowest bidder and asked for an explanation. The Committee reviewed a handout provided by Mr. Shear.

Service Director Kris Kamps explained that based solely on the bid spec itself, the drive time for the dump site is outside of the 20 minutes that is specified in the bid. He personally drove to the dump site and it took him 35 minutes during mid-day traffic. He felt that during the day with a loaded truck it would take 40-60 minutes one way to get there. There were additional fees in some of the line items from Medina Supply that stated \$40 load charges after 3:00 p.m., a \$500 fee to open on Saturday as well as the \$40 load charge for Saturdays. None of those fees are in any other bid. Based on those figures and the cost of fuel, labor and taking into consideration the age of our fleet, this prohibited us to go there for that distance.

Assistant Prosecutor Donna Vozar addressed Council. The city participates in the lowest and best bid process and it does provide for open and honest competition and to save the public and bidder from any favoritism or fraud. We are very careful about that. It protects the taxpayer from excessive costs. But it is not strictly a number game. It is actually the lowest and *best* bid. Any bidder who submits a bid must look carefully at the bid specification sheet. This is the criteria that the decision maker is going to use. The Service Director had been very clear that he awarded this not to the lowest bidder, but to the lowest and best bidder. Mrs. Vozar said that you have to look at the qualitative analysis that goes into this. It's not as simple as just picking the lowest number.

Mr. Gentile asked Mrs. Vozar if she can safely tell Council that the bid from Medina Supply did not meet the parameters set forth wholly by the Service Department when they went out for bids.

Mrs. Vozar said it's not a legal opinion she would give as far as is this the lowest and the best; that decision is made by the person who reviews the document and makes that final decision. If you look at the criteria that was used, Mr. Kamps is falling within those parameters and using his discretion in making this decision. He is only relying on the bid specifications. He is not going outside of that. So based on what he has indicated to this board she thinks that it is very clear that he followed the law and followed what he needs to do.

Mr. Gentile asked Mr. Kamps if he was confident that Tri County's bid was the best bid for North Royalton.

Mr. Kamps said yes.

Mr. Shear asked if the city understands that there is really only one company that can fulfill the criteria contained in the specifications and asked if that was in the spirit of open and competitive competition. To him this seems to create an exclusive situation to that one supplier and he said that in his 24 years of experience he has never seen a municipal concrete purchase connected to a free and immediate proximity dumpsite.

Mr. Nickell said that he does not necessarily disagree, but in today's time of labor and fuel costs, this becomes a real issue and felt that this could be a very valid criteria. He said that from the director's point of view he was a little alarmed about the after 3:00 p.m. dumping fee and the Saturday fee. You could have the lowest bid, but should an emergency arise where we need to utilize the facility on Saturday, a few dumps could put us over this being the lowest bid.

Mr. Shear said that the fees are the lowest for Medina Supply across the board. There is no instance where Tri County is lower on any of these fees. He pointed out that there are other ambiguities. He said that there is no place on the bid form to place mileage or location for a dump site, yet on the bid packet it asks to note dumpsite location. There is nowhere on the bid form for this, so he is wondering how it was determined where there dumpsite was located.

Mr. Gentile said that dumpsite location is to our advantage. The cost of our labor, our fuel, our fleet to drive to their Smith Road facility to dump is something we have to take into account. He didn't think that the potential winner has an unfair advantage. We have land here and you are welcome to open up a company here to receive this or you can come back and say that you would provide a truck on site and haul it to Medina. Your bid is not a true number because of the travel for us.

Mr. Shear said that there is nothing in the bid packet that calls for a truck being provided. There are probably 3-4 independent recyclers in the area and within the 20 minute criteria and there seems to be a preoccupation with the dump site as opposed to the price per cubic yard of concrete. He hopes that by this discussion that people are going to take a look at this and ask if this is it structured correctly, is the bid form right, is it giving an improper advantage of anyone. You are going to spend more money for the concrete this year by going with Tri County. He said it is his understanding that Tri County has been unopposed in the past on this bid because another ready mix producer will look at this bid form and know that they don't have a dump site within 20 minutes.

Mr. Nickell asked if Mr. Shear felt that the 20 minute criteria was unfair. He said that Mr. Shear stated earlier that there are numerous dumpsites with 20 minutes, so is it fair for him to say that there is only one possible dumpsite.

Mr. Shear said he does not want to be the judge of what is fair or unfair all he can say is the specs say that the ready mix concrete company that provides concrete will provide a dumpsite within 20 minutes. This spec can only be met by one company.

Mrs. Vozar said that one of the issues is whether or not the Service Director acted properly in making his decision based on the spec criteria and based on his analysis of the factors he took into consideration. One of those factors was the 20 minute dumpsite. The other one were charges that based on his review would significantly make the bid proposed by Medina Supply higher than Tri County. So based on this, we had awarded the bid to Tri County as the lowest and the best. Mrs. Vozar also pointed out that as Mr. Shear indicated there are numerous dumpsites within the 20 minute proximity, so that alone is evidence to this committee that there are other companies that are available to make the bid that would fall within the dumpsite criteria would have to factor the cost of paying whatever dumpsite fees there may be into their bid proposals. When the bid specification is prepared it is meant to reach as many contractors as possible, but they must take into consideration all the specifications we have and the criteria is made to keep the cost as low as possible. Therefore, the contractors have to figure out the best package to submit, taking into consideration all the criteria and if it means they have to go out and rent space as a dump site within the 20 minutes, they need to include that in their bid. This is why the Service Director looks at everything as a whole and based on that he awards the contract. Mrs. Vozar said that the committee has heard enough evidence to justify what the Service Director has indicated.

Mr. Shear said that he would welcome the opportunity to sit down with Mr. Kamps and scrutinize the quote because you could add a \$40.00 delivery charge on the load and he would still be lower than Tri County.

Moved by Mr. Antoskiewicz, seconded by Mr. Gentile to **recommend Ordinance 08-27 to Council for approval**. Yeas: 3. Nays: 0. **Motion carried.**

MISCELLANEOUS

Mayor Stefanik said that before the last rain, the Service Department was out checking the areas in the city that historically have flooding issues and even did some work on private property where there was severe flooding in the past 10-15 years. He said the results were great, especially on Edgerton Road near Bennett Road. We cleared out a pipe in an area that always flooded and it solved the problem in that area. He said that we are going to be more aggressive and act before flooding occur. We will continue this work with a stormwater crew dedicated to maintaining the ditches, streams, retention basins and stay on top of it. Mr. Kamps said that they have generated a list of the hot spots in town so that we aren't just driving around town guessing where the problems are and we can document when we were there and what was done.

Mr. Kamps said that the days of not working on private property are gone. You can't function like that and you can't leave the residents without assistance. It only took us 20 minutes to jet that pipe out and they may never flood again.

ADJOURNMENT

Moved by Mr. Antoskiewicz, seconded by Mr. Gentile to adjourn the meeting. Yeas: 3. Nays: 0. **Motion carried.**

Meeting adjourned at 7:37 p.m.