

January 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 NEW YEAR'S DAY 	2	3 COUNCIL AND CAUCUS 7:00 STORM WATER, STREETS, & UTILITIES 6:00	4 PLANNING COMMISSION 7:00 CAUCUS 6:45	5	6	7
8	9 CIVIL SERVICE COMM 4:00 (COMMUNITY ROOM #2)	10	11	12	13	14
15	16 MARTIN LUTHER KING, JR DAY	17 COUNCIL AND CAUCUS 7:00 B&BC, FINANCE & SAFETY 6:00	18 PLANNING COMMISSION 7:00 CAUCUS 6:45	19	20	21
22	23	24 Council Special Work Session 6:30 p.m	25	26 BZA 7:00 CAUCUS 6:45	27	28
29	30	31 REC BOARD 6:00				

All meetings will be held at City Hall 14600 State Road, unless otherwise noted.

**NORTH ROYALTON CITY COUNCIL
A G E N D A
JANUARY 3, 2017**

7:00 p.m. Caucus

Council Meeting 7:00 p.m.

REGULAR ORDER OF BUSINESS

1. Call to Order.
2. Opening Ceremony (Pledge of Allegiance).
3. Roll Call.
4. Approval of Consent Agenda: Items listed under the Consent Agenda are considered routine. Each item will be read individually into the record and the Consent Agenda will then be enacted as a whole by one motion and one roll call. There will be no separate discussion of these items. If discussion by Council is desired on any Consent Agenda item, or if discussion is requested by the public on any legislative item on the Consent Agenda, that item will be removed from the Consent Agenda and considered in its normal sequence under the Regular Order of Business.
 - a. Approval of Minutes: December 20, 2016.
 - b. 90 day extension Woodcroft Glen Phase 2 Final Plat approval.
 - c. 180 day extension Woodhill Properties Preliminary site plan approval Indian Trails Phase 2.
 - d. Authorize the Mayor and Wastewater Supt. to advertise for bids for the replacement of the WWTP "A" Belt Filter Press.
5. Communications.
6. Mayor's Report.
7. Department Head Reports.
8. President of Council's Report.
9. Committee Reports:

Building & Building Codes	John Nickell
Finance	Larry Antoskiewicz
Review & Oversight	Dan Kasaris
Safety	Gary Petrusky
Storm Water	Dan Langshaw
Streets	
Utilities	Paul Marnecheck
10. Report from Council Representatives to regulatory or other boards:

Board of Zoning Appeals	Dan Kasaris
Planning Commission	Larry Antoskiewicz
Recreation Board	Paul Marnecheck
11. Public Discussion: Five minute maximum, on current agenda legislation only.
12. LEGISLATION

SECOND READING CONSIDERATION

1. **16-171** - A RESOLUTION ESTABLISHING A BLANKET PURCHASE ORDER AMOUNT LIMIT AS REQUIRED BY OHIO REVISED CODE 5705.41(D)(3), AND DECLARING AN EMERGENCY. **First reading December 20, 2016 and referred to Finance Committee.**

FIRST READING CONSIDERATION

1. **17-01** - AN ORDINANCE ESTABLISHING A MORATORIUM ON THE ISSUANCE OF PERMITS UNDER CHAPTER 1290 SPECIFICALLY AS TO SECTION 1290.07 FOR THE CONSTRUCTION OF WIRELESS COMMUNICATION FACILITIES FOR A PERIOD OF 6 MONTHS TO ALLOW FOR THE ESTABLISHMENT OF NEW AND/OR REVISED REGULATORY MEASURES TO ADDRESS TECHNOLOGICAL ADVANCES IN THE INDUSTRY, AND DECLARING AN EMERGENCY.

2. **17-02** - AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON PART 6 GENERAL OFFENSES CODE BY CREATING A NEW CHAPTER 650 ENTITLED UNMANNED AIRCRAFT SYSTEMS, AND DECLARING AN EMERGENCY.
3. **17-03** - AN ORDINANCE ACCEPTING THE BID OF FRESCH ELECTRIC, INC. FOR THE NORTH ROYALTON WASTEWATER TREATMENT PLANT B STANDBY GENERATOR REPLACEMENT PROJECT FOR AN AMOUNT NOT TO EXCEED \$197,103.50 AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY.
13. Miscellaneous.
14. Adjournment.

AN ORDINANCE ESTABLISHING A MORATORIUM ON THE ISSUANCE OF PERMITS UNDER CHAPTER 1290 SPECIFICALLY AS TO SECTION 1290.07 FOR THE CONSTRUCTION OF WIRELESS COMMUNICATION FACILITIES FOR A PERIOD OF 6 MONTHS TO ALLOW FOR THE ESTABLISHMENT OF NEW AND/OR REVISED REGULATORY MEASURES TO ADDRESS TECHNOLOGICAL ADVANCES IN THE INDUSTRY, AND DECLARING AN EMERGENCY

WHEREAS: The City of North Royalton has established regulations for the orderly construction and placement and location of wireless communication facilities within its municipal borders; and

WHEREAS: It has become apparent that technological advances in the wireless communication industry necessitate changes in and to the Codified Ordinances to keep pace with the advances in technology; and

WHEREAS: The city has engaged an expert consultant to assist in the preparation of such new regulations as may be required; and

WHEREAS: A reasonable period of time to prepare and enact such changes is desirable and necessary for the city and consultant to study and make recommendations to Council for that purpose; and

WHEREAS: Council deems it to be in the best interests of the community and for the protection and preservation of the public health, safety and welfare to adopt a moratorium on the issuance of permits for the creation of wireless communication facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Council establishes a moratorium on the issuance of permits under Chapter 1290 of the Codified Ordinances of the City of North Royalton for a period of 6 months and directs the Building Commissioner to reject any application for such a permit until the moratorium is ended.

Section 2. Council directs that the Building Commissioner consult with the city's expert consultant previously engaged and make such recommendations to Council as may be appropriate and desirable for the public health, safety and welfare regarding the regulation of wireless communication facilities as defined in Chapter 1290 of the Codified Ordinances of the City of North Royalton.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to adopt a moratorium on the issuance of permits for the creation of wireless communication facilities.

PRESIDENT OF COUNCIL

APPROVED: _____
MAYOR

DATE PASSED: _____ DATE APPROVED: _____

ATTEST: _____
DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS:

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON PART 6 GENERAL OFFENSES CODE BY CREATING A NEW CHAPTER 650 ENTITLED UNMANNED AIRCRAFT SYSTEMS, AND DECLARING AN EMERGENCY

WHEREAS: Council recognizes that unmanned aircraft systems, colloquially referred to as drones, may be operated in a manner that invades the privacy of the residents, and potentially exposes the city and its citizens to property damage and injuries; and

WHEREAS: Council recognizes that federal law seeks to regulate certain uses of unmanned aircraft systems; and

WHEREAS: Council recognizes that said laws do not regulate all uses of unmanned aircraft systems; and

WHEREAS: Council desires to establish regulations to prohibit certain uses of unmanned aircraft systems in any manner not already regulated by federal law that Council believes improperly compromises the privacy of the residents or unnecessarily exposes the city and its residents to property damage and injuries; and

WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton Part 6 General Offenses Code by creating a new Chapter 650 entitled Unmanned Aircraft Systems.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. The Codified Ordinances of the City of North Royalton Part 6 General Offenses Code is hereby amended by creating a new Chapter 650 entitled Unmanned Aircraft Systems which shall hereinafter read as follows:

**CHAPTER 650
UNMANNED AIRCRAFT SYSTEMS**

650.01 DEFINITIONS

- (a) "Unmanned Aircraft System" or "Drone" means any powered aerial vehicle that:
 - (1) Does not carry a human operator;
 - (2) Uses aerodynamic forces to provide vehicle lift;
 - (3) Flies autonomously or be piloted remotely;
 - (4) May be expendable or recoverable; and
 - (5) May carry a lethal or nonlethal payload.
- (b) "Image" means a record of thermal, infrared, ultraviolet, visible light, or other electromagnetic waves; sound waves; odors; or other physical phenomena which captures conditions existing on or about real property or an individual located on that property.
- (c) "Imaging device" means a mechanical, digital, or electronic viewing device; still camera; camcorder; motion picture camera; or any other instrument, equipment, or format capable of recording, storing, or transmitting an image.
- (d) "Law enforcement agency" means a lawfully established state or local public agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws.

650.02 PROHIBITED USES

- (a) Unless authorized by the Safety Director, no person shall operate an unmanned aircraft system in the airspace above or adjacent to any public park, school, municipal building, or any other property owned or used by the city, the school district, any provider of public utilities, or any other public entity.
- (b) No person shall use an unmanned aircraft system to record an image of any city owned property or any privately owned real property or of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance on the individual or property captured in the image in violation of such person's reasonable expectation of privacy without his or her written consent. For the purposes of this section, a person is presumed to have a reasonable expectation of privacy on his or her privately owned real property if he or she is not observable by persons located at ground level in a place where they otherwise have a legal right to be, regardless of whether he or she is observable from the air with the use of an unmanned aircraft system.

ORDINANCE NO. 17-03

INTRODUCED BY: Marnecheck, Nickell, Kasaris
 Co-Sponsor: Langshaw

AN ORDINANCE ACCEPTING THE BID OF FRESCH ELECTRIC, INC. FOR THE NORTH ROYALTON
 WASTEWATER TREATMENT PLANT B STANDBY GENERATOR REPLACEMENT PROJECT FOR
 AN AMOUNT NOT TO EXCEED \$197,103.50 AS THE LOWEST AND BEST BID,
 AND DECLARING AN EMERGENCY

WHEREAS: The City of North Royalton has advertised for bids for the North Royalton Wastewater Treatment Plant B Standby Generator Replacement Project; and

WHEREAS: It has been determined that the bid of Fresch Electric, Inc. for an amount not to exceed \$197,103.50 is the lowest and best bid; and

WHEREAS: Council desires to accept this bid.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Council hereby accepts the bid of Fresch Electric, Inc. for the North Royalton Wastewater Treatment Plant B Standby Generator Replacement Project for an amount not to exceed \$197,103.50 as the lowest and best bid as outlined in Exhibit A attached hereto and incorporated as if fully rewritten.

Section 2. The Mayor is hereby authorized to enter into a contract with Fresch Electric, Inc. in a form approved by the Director of Law.

Section 3. The Wastewater Superintendent is hereby authorized and directed to forward a certified copy of this Ordinance to Fresch Electric, Inc. and all certified checks and bonds are hereby authorized to be returned to the unsuccessful bidders.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to accept the bid of Fresch Electric, Inc. for the North Royalton Wastewater Treatment Plant B Standby Generator Replacement Project so that this work may commence.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

 PRESIDENT OF COUNCIL APPROVED: _____
 MAYOR

DATE PASSED: _____ DATE APPROVED: _____

ATTEST: _____
 DIRECTOR OF LEGISLATIVE SERVICES

YEAS:

NAYS:

6055 Rockside Woods Boulevard
Suite 350
Independence, Ohio 44131
Tel: 216-606-1300
Fax: 216-606-1350
www.browncaldwell.com



Novmeber 11, 2016

Mr. David McNeeley
Superintendent
The City of North Royalton
11675 Royalton Road
North Royalton, Ohio 44133

BC Project 148982

Subject: North Royalton Treatment Plant B Generator Replacement
Bid Evaluation

Dear Mr. McNeeley:

The City of North Royalton received eight (8) sealed bids for the above referenced project on October 12, 2016 which were opened and read publicly. A summary of the bids received, listed from apparent lowest to highest bid is as follows:

Table 1. Bid Totals	
Bidder	Apparent Total Bid
Fresch Electric, Inc.	\$197,103.50
North Bay Construction, Inc.	\$200,973.00
Penn Ohio Electrical Company	\$202,070.00
G&B Electric Corp.	\$218,284.00
Bay Mechanical and Electric	\$223,410.00
Zeinth Systems, LLC	\$264,165.00
B&J Electric of Poland, Inc.	\$352,508.20
Industrial First, Inc.	\$361,900.00

Based on the bid total amounts shown on the bid packages, the apparent low bidder was Fresch Electric, Inc. with a bid of \$197,103.50.

Brown and Caldwell evaluated the entire bid package for Fresch Electric, North Bay Construction, and Penn Ohio Electrical.

The Engineer's Estimate was \$306,955.00 which is approximately 22% higher than the average \$252,551.00 total bid amount of all the bids received. The total Bid amount offered by Fresch Electric is approximately 2% below the next lowest bid. The highest bid was approximately 18% higher than the Engineer's Estimate.

Mr. McNeeley
City of North Royalton
November 11, 2016
Page 2

Based on our review of the bid packages that were submitted, Fresch Electric's Bid (the apparent low bidder) generally conforms to the requirements stated in the Contract Documents. Fresch Electric has a current State Contractor's License and has been in business for over 40 years. Brown and Caldwell recommends awarding North Royalton Plant B Standby Generator Replacement Contract to Fresch Electric.

Please contact us should you have any questions or require any further assistance.

Very truly yours,

Brown and Caldwell

A handwritten signature in black ink, appearing to read "Jeffrey Flack". The signature is stylized with a large, circular flourish at the end.

Jeffrey Flack
Construction Manager

cc: A. Blanc
T. Ashforth

ARTICLE 1 – BID RECIPIENT

1.01 This Bid is submitted to:

City of North Royalton

1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER'S ACKNOWLEDGEMENTS

2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 60 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents that:

A. Bidder has examined and carefully studied the Bidding Documents, and any data and reference items identified in the Bidding Documents, and hereby acknowledges receipt of the following Addenda:

<u>Addendum No.</u>	<u>Addendum, Date</u>
<u>1</u>	<u>10/7/16</u>
_____	_____
_____	_____
_____	_____

- B. Bidder has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and satisfied itself as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Bidder is familiar with and has satisfied itself as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and any Site-related reports and drawings identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder; and (3) Bidder's safety precautions and programs.
- E. Bidder agrees, based on the information and observations referred to in the preceding paragraph, that no further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.

- F. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as Indicated in the Bidding Documents.
- G. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and confirms that the written resolution thereof by Engineer is acceptable to Bidder.
- H. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance and furnishing of the Work.
- I. The submission of this Bid constitutes an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article, and that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.

ARTICLE 4 – BIDDER’S CERTIFICATION

4.01 Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:
 - 1. “corrupt practice” means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process;
 - 2. “fraudulent practice” means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
 - 3. “collusive practice” means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
 - 4. “coercive practice” means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

ARTICLE 5 – BASIS OF BID

- 5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s). Contingency allowance shall be ten percent (10%) of the amount of all lump sums:

Lump Sum Bid Price	\$179,185.00
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(2)

Sub - Total of All Lump Sums	\$	<u>179,185.00</u>
10% Contingency Allowance	\$	<u>17,918.50</u>
Total Bid Price	\$	<u>197,103.50</u>

ARTICLE 6 - TIME OF COMPLETION

- 6.01 Bidder agrees that the Work will be substantially complete on or before XXXX, 2017, and will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before XXXX, 2017.
- 6.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 7 - ATTACHMENTS TO THIS BID

- 7.01 The following documents are submitted with and made a condition of this Bid:
- A. Required Bid security;
 - B. Evidence of authority to do business in the state of the Project; or a written covenant to obtain such license within the time for acceptance of Bids;
 - C. Contractor's License No.: 12146 [or] Evidence of Bidder's ability to obtain a State Contractor's License and a covenant by Bidder to obtain said license within the time for acceptance of Bids;
 - D. Required Bidder Qualification Statement with supporting data; and

ARTICLE 8 - DEFINED TERMS

- 8.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 9 - BID SUBMITTAL

BIDDER: [Indicate correct name of bidding entity]

FRESCH ELECTRIC INC

By: Don Fresch
 [Signature]

[Printed name] DAN FRESCH, PRESIDENT
(If Bidder is a corporation, a limited liability company, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest: Dan Fresch
[Signature]

[Printed name] DAN FRESCH

Title: PRESIDENT

Submittal Date: 10/12/16

Address for giving notices:

FRESCH ELECTRIC INC
1414 Milan RD
SANDUSKY, OHIO 44870

Telephone Number: 419-626-2535

Fax Number: 419-626-2537

Contact Name and e-mail address: Dan Fresch
FRESCH ELECTRIC@ATT.NET

Bidder's License No.: STATE OF OHIO - 12145
(where applicable)

NOTE TO USER: Use in those states or other jurisdictions where applicable or required.

4