



SHAKER HEIGHTS

Safety and Public Works Committee Minutes Friday, February 1, 2019, 8 AM City Hall Council Chambers

Members Present: Nancy Moore, Council Chair
Tres Roeder, Council Member
Juliana Senturia, Council Member
Anne Williams, Council Member
James Brady, Citizen Member
Austin McGuan, Citizen Member
James Brady, Citizen Member
David Weiss, Mayor
Jeri Chaikin, Chief Administrative Officer
Jeffrey DeMuth, Chief of Police
Christian Maier, Assistant Director of Public Works
Patrick Sweeney, Chief of Fire
William M. Ondrey Gruber, Director of Law
Paul Konvs, Building Commissioner

The meeting was called to order by Chair Moore at 8:00 AM.

* * * *

Approval of the January 4, 2019, Meeting Minutes

A motion was made to accept the January 4, 2019, minutes into record. There being only minor changes, a motion was made by Council Member Anne Williams and seconded by Council Member Julianna Senturia; motion carried.

* * * *

Amending Building, Fire and Contractor Registration Ordinances to Improve Contractor Regulation, Fire Protection and Regulation of Hot Works **William M. Ondrey Gruber, Director of Law**

Director William Gruber was introduced by Council Chair Moore. Director Gruber explained that as a result of the Fernway School fire last year, Mayor Weiss asked various City Department to look at the City's policies and ordinances to determine if improvements in regulation and procedure could be instituted to address concerns raised by the fire regarding the regulation of contractors, and in particular roofing contractors, and hot work performed by roofers and other contractors. He said that the Fire Department issued its fire investigation entitled: "The Origin and Cause Fire

Investigation Report.” The Department’s Fire Investigation Unit (FIU) conducted the investigation according to the Guidelines established by the National Fire Protection Association (NFPA), which is the association that writes standards for the safety industry. These standards have been adopted by the State of Ohio. Director Gruber added that the fire at Fernway School originated on the roof, where roofers had been working under contract with the Shaker Heights School District. The roofing contractors were doing “hot work”, which involved the use of torches in the application of asphalt roofing materials. The Fire Department’s report concluded that it was accidental and likely caused by the work being done by the roofers while doing hot work. The City has had similar work done by the same contractors, i.e. the Court and Police Department Building.

Director Gruber explained that the departments looked at what could be done to prevent this type of accident from happening again. The focus of the new regulations is “Hot Work,” which is any process involving flame, spark, or heat production including cutting and burning, welding, soldering, heat treating, grinding or chipping, drilling or tapping, and torch-applied roofing. 80% of contractors that obtain permits from the City do some type of hot work. However, nationally, welding, torch cutting and/or roof torches are the cause of the large majority of fires from hot work. Mr. Gruber stated that the working group determined that to ban Hot Work within the City would be impractical, and no other community or county within the State of Ohio has enacted a ban. While other cities have laws regarding hot work permits, enforcement is very spotty.

The Law Department, Fire Department and the Building and Housing Department are recommending the following:

- Requiring contractor training for Hot Work involving the use of welding, torch cutting and/or roof torches.
- Requiring Hot Work permits for these activities, as well as inspections and formal Fire Watches as directed by the Fire Chief.
- Encouraging contractor education and training regarding Hot Work when performed by plumbers, electricians, and other contractors using the method of soldering, heat treating, burners, etc. (i.e. other than for welding, cutting and roofing).

Hot Work training will also be provided for all City firefighters and Building Inspectors, and for certain other inspectors and City personnel in the Public Works and Recreation Departments who conduct maintenance work and/or oversee contractors in doing tasks that may involve Hot Work of some sort. The Board of Education will be invited to participate in such training and education. Also, the City will provide public education and information about Hot Work, including about how it is commonly used by various contractors, and what questions residents, businesses, and institutions should ask contractors about the use of Hot Work, and what training the contractor and its employees have undergone, and what safety precautions the contractor employs. Simplified online training exercises will be provided by links for contractors and homeowners for safe use of tools that can create fire hazards. We will be the first City in Ohio that requires training for Hot Work.

In addition, the Law Department, Fire Department and Building and Housing Department are asking the Safety and Public Works Committee to recommend the following amendments to the City’s ordinances:

CONTRACTOR REGISTRATION – CHAPTER 547

- Changed to a Contractor “License”
- Hot Work:
 - Defines “Hot Work” as having the same definition as in the City’s Fire Code;
 - Requires a Contractor doing Hot Work to have a City issued License.
- Clarifies that a Contractor includes subcontractors, which must also be licensed.
- Updates the insurance requirements:
 - Current: \$100,000 per person, \$300,000 per occurrence, \$50,000 property damage;
 - New: \$500,000 per person, \$1 Million per occurrence, \$50,000 property and fire damage.
- Fee – no change (\$125)
- Adds Temporary License Fee for \$100 (explained below)
- Creates an enforcement procedure including:
 - Issuance of a Notice of Denial or Revocation of License:
 - if any false statement is made by the applicant,
 - if the Contractor fails to comply with the City Codes, or
 - as part of the sentencing phase of a criminal conviction related to code enforcement.
 - The Notice will order the suspension of work in the City
 - Contractor may appeal a Notice of Violation, Denial or Revocation to the City’s Board of Building Code Appeals (i.e. the Architectural Board of Review [ABR]).
 - During appeal the Contractor may apply for a Temporary License to
 - continue to operate
 - Contractor may request to continue working to complete any pending projects
 - The City’s Building Commissioner shall grant request if the customer wants the Contractor to complete the work, and if the work can be completed safely and correctly.
 - Contractor shall obtain a Temporary License
 - Contractor may submit a new application when:
 - Suspension Period has expired
 - Contractor has corrected any violations of the ordinances, and
 - \$200 – 1st offense
 - \$300 – 2nd offense
 - \$500 – 3rd offense

FIRE CODE – Title 9

- Defines Hot Work the same as under NFPA Rule 51B—but ONLY when a person is using a welding, cutting and/or roof torch
- Requires a Hot Work permit – with proof of training
- Fee for Hot Work - \$25 (same as current)

BUILDING CODE

- Provides that no building permit shall be issued for Hot Work, until a copy of the Hot Work Permit issued by the Fire Department has been provided to Building. Any Work performed without a Hot Work permit when it is required by the Fire Code shall be considered a violation of the Building Code.

Director Gruber stated that the above is an overview and he and Commission Konvs can assist with any questions.

Chief of Fire Sweeney stated the Department would much rather prevent a fire than respond to one. There are always lessons learned when putting out a fire. The purpose of these changes is to make it safe, not difficult to do work in the City. After the fire occurred on July 10, 2018, the members of the Department started investigating other cities in the country that had specific Hot Wire regulations and other types of processes that cause this type of fire. The City always had a Hot Works permit application, where a contractor would go to the Fire Department, i.e. put a roof on. This would initiate a visit by the Fire Department to the site where the contractor would be working. Regarding the Fernway fire, the contractor obtained a Building Permit, but not a Hot Work permit from Fire. Therefore, it was evident that new regulations are needed. All of the communities in Cuyahoga County were surveyed and the State Fire Marshall was contacted. It was learned that by creating testing and enforceable permitting requirements in Shaker we are stepping out of the box. There were no good examples in Ohio. We reached out to New York, Baltimore, Chicago and Boston. We found that Boston was ahead of any City in the country due to a fire on Beacon Street eight years ago due to Hot Work. They took action to come up with regulations and they worked with the NFPA to develop them. These regulations required all contractors doing any Hot Work processes to complete an online training program developed by the NFPA (it takes one hour, 15 minutes). It has been so successful that Massachusetts instituted it at state level so that any contractor within the State must complete the training. The requirements were initiated on July 1, 2018, and are fairly new, but extremely successful. We looked at initiating the same in Shaker Heights. We do not want to “handcuff” contractors working in the community, e.g. require permits and training for a contractor to perform a water tank installation. Building and Housing Director Kyle Krewson focused on the fires across the country that caused the majority of deaths/fires. Therefore, we focused on regulating only hot work involved in welding, cutting and roof torches. Consequently, any contractor performing those processes must take the online training and demonstrate that they have completed it. Prior to the Building Permit being issued, the contractor will need a permit from the Fire Department confirming that the training took place. After this, the Building Department can release the Building Permit to complete the requested work. After the Building Permit is issued the Hot Work permit will be issued on site as the contractor is required to contact the Fire Department, which will send the Fire Prevention Officer to the building site to inspect for proper protocols and safety equipment, and then the Hot Works permit will be issued. It will hopefully be a policy that other cities will emulate. In the future these regulations will be sent to every fire bureau in Cuyahoga County along with the State Fire Marshall.

Chair Moore stated that this has been a multiple department effort. In the interest of time, with these two offered explanations and focus on projected ordinance changes, that would be very helpful.

Director Gruber interjected that after reviewing all of the information, please do not hesitate to contact him or the Building Commissioner with ideas.

Chief Administrative Officer stated that this will be taken to Council's public work session in February and then it will be on Council's Agenda in March.

(For additional discussion, please refer to the Audio version of the meeting.)

Chair Moore indicated that we are currently looking for a recommendation of these ordinance changes to Council. A motion was made by Council Member Anne Williams and seconded by James Brady; motion was carried.

* * * *

**Request to enter into an Agreement with GPD Group for Consulting Services on
Huntington Road (V1BX) SSO Project**
Christian Maier, Assistant Director of Public Works

Assistant Director of Public Works Christian Maier explained that in the fall of 2018, the City was awarded the Northeast Ohio Regional Sewer District's Member Community Infrastructure Program (MCIP) grant to mitigate the number of activations at the sanitary sewer overflows located at Huntington / Southington (VIBX). The project is estimated at \$850,000, but NEORS D will reimburse the City for 50% of the project cost. Public Works sent out for Request for Proposal (RFP) for engineering services and general scope of the work was for pipe rehabilitation and installing a new pipe downstream of the SSO, along with constructing a new structure. An RFP was distributed to six different consultants. One of the four had thought it would be, from an engineering standpoint, better if a full replacement of the sanitary line from the upside at Onaway, Southington to S. Woodland. This changed the entire scope of work, but remains within the confines of the budget. We wanted to give the other consultants the opportunity to submit a new proposal with a project approach that would be similar. Therefore, the scope of work was revised. Public Works received four proposals on December 19, 2018. After reviewing the supplemental proposals and based on the criteria outlined in the memorandum, i.e. technical approach, project team experience, firm's project experience, it was GPD Group that had the most understanding of what the project encompassed. Assistant Director Maier further stated that that a supplemental RFP was not done before; however, it is interesting to see how the different consultants' approaches were, i.e. pros and cons. As far as Public Works was concerned it was very educational. When we reviewed the proposals, GPD stood out with the understanding of what the intent was and how to maximize the dollars that will be received in grant money from the NEORS D and to be able to stay within budget. GPD has a familiarity with working with the City and they assisted with putting the grant together. GPD also went to look at the site and they looked at a lot of the existing data which is a tremendous help. In addition, the Public Works Department has a solid relationship with GPD as they have helped us with three different sewer projects and there is a comfort level with their team. With that being said, Public Works is recommending GPD based on their understanding of the project, proposed project team and technical approach. We request to enter into a contract with the GPD Group for consulting services for the Huntington SSO (VA9) project in the amount of \$63,311 so that the City can

proceed with this much needed improvement. NEORSD will reimburse the City for 50% of the cost which is \$31,655.50.

Chair Moore thanked Assistant Director Maier for the thorough explanation and asked why the process puts a blindfold on Public Works as far as fees?

Assistant Director responded that the Public Works Department wants to be able to judge the proposal on technical approach, project team and the firm's experience. We do not wish to use the money as a catalyst of why we want to enter into a contract. We want to enter into an agreement with a consultant that will be best suited for the particular project.

Chair Moore stated that your particular role vis-à-vis is if a contractor comes out ahead in that process is to negotiate a fee. Is that correct?

Assistant Director Maier stated that we view it slightly different. When we request a proposal, the consultant provides two different packages: 1) The technical proposal; and the other is 2) A fee proposal. The fee proposal is not opened until we read the technical. When we look at the numbers after the scoring was completed, GPD Group was roughly \$30,000 less than the other proposals. That seemed to be a fairly reasonable fee and we did not believe it was necessary to negotiate lower.

Council Member Williams asked if there was a timeline on the work to be completed.

Assistant Director explained that right now it is very conceptual, but as soon as an agreement is entered into, we are hoping to be in construction mid to late summer if everything falls into place. There is one caveat and that is we have no control over the NEORSD reviewing the drawings. They have 30 days to review them. Based on prior experience on Fernway, they were pretty hands off, but we do not know if that will be the same case. The key is to minimize inconvenience to Huntington residents.

(For further discussion, please refer to the audio recording of the meeting.)

There being no further discussion and/or questions, Chair Moore asked if she could have a recommendation to move forward with the GPD Group Agreement. Council Member Williams moved for approval and it was seconded by Council Member Tres Roeder; motion carried.

* * * *

Request to purchase Vactor Trailer
Christian Maier, Assistant Director of Public Works

Chair Moore stated that this presentation is for the purchase of a Vactor Trailer.

Assistant Director Maier stated that this purchase relates to the amount of sewer work being done throughout the City. Throughout 2018, the Public Works Department was renting a vactor trailer from Jack Doheny Companies. The vactor trailer uses high pressure water jetters to clean sewer mains and laterals. The equipment is towed behind a work truck making transportation less laborious. Public Works has used this piece of equipment to augment the vactor truck and keep up with the many sewer maintenance

needs of the City. The vactor trailer has been pivotal in our cleaning and inspection for work performed in the northeast quadrant and various SSO projects. The rental cost of the vactor trailer has been offset with grants received by the Northeast Ohio Regional Sewer District and from capital funds for the northeast quadrant. Jack Doheny Companies offered to sell the vactor trailer we rented throughout the year. Their cost to purchase it was \$98,500. The price of this piece of equipment, by itself, is \$70,000. What Jack Doheny Companies offered was to provide one-half of what we paid throughout the year in rental fees and apply that to the purchase of this piece of equipment. When all is said and done, the purchase price will end up being \$38,000. The reason Public Works would like to purchase this piece of equipment is because it makes more financial sense than renting it. For example when we view the amount of work that we have scheduled in 2019 relating to sewers, it will pay for itself in the long run. In addition Public Works employees are very familiar with how this piece of machinery works. That said, Public Works did not venture out to look at other vendors. Therefore, we are requesting that City Council waive the competitive bidding process, in the amount of \$38,000, to purchase this much needed piece of equipment from Jack Doheny Companies. Payment would come from existing sewer project funds. The Law Director has indicated that a purchase which is only available from one source may be exempted from competitive bidding by City Council and awarded as a sole source. Due to the fact that the City has already leased this equipment and now wishes to purchase it as a used piece of equipment that is already in the City's possession, and with which the City has had extensive experience, there is no other similar equipment in the same circumstance.

(For further committee discussion, please refer to the audio recording of this meeting.)

It is requested that the Committee recommend to Council that council authorize the purchase of the Vactor Trailer in the amount of \$38,000 from Jack Doheny Companies.

Chair Moore stated that what we are hoping for is a recommendation from the Committee to Council to authorize the purchase of the Vactor Trailer as a sole source bid in the amount of \$38,000 from Jack Doheny Companies.

A motion was made by Council Member Williams and seconded by Citizen Member Brady; motion carried.

*

*

*

*

(Recent waterline breaks were discussed and can be heard on the audio recording of these minutes.)

There being no further business, the meeting was adjourned at 8:58 AM.

The next meeting will be held on March 1, 2019, at 8:00 AM, Council Chambers. .

Debra R. Messing, Sr. Administrative Assistant
Safety and Public Works Committee