

CITY OF ROCKY RIVER

October 28, 2019

The Regular Meeting of Council was called to order by Mr. Moran, President of Council at 7:00 p.m. in the David J. Cook Council Chambers.

Council Members Present: Mr. Hunt, Mr. Shepherd, Mr. O'Donnell, Mr. Furry,
Mr. Sindelar, Mr. Klym, Mr. Moran

Administration: Mayor Bobst, Mrs. Costello, Mr. Thomas

Law Director: Mr. Bemer

The meeting was opened with the Pledge of Allegiance.

MOTION:

Moved by Mr. Moran, seconded by Mr. O'Donnell that the reading of the minutes of the Legislative Meeting of October 14th and the Committee-of-the-Whole Meeting of October 21st be waived and that the minutes be accepted as submitted.

Vote: Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
Sindelar – aye	Klym – aye	Moran – aye	
7 ayes		0 nays	PASSED

MAYOR'S REPORT:

The Mayor reported that NOACA awarded funding for the Wooster Road Rehabilitation Project, from Center Ridge Road to the city line of Fairview Park. The total award is \$1,025,000 to the City of Rocky River. A big thank you is extended to NOACA. Additionally, the Ohio Department of Transportation awarded the city an estimated amount of \$300,000. This is an 80/20 grant like Detroit and Wooster Roads. This is part of ODOT's Urban Paving Program and the marginals off Lake Road will be repaved. Both of these projects are slated for 2021-2022.

- Councilman Klym asked for clarification on what marginals will be repaved. These are the ramps off Lake Road by Clifton, but are the north and south marginal. One marginal is eastbound, takes vehicles by the Westlake Hotel, and under the train trestle and the other takes vehicles from Beachcliff to Lake Road.

The Mayor, Director Costello, Service Commissioner Rich Snyder and Steven Elek, the head of Refuse and Recycling, met with three representatives from Republic Refuse and Recycling today. There will be increases in cost for recycling to \$100 a ton and the landfill refuse will be increased to approximately \$55 a ton. Additional discussions will continue regarding the additional contamination charges the city is receiving. The administration will visit the site to see what is happening. Information will be sent out regarding what can be recycled and what contamination means. The blue bag is considered a contaminate, peanut butter jars with peanut butter still in them and pop bottles with pop still in the bottle, etc. The total cost with the contamination fees included, is almost \$165 a ton. "Reduce and Reuse" will be the message regarding recycling.

The Mayor met with Councilman O'Donnell and President Moran prior to this meeting to discuss the schedule regarding the 2020 Budget. The budget will be in Council's packets prior to the Council Meeting scheduled for Tuesday, November 12th, in honor of Veteran's Day.

The Senior Center is holding their Craft and Quilt Show this Friday and Saturday. The Senior Center has received the new Senior Center van to be used for residents.

- Councilman Furry asked about the date for the recycling meeting. The Mayor said it would be after the first of the year.
- Councilman Furry asked about the contamination fee and how is it separated from other cities. The Mayor explained that Rocky River is one of three communities that use this landfill. About 90% of the landfill is Republic's own hauling. Elyria, Oberlin and Rocky River use the rest of the area. Rocky River dumps in a specified area and Republic inspects a sampling of a few hundred pounds and reviews it. If there is anything contaminated in the sampling, the entire load is deemed contaminated. The Mayor will be talking about this methodology with Republic. The city will also sponsor a Town Hall Meeting in the New Year to discuss the issues of refuse and recycling and the absence of markets that can utilize this material. This is a very large and expensive problem for the city. Fabric and textiles are being included in recyclables. These items need to be placed in the orange bag for Simply Recycling. About 35% of the recyclables are contaminated and they are thrown in the landfill.
- Councilman Klym asked for percentages regarding the tonnage sent, percentage of deemed recyclables and the contamination rate. Director Costello will forward this information to Council.
- Councilman Shepherd asked if there is any way to check if things are actually being recycled. The Mayor stated that Republic has an incentive to recycle. Republic does have some markets for some of the material. Some materials Republic pays to have taken and others Republic makes a small amount of money on. The message that the administration heard is that Republic does not want the city to suspend the recycling programs. The biggest reason for Republic is that they are allowed to build-up their landfill in Oberlin. There is not enough room for all the material, so would not want it in the landfill because it is bulky and they run out of room. Director Costello said that Republic has invested \$13,000,000 in upgrades and she has visited the site. It is operating and they are recycling tin cans, paper, cardboard, etc. There is a balance that needs to be struck by the things that do not have a strong market and the cost to pay a hauler to take elsewhere.
- The Mayor stated that Republic knows this has been confusing and they do not want to add more confusion and tell residents not to recycle. The Mayor said there are innovators that are working on interesting things like single streaming that takes material and delivers it right to a manufacturer.
- Councilman Moran asked about glass bottles and is there something the city could do internally to remove the glass from the tonnage of recycling. The Mayor said that would be in line with single streaming and right now the glass is shipped to Pennsylvania.
- Councilman Shepherd asked if there was a professional consultant in this field. The Mayor said that the city has a very good consultant, Diane Bickett, Executive Director of the Solid Waste District. The Mayor has outlines of every contract of every hauler in every community in this county and where the material goes, what they are paying and how it is picked up. Diane is extremely knowledgeable about where the material can go and where it cannot go.

- The city workers are looking at the recyclables three times before it goes into the recyclables. If there is something in the bag, that bag does go into the trash. Director Costello said that if possible, the contaminate is removed from the bag. Every community in the nation has this issue.

LAW DIRECTOR'S REPORT: Law Director Bemer emailed a summary of the Development Code, Title 11 to all of Council. This is an insight into the thoughts of potential revisions that will be discussed with the County Planning Commission at 6:00 p.m. tomorrow evening. The Mayor added that the County Planning Commission's agenda is to present where we have been, why this is being done, background of the process, the survey and where we are going from here.

COMMITTEE REPORTS: Planning, Zoning and Economic Development: President Moran said that there is a meeting tomorrow evening at 6:00 p.m. for Council and other invited committees.

Finance Committee: Mr. O'Donnell said that he discussed the timeline for the Finance Committee this evening. The Budgets should be at Council's desks on Tuesday, November 12th. The budget's first read will be on November 12th and read for a second time on November 25th. This will give Council two to three weeks to set up meetings with Directors to discuss the budget. The Finance Committee will meet on Friday, December 6th at 8:00 a.m. for full discussion of the budget, with passage on December 9th. If there are questions or issues with this timing, please let Mr. O'Donnell know.

Mr. Thomas will schedule a Public Hearing on November 25th regarding the budget, beginning at 7:00 p.m.

COMMUNICATIONS AND ANNOUNCEMENTS: NONE

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 71-19

BY: MICHAEL P. O'DONNELL

**AN ORDINANCE PURSUANT TO CITY OF ROCKY RIVER, CODIFIED ORDINANCES, SECTION 133.04, ESTABLISHING A SPECIAL PROJECT DESIGNATION FOR THE CITY OF ROCKY RIVER NEW POLICE STATION PROJECT
3rd READING**

Mr. O'Donnell stated that this has been discussed for over a month with no questions. This ordinance is required so that any investment earnings received as proceeds of the debt issuance for purposes of funding the new police department will go into a Special Projects Fund so that money can be used for the purpose of building the new police department. If this is not established, that money will go into the General Fund, and the money would have to be re-allocated separately at that time. Mr. O'Donnell thinks it is common sense to have any proceeds from the debt issuance go to the project. Mr. O'Donnell moved for passage, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
	Sindelar – aye	Klym – aye	Moran – aye	
	7 ayes		0 nays	

PASSED

ORDINANCE NO. 72-19

BY: THOMAS J. HUNT

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT BETWEEN THE CUYAHOGA COUNTY AND THE CITY OF ROCKY RIVER REGARDING THE ESTABLISHMENT OF THE CITY'S TEMPORARY PUBLIC SAFETY ANSWERING POINT (PSAP), ATTACHED HERETO AS EXHIBIT A
3rd READING**

This has been discussed for a few weeks with no questions or comments from Council. Mr. Hunt said that Exhibit A is the contract proposing the city enter into this agreement for a call center for an emergency telephone number for first responders and dispatching services (PSAP). Mr. Hunt said that it is a \$3,500 fee each time there is a relocation of a workstation so over the course of two years the cost will be \$7,000. This is an intergovernmental contract so is before Council. Mr. Hunt moved for passage Ordinance No. 72-19, seconded by Mr. Furry and Mr. O'Donnell.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
	Sindelar – aye	Klym – aye	Moran – aye	
	7 ayes		0 nays	PASSED

ORDINANCE NO. 73-19

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2019 FORD F-550 PICK-UP TRUCK WITH BONNELL PLOW FOR THE SERVICE DIVISION UNDER THE OHIO DEPARTMENT OF TRANSPORTATION'S (ODOT) COOPERATIVE PURCHASING PROGRAM FROM VALLEY FORD TRUCK, INC., AT A COST NOT TO EXCEED \$87,075.23

2nd READING

Mr. Sindelar said that this ordinance authorizing the administration to purchase a new 2019 Ford F-550 Pick-Up truck, which will be outfitted with a Bonnell stainless steel plow package. This will replace a 1999 pick-up truck that can no longer be used with repairable body issues. This will also be used to pick up large brush in the off seasons. This will have one more read.

ORDINANCE NO. 74-19

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE A 25 CUBIC YARD TRAILER MOUNTED SELF-CONTAINED VACUUM LEAF COLLECTOR FOR THE SERVICE DIVISION FROM BEST EQUIPMENT AT A TOTAL COST NOT TO EXCEED \$74,190.00

2nd READING

Mr. Sindelar said that this is an ordinance authorizing the purchase of a 25 Cubic Yard Trailer Mounted Self-Contained Vacuum Leaf Collector for the Service Division. Leaf pick-up season will begin on November 4th. This will have a diesel engine with more fuel efficiency, is self-contained, and will self-dump so nothing needs to be detached. This is an overall better system and better use of employee time. This will have one more read.

ORDINANCE NO. 75-19

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH PERRAM ELECTRIC, INC., FOR THE 2019 SAFE ROUTES TO SCHOOL (CUY-SRTS FY 2020) LAKEVIEW AVENUE/LAKEVIEW COURT PROJECT IN AN AMOUNT NOT TO EXCEED \$54,925.00

2nd READING

Mr. Shepherd said that this is for the improvement and slight relocation of the pedestrian crosswalk across Lakeview adjacent to the Middle School. Mr. Shepherd noticed that in Section II it states, the 2019 street repair program should be paid from the Capital Improvement Fund. Mr. Shepherd is asking if the specific project should be identified. Director Costello said it should be changed and this ordinance will be amended. This will be discussed more at next week's meeting.

ORDINANCE NO. 76-19**BY: THOMAS J. HUNT****AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SCHOOL RESOURCE OFFICER AGREEMENT WITH THE ROCKY RIVER CITY SCHOOL DISTRICT BOARD OF EDUCATION FOR THE 2019-2020 SCHOOL YEAR****2nd READING**

Mr. Hunt said this has been discussed for a few weeks. Mr. Hunt will defer discussion on this until next week but this will be the addition of a third SRO Officer for Kensington, Goldwood and Beach Pre-School and the memorandum proposed between the city and Rocky River School Board.

ORDINANCE NO. 77-19**BY: DAVID W. FURRY****AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY PLANNING COMMISSION FOR THE 2019 CUYAHOGA COUNTY HEALTHY URBAN TREE CANOPY GRANT, ATTACHED HERETO AS EXHIBIT "A"****2nd READING**

Mr. Furry said that this has been discussed the last few weeks. The Service Commissioner Rich Snyder applied and was awarded an Urban Site Analysis of Public Trees and Right-of-Ways Grant. These funds will further the inventory and planning efforts to advance the public tree investments. This grant is from the Cuyahoga County Planning Department and the award was in the amount \$25,075. This will have a third read and passage in two weeks.

NEW BUSINESS:**ORDINANCE NO. 78-19****BY: DAVID W. FURRY****AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH JAMES DIAZ TO PURCHASE SERVICES FOR THE REMOVAL OF DIGESTED SLUDGE CAKE FROM THE WASTEWATER TREATMENT PLANT AT A COST OF \$30.50 PER WET TON FOR 2020 AS FURTHER DESCRIBED IN EXHIBIT "A"****1st READING**

Mr. Furry will discuss this more at next week's Committee-of-the-Whole Meeting.

ORDINANCE NO. 79-19**BY: DAVID W. FURRY****AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH RUMPKE OF NORTHERN OHIO, INC., TO PURCHASE SERVICES FOR THE REMOVAL OF GRIT AND SCREENINGS FOR THE WASTEWATER TREATMENT PLANT AT \$36.00 PER CUBIC YARD FOR 2020 AS FURTHER DESCRIBED IN EXHIBIT "A"****1st READING**

Mr. Furry will discuss this more at next week's Committee-of-the-Whole Meeting.

ORDINANCE NO. 80-19**BY: DAVID W. FURRY****AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER AN AGREEMENT WITH RUMPKE OF NORTHERN OHIO, INC., FOR A PERIOD OF ONE YEAR FOR THE WINTER SEASON FOR THE REMOVAL OF DIGESTED SLUDGE CAKE TO A MUNICIPAL LANDFILL FOR THE WASTEWATER TREATMENT PLANT AT A COST OF \$42.87 FOR 2020 PER TON AS FURTHER DESCRIBED IN EXHIBIT "A"****1st READING**

Mr. Furry will discuss this more at next week's Committee-of-the-Whole Meeting.

ORDINANCE NO. 81-19

BY: DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW FOR ONE (1) YEAR THE PURCHASE OF SODIUM HYPOCHLORITE FOR THE WASTEWATER TREATMENT PLANT FROM BONDED CHEMICALS, INC. AT \$0.769 PER GALLON FOR THE YEAR 2020

1st READING

Mr. Furry will discuss this more at next week's Committee-of-the-Whole Meeting.

ORDINANCE NO. 82-19

BY: DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW FOR ONE (1) YEAR THE PURCHASE OF SODIUM BISULFITE FOR THE WASTEWATER TREATMENT PLANT FROM PVS CHEMICAL SOLUTIONS, INC. AT \$1.26 PER GALLON FOR THE YEAR 2020.

1st READING

Mr. Furry will discuss this more in-depth at next week's Committee-of-the-Whole Meeting.

MISCELLANEOUS BUSINESS: President Moran stated that two weeks from now is November 11th, also known as Veteran's Day. Council will hold their meeting on Tuesday, November 12th, in honor of Veteran's Day.

President Moran inquired about the Cottonwood and Hilliard Blvd. light and when it is blinking. Is it possible that there be an override for a resident needing to cross Hilliard by pushing a button to make the light stop blinking and turn red? There is concern about children crossing Hilliard/Cottonwood/Devon Hill on a blinking light. Director Costello will have the sign and signal lead supervisor look into it.

PUBLIC COMMENT: Mr. Harvey Yan, 23451 Wingedfoot Drive, Westlake, OH 44145 grew up in Rocky River Schools and his children attend Rocky River City Schools. Mr. Yan addressed Council tonight regarding an incident that happened last week after the Council meeting, an incident at the Recreation Center several months ago and in order to ask again for his recreation department membership to be reinstated. He acknowledged that his behavior could be considered strange due to some mental health issues. In fact, he said he tends to loiter after events and in restaurants.

Mr. Andy Bemer stated that he feels what Mr. Yan is saying is from the heart. Mr. Bemer told Mr. Yan, you are saying many self-effacing comments about yourself but unfortunately, your behavior is disruptive and concerning, and that is a problem. Mr. Bemer strongly encouraged Mr. Yan to talk to his Counselor. You have to adjust your behavior. Once a meeting is over or you are done at a restaurant, you must leave. This was not the first time. This summer, Prosecutor O'Shea saw you in the halls an hour after City Council was over. That is concerning. There is no other way of saying that and people start wondering about your intentions and behavior. Previously, a Recreation Center Employee was concerned because you followed her out into the parking lot at 10:30 at night. That upsets people and you have to understand that. That should be a singular point of counseling and you need to address it for yourself so you can move on and have a fruitful life with your children. Mr. Bemer said that the people at the Rec Department do not have the luxury of attending to someone who is disruptive to other individuals. The Recreation Department's focus is getting a good recreation program going and serving the community to the best of their ability. When someone is out of sync, it disrupts the entire program. Mr. Bemer's best advice to you is to engage an attorney, someone who is a legal representative to help you, but even more so, go to your counselor and tell them what has been going on with the city and what happened to you. If you are part of the Veterans Administration, please engage the VA with their expert

counselors. The Recreation Department does not want to engage you again and Law Director Bemer stands by the representatives of the city of the Recreation Department and will not reinstate your membership.

President Moran encouraged Mr. Yan to write to Council if he had anything else to address.

Mr. Bemer reiterated again to Mr. Yan to go and see his mental health counselor. This behavior cannot continue because you will continue to have problems whether you go to Westlake, Fairview or any other community. Mr. Bemer is giving Mr. Yan a word of advice that “this is your remedy and what you need to do”.

Councilman Shepherd stated that as a body, Council does not have authority over this. Council does not run the city. This is up to the administration.

Mr. Yan asked if he is allowed to continue coming to Council Meetings. Mr. Bemer stated that it is a public meeting and at this point, you have not been disruptive.

As there was no further business by members of Council, the meeting was adjourned at 8:03 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council