

CITY OF ROCKY RIVER

September 9, 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. Sindelar, Mr. Klym, Mr. Moran

Absent: Mr. Furry

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

Law Director: Mr. Bemmer

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 July 22nd, be waived and that the minutes be accepted as submitted.

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

Moved by Mr. Moran, seconded by Mr. O'Donnell that the reading of the minutes of the Special Meeting and the Committee-of-the-Whole Meeting of September 3rd be waived and that the minutes be accepted as submitted.

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

MAYOR'S REPORT:

The Mayor announced that the 9/11 Ceremony will be held this Wednesday at 8:30 a.m. in front of Memorial Hall. Thank you to Council President Moran for standing in for the Mayor. Reverend Chlebo will be in attendance along with Police Chief Stillman, Chief Lenart as well as other members of the safety forces and city staff. Thank you to Mike Balla and others for making this possible.

The eleventh Fall Arts Festival will be held this Saturday on Old Detroit Road from 10:00 a.m. – 4:00 p.m. Thank you to the Parks and Recreation Foundation, especially Terri Jones, the chairperson for the Arts Festival. This Festival raises significant funds for recreation projects around the city. Thank you also to the artists, merchants, service department and the several volunteers that help with set up and take down.

The Mayor discussed the Building Department Statistics through the end of August:

- 1,166 permits were issued which is down slightly from 1,200 permits pulled at this same time in 2018

- Total valuation however is \$33–34 million dollars in added valuation for both commercial and residential as compared to \$18,500,000 at this same time last year. There is more than \$22,000,000 in residential investment. The Mayor stated that things continue to look good regarding investment in the city.

The Morewood Sewer Project is completed. The streets crew is there doing interim paving and road repairs. The city is applying for DOPWIC Funds for the larger project. The work that has just been completed is critical for the success of the next project.

Congratulations to the Rocky River Senior Center Stars Team, won the Chair Volleyball Tournament of Champions this past Friday. Congratulations to all the teams that participated along with the staff members in all the Westshore Senior Centers that work together to put together fun and creative programs for the seniors.

The city is working on the Pavilion at Rocky River Park. The transfer of funds is being finalized from the Parks and Rec Foundation to the City. The Mayor asked Council to consider a Special Meeting for next week to read this legislation for a third time. If the transfer of funds is not complete, the Mayor will retract this request. Reading this legislation for a third time will allow the city crews to demolish the existing pavilion and begin the site prep work before leaf season begins.

LAW DIRECTOR'S REPORT: Mr. Bemer reported that he asked Building Commissioner Ray Reich to do a site visit on Bea Bubbly LLC at 19940 Ingersoll, the east end of Ingersoll. Mr. Bemer spoke with the owner, Hope Yantek this afternoon regarding her business model. Ms. Yantek plans on making deliveries. She will order beer and wine and individuals who are looking for delivery will call her and she will make the deliveries. Ms. Yantek contacted the Liquor Commission and was told that the C1 and C2 were the correct designation/classification for her type of business.

- Mr. Moran asked if this is located in the little building that was the shrimp store. Mr. Bemer is not sure. The site is very small.
- Mr. Sindelar asked why she needs a license if she is just delivering. Mr. Bemer said because she is selling beer and wine as carryout. She is not wholesaling but retailing.
- Mr. Klym mentioned that at the Chamber meeting it was someone's understanding that this may be a mobile bar on a bike. Mr. Bemer said this was not mentioned.
- Mr. Shepherd said that a mobile bar could not do that with this license. Some of the carryout stores do deliveries but you must sell on your premises.
- Mr. Bemer did not get the impression that this was a beer bike. Mr. Bemer will contact Ms. Yantek again and clarify her business model. An extension with the Ohio Division of Liquor Control will be requested.

COMMITTEE REPORTS: Mr. Moran said that there will be a Special Meeting next week beginning at 6:00 p.m. The Committee-of-the-Whole Meeting will immediately follow.

COMMUNICATIONS AND ANNOUNCEMENTS: NONE

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

RESOLUTION NO. 55-19

BY: MICHAEL P. O'DONNELL

A RESOLUTION ACCEPTING AMOUNTS AND RATES AS DETERMINED BY THE CUYAHOGA COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE CUYAHOGA COUNTY FISCAL OFFICER AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

3rd READING

Mr. O'Donnell stated that this has been discussed since July. There have not been any questions. This is an annual resolution for the millage of the city. Council will recall that this was on hold waiting for a change from the County. The County indicated that there would not be any change regarding the inside or outside millage. Mr. O'Donnell moved for passage, seconded by Mr. Hunt.

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

PASSED

RESOLUTION NO. 61-19

BY: JOHN B. SHEPHERD

AN EMERGENCY RESOLUTION SUPPORTING THE ESTABLISHMENT OF THE LAKE ERIE WATER TRAIL AS DESCRIBED IN EXHIBIT A
2nd READING

Mr. Shepherd said this is the ordinance where the city acknowledges support in setting up a water trail, which will provide maps and signage to launch watercraft and an educational component. This will be discussed at one more meeting and hopefully passed on the third read.

ORDINANCE NO. 62-19

BY: BRIAN J. SINDELAR

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO AUTHORIZE A CONTRACT FOR ONE (1) YEAR FOR THE PURCHASE OF JANITORIAL SUPPLIES FOR THE CITY OF ROCKY RIVER FROM OHIO VALLEY SUPPLY AND MAINTENANCE CO. AT A COST NOT TO EXCEED \$55,000.00

2nd READING

Mr. Sindelar stated that this is literally the annual housekeeping ordinance. Ohio Valley Supply and Maintenance Co. has been the city's preferred supplier for years and were the lowest and best bid. Mr. Sindelar has not had any questions regarding this legislation.

ORDINANCE NO. 65-19

BY: CHRISTOPHER J. KLYM

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH THE PROTOUCH GROUNDCAPES LLC FOR THE ROCKY RIVER PARK PAVILION, IN AN AMOUNT NOT TO EXCEED \$175,500.00

2nd READING

Mr. Klym stated that this was discussed in length at last week's Special Meeting. This is a \$175,500.00 project, which includes the principal amounts plus a small amount for an alternate that deals with the wood to be used in the structure. The ProTouch Group has worked in surrounding communities and built a picnic structure at Grannis Park in Fairview Park. Mr. Klym highlighted that the city is working in conjunction with the Parks and Rec Foundation on transferring the funds to the city. In addition, the city will be tearing down the old structure and when the new structure is completed, the city will be installing the waterline and the electrical. This will be a team effort between the Parks and Rec Foundation and the city. Mr. Klym stated that there might be a Special

Meeting next week to pass this legislation. The Mayor added that the city would also be adding landscaping when the structure is completed.

NEW BUSINESS:

RESOLUTION NO. 63-19

BY: MICHAEL P. O'DONNELL

A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAXES HELD FROM THE PROCEEDS OF SPECIAL ASSESSMENTS FOR THE TAX YEAR 2019 PURSUANT TO THE OHIO REVISED CODE

1st READING

Mr. O'Donnell stated that this was discussed briefly last week. This is an annual ordinance requesting money from the County so the city can receive the money sooner. There have not been any questions regarding this ordinance.

RESOLUTION NO. 64-19

BY: MICHAEL P. O'DONNELL

A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAXES FROM THE PROCEEDS OF ALL TAX LEVIES FOR THE TAX YEAR 2019 PURSUANT TO THE OHIO REVISED CODE

1st READING

Mr. O'Donnell stated that this is almost an identical resolution to 63-19. The thought process is the same that the money be requested from the County so the city can receive the money sooner. This will be read as scheduled.

RESOLUTION NO. 66-19

BY: JOHN B. SHEPHERD

AN EMERGENCY RESOLUTION RATIFYING THE MAYOR'S OR HER DESIGNEE'S APPLICATION TO PARTICIPATE IN OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION PROGRAM(S) FOR THE COLLIER ROAD / OAK ROAD / MOREWOOD PARKWAY (FROM WAGAR TO RAILROAD TRACKS) STORM AND SANITARY IMPROVEMENT PROJECT AND TO EXECUTE CONTRACTS AS REQUIRED

1st READING

Mr. Shepherd stated that this is an important piece of a major sewer project. The sewers will be redone eliminating the inverted sewers to include curbs, catch basins, driveway aprons, and sidewalks when necessary. The total project will be \$7.886 million. This piece of it will be requesting DOPWIC funding for \$4,399,000 in zero interest loan funding. This project already has approved Cleveland Water Funding for new waterlines of \$1,121,000 and the city will match \$2,365,000, which brings it up to the total project cost. This will have three full reads.

- Mr. Klym questioned the wording of Section 1. Mr. Klym would like the word application to participate added.
- Mr. Klym questioned the wording of Section 2. Mr. Klym would like to change the word ratify to authorized. Mr. Shepherd said that both sections will be amended.

Mr. Shepherd moved to amend Resolution No. 66-19 by implementing the changes just discussed, seconded by Mr. O'Donnell.

Vote: Hunt – aye
Sindelar – aye
6 ayes

Shepherd – aye
Klym – aye

O'Donnell - aye
Moran – aye
0 nays

PASSED

RESOLUTION NO. 67-19**BY: DAVID W. FURRY**

A RESOLUTION REQUESTING THAT THE CITY OF ROCKY RIVER APPLY FOR FINANCIAL ASSISTANCE FROM THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT PROGRAM FOR THE FUNDING OF THE ROCKY RIVER WASTEWATER TREATMENT PLANT FINAL CLARIFIER REHABILITATION PROJECT, AND DECLARING AN EMERGENCY

1st READING

Mr. Moran said that this is part of the long term Capital Improvement Program for the Clarifier Rehabilitation Project. Mr. Furry will discuss this further at next week's meeting.

- The Mayor added that each of the four communities will pass an identical resolution. The Management Committee has recommended the moving forward of the resolution and application.

ORDINANCE NO. 68-19**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH SPECIALIZED CONSTRUCTION, INC. FOR THE 2019 CRACK & JOINT SEALING PROGRAM IN AN AMOUNT NOT TO EXCEED \$85,600.00

1st READING

Mr. Shepherd said this is an annual ordinance. This went out to bid at a reduction from 8,400 gallons in 2018 to 8,000 gallons. The city received two bids and for the fourth year, Specialized Construction, Inc. was the winning bidder at \$85,600, which is substantially less than the next bid at \$130,400. The city has had good experience with Specialized Construction and their repair work has held up. The tentative streets that will be sealed are Lakeview (from Center Ridge Road to Westway), Hampton (from Center Ridge to Hilliard), Hilliard (Gasser to Lakeview), Westway (Northview to Wagar), Northview (the entire street), Elmwood (the entire street) and various other side streets that are subject to change.

- Mr. Hunt asked for Director Costello's rationale regarding the reduction in gallons. Director Costello said she noticed a trend in the pricing increasing and she did not want to exceed the engineer's estimate. This paving has been doing very well and this year she is taking a small step back, but feels it will be adequate.

ORDINANCE NO. 69-19**BY: BRIAN J. SINDELAR**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR THE SAFETY SERVICE DIRECTOR TO PURCHASE ONE (1) 2019 REFUSE WHITE GOODS TRUCK CHASSIS FOR THE SERVICE DIVISION UNDER THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING ACT FROM VALLEY FREIGHTLINER, INC. AT A COST NOT TO EXCEED \$77,906.00

1st READING

Mr. Sindelar said that the current truck is a 2002 and has body condition issues and a number of repairs on the lift needing to be done. This purchase will be for the chassis only and the bidding of a stainless steel body will be down the line.

- Mr. Klym asked if this was a packer. Director Costello stated that this is a dump truck with a special lift gate on the back. This truck is out every day picking up bulky items. The truck is used daily and in all kinds of weather.

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: Mr. Bill Welch, asked when the striping of Detroit Road would begin. Director Costello said it should be this month. The city has upgraded the street markings to the thermoplastic product that will last longer than paint.

As there was no further business by members of Council, the meeting was adjourned at 7:40 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council

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