

CITY OF ROCKY RIVER

October 25, 2021

The Regular Legislative 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,
Mrs. Morris, Mr. Klym, Mr. Moran

Administration: Mayor Bobst, Mr. Thomas, Mr. Snyder

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 11th be waived, and that the minutes be accepted as submitted.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - abstain
	Morris – aye	Klym – aye	Moran – aye	
	6 ayes	1 abstain	0 nays	PASSED

Moved by Mr. Moran, seconded by Mr. O'Donnell, that the reading of the minutes of the Committee-of-the-Whole Meeting on October 18th be waived, and that the minutes be accepted as submitted.

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

MAYOR'S REPORT:

The Mayor and the administration are currently reviewing the ward map boundaries due to the additional 1,500 residents. The ward map boundaries are completed by an individual municipality, subject to Council's review and approval. After approval, it will be sent to the Board of Elections where the maps will be populated with the precincts. The administration is still at the beginning stages, working with MacKay Engineering and Law Director Bemer. When completed, it will be forwarded to Council.

The Mayor stated that the Police Department tours continue. Additional dates have been added and will continue populating the registration system, as long as there is interest.

The indoor track replacement will begin on November 3rd. The replacement will take 1-2 weeks to complete. The cities of Westlake and Fairview Park have offered their track to Rocky River members.

The Mayor stated that all the equipment for Phase I of "Elle's Enchanted Forest" is installed with the poured-in-place rubber being installed within the next two weeks.

This Sunday the ice rink will host a "Spooky Skate" from 2:00–4:00 p.m. Participants are encouraged to wear costumes. There will be candy, games and fun Halloween music.

Also on Sunday, from 6:00-8:00 p.m., the city will have Trick-or-Treat. A ReadyNotify reminder will be forwarded to all residents this week.

On November 20th, the city will host a “Turkey Trot” for families from 10:00–1:00 p.m. There will be relays, face painting, and dancing along with a D.J. There will be many fun things for children and their families to do.

The Mayor has been meeting with the Directors regarding the budget and Council’s outline has been given to the Mayor with detail for the director’s individual budget. The Mayor anticipates the budget to be delivered to Council at the end of the first week of November.

- Councilwoman Morris asked where the “Turkey Trot” will be held. The Mayor replied at the Recreation Center including the trail on City Hall Campus. Residents interested in the “Turkey Trot” need to register
- Councilman O’Donnell asked what the timing is for the redrawing of the ward map. The Mayor said she spoke with the Board of Elections and they would like it by the beginning of December. The city received the information late and the Board of Elections will understand if the map arrives later than the beginning of December. The Mayor will keep City Council informed.
- President Moran commented that the current map has been the map for many years. The Mayor was under the understanding that the map was generated by the Board of Elections, but the city determines the ward boundaries. The last time it changed was twenty years ago. President Moran stated that within the next year there are three major changes that will be taking place that will affect Ward 1, 2 and 3 again.
 - Law Director Bemer mentioned that Brighton Chase did not exist ten years ago. The Mayor stated Brighton Chase is an additional 275 units.

The Mayor also added that Commissioner Ray Reich completed work for Council regarding habitable garage space including the definition of habitable space and whether dwelling space and habitable space is permitted. Mr. Reich also included the Land Use Commissions and their compensations for surrounding communities. The Land Use Commissions are all volunteer, except for one landscape designer and one architect in Fairview Park. The City of Rocky is the only city that pays their Commissions compared to the surrounding communities of Westlake, Fairview Park and Bay Village. This comparison was done before with the same results.

LAW DEPARTMENT: NONE

COMMITTEE REPORTS: Planning, Zoning and Economic Development: Councilwoman Morris reminded Council that the Planning Commission, BZA and Design Board are meeting to discuss Ordinance Nos. 71-21 and 73-21, which were referred by City Council. The meeting is this Wednesday and begins at 6:30 p.m. Please let Kate Straub know if you are planning on attending.

- President Moran said that more than half of Council is planning on attending.

Finance: Councilman O’Donnell said the Mayor mentioned that the Budget Books are underway. City Council is tentatively scheduled for a first read on the 2022 Budget on November 8th, a second read on November 22nd, a Finance Committee Meeting on December 3rd from 8:00 a.m.-12:30 p.m. and the third read as the process allows. Mr. O’Donnell reminded Council to contact their respective directors.

COMMUNICATIONS FROM COUNCIL: Councilwoman Morris forwarded Council a social media message regarding the Food Drive at the Recreation Center. Please share widely.

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 63-21

BY: MICHAEL P. O'DONNELL

Mr. O'Donnell stated that Council received a revised Exhibit A for this ordinance, detailing additional changes. Mr. O'Donnell moved to amend by substitution Ordinance 63-21, seconded by Mr. Furry.

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

PASSED

AMENDED ORDINANCE NO. 63-21

BY: MICHAEL P. O'DONNELL

**AN EMERGENCY ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021 AND TO AMEND AMENDED ORDINANCE NO. 95-20
3rd READING**

Mr. O'Donnell said this has been discussed the past month and a half. This is an amendment to the budget Ordinance No. 95-20. There have not been any questions on this ordinance. Mr. O'Donnell moved for passage of Amended Ordinance No. 63-21, seconded by Mr. Furry.

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

PASSED

RESOLUTION NO. 67-21

BY: MICHAEL P. O'DONNELL

**A RESOLUTION AUTHORIZING THE TRANSFER OF THE UNEXPENDED BALANCE OF THE COMMUNITY IMPACTS FUND (FUND NUMBER 250) IN THE AMOUNT OF \$3,311.75 TO THE GENERAL FUND AND ACKNOWLEDGING THE TERMINATION OF THE ACTIVITY FOR WHICH SAID COMMUNITY IMPACTS FUND WAS CREATED
3rd READING**

Mr. O'Donnell said this has been discussed for the last six weeks. The Community Impacts Fund was established for a particular purpose. All the funds were used for that purpose with an amount remaining. This resolution will transfer the unused balance of \$3,311.75 to the General Fund. Mr. O'Donnell has not had any questions and moved for passage of Resolution No. 67-21, seconded by Mr. Furry.

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

PASSED

ORDINANCE NO. 68-21

BY: CHRISTINA MORRIS

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER PERTAINING TO THE OHIO FIRE CODE, SECTION 1501.01 ENTITLED “ADOPTION”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
2nd READING**

Mrs. Morris stated that this ordinance would amend the code so that the fire code is automatically updated to the State of Ohio Fire Code. Mrs. Morris has not had any questions regarding this ordinance.

ORDINANCE NO. 69-21

BY: CHRISTINA MORRIS

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 903.04 ENTITLED “SIDEWALK, MATERIAL, WIDTH AND THICKNESS”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

2nd READING

Mrs. Morris stated this ordinance changes the gravel base under the sidewalk from 4 inches to 6 inches. This allows the trees to have a better root system without destroying the sidewalks. Mrs. Morris has not had any questions regarding this ordinance.

ORDINANCE NO. 70-21

BY: CHRISTINA MORRIS

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 1370 – PROPERTY MAINTENANCE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 1370.01 ENTITLED “DEFINITIONS”, SECTION 1370.10 ENTITLED “INTERIORS”, SECTION 1370.11 ENTITLED “PESTS”, AND SECTION 1370.13 ENTITLED “EXTERIOR AREAS”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

2nd READING

Mrs. Morris said this ordinance amends four sections:

1. It will update the property maintenance codes to be pulled from the most current edition of the International Property Maintenance Code;
2. Pest control to be the explicit responsibility of the building owner rather than the tenant;
3. It makes basement rooms conditional on exits;
4. It updates the stacking of firewood rules for safety reasons.

Mrs. Morris has not had any questions regarding this ordinance.

ORDINANCE NO. 71-21

BY: CHRISTINA MORRIS

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 905.03 ENTITLED “DRIVEWAY LOCATION AND WIDTH” AND SECTION 905.04 ENTITLED “DRIVEWAY APRON MATERIAL AND THICKNESS”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

ON HOLD

Mrs. Morris said this has been referred to the Planning Commission.

ORDINANCE NO. 72-21

BY: CHRISTINA MORRIS

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 1340 - SMOKE AND CARBON MONOXIDE (CO) DETECTOR REQUIREMENTS FOR LEASED AND RENTED PROPERTIES OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 1340.03 ENTITLED “STANDARDS FOR THE INSTALLATION OF CARBON MONOXIDE DETECTORS”, SECTION 1340.04 ENTITLED “STANDARDS FOR THE MAINTENANCE AND USE OF SMOKE AND CARBON MONOXIDE DETECTORS” AND SECTION 1340.05 ENTITLED “TAMPERING PROHIBITED” AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

2nd READING

Mrs. Morris said this ordinance brings the old code up to new standards and requires new construction, rentals and leases to have carbon monoxide and smoke detector alarms installed. Mrs. Morris has not had

any questions regarding this ordinance.

ORDINANCE NO. 73-21 **BY: CHRISTINA MORRIS**
AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER SECTION 1153.09 ENTITLED "HEIGHT REQUIREMENTS" AND SECTION 1153.15 ENTITLED "ACCESSORY USES AND STRUCTURES" REGARDING GARAGES, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
ON HOLD

Mrs. Morris said this has been referred to the Planning Commission.

ORDINANCE NO. 74-21 **BY: MICHAEL P. O'DONNELL**
AN EMERGENCY ORDINANCE AMENDING ORDINANCE 83-20 FOR POSITIONS AND FIXING OR ESTABLISHING THE ANNUAL SALARIES AND HOURLY RATES COMMENCING JANUARY 1, 2021 FOR THE APPOINTED EMPLOYEES IN THE SEVERAL DIVISIONS AND DEPARTMENTS OF THE CITY OF ROCKY RIVER
2nd READING

Mr. O'Donnell said this has been discussed a number of times and relates to the wages and salaries of the 2021 year and addresses the fact that there is a 27th pay for the employees of the city. This does not add any compensation for any positions. Council will receive an updated wage ordinance for 2022 later in the year, where salaries for Boards of Commissions will be addressed. Mr. O'Donnell anticipates seeking passage in two weeks.

ORDINANCE NO. 75-21 **BY: JOHN B. SHEPHERD**
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PUBLIC HEALTH SERVICE AGREEMENT FOR 2022 AND 2023 WITH THE CUYAHOGA COUNTY BOARD OF HEALTH FOR SERVICES TO THE CITY OF ROCKY RIVER AS FURTHER DESCRIBED IN EXHIBIT A
2nd READING

Mr. Shepherd said this has been discussed in detail but he would like to add that this is a form of regionalization and these health services provided by the Cuyahoga County Board of Health helps the city to fulfill their obligations under state law with reasonable rates.

NEW BUSINESS:

ORDINANCE NO. 76-21 **BY: DAVID W. FURRY**
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ROCKY RIVER AND HAZEN AND SAWYER FOR PROFESSIONAL CONSULTING SANITARY ENGINEERING SERVICES IN 2022 AND 2023 FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT (WWTP) IN AN AMOUNT NOT TO EXCEED \$187,100.00 AS FURTHER DESCRIBED IN EXHIBIT "A"
1st READING

Mr. Furry said this is for a consulting engineer and will be discussed more in depth at next week's Committee-of-the-Whole meeting.

ORDINANCE NO 77-21 **BY: DAVID W. FURRY**
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH PVS TECHNOLOGIES, INC. FOR THE PURCHASE

AND SUPPLY OF FERRIC CHLORIDE FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT AT A COST OF \$672.00 PER DRY TON FOR ONE (1) YEAR AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Furry stated that this is for the purchase of Ferric Chloride, a chemical needed for the operations of the plant. This will be discussed in more detail at next week's Committee-of-the-Whole Meeting.

ORDINANCE NO. 78-21

BY: DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH PVS CHEMICAL SOLUTIONS, INC., FOR THE PURCHASE AND SUPPLY OF SODIUM BISULFITE FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT AT A COST OF \$1.62 PER GALLON FOR ONE (1) YEAR AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Furry stated that this is for the purchase of Sodium Bisulfite, for the necessary operations of the WWTP. This will be discussed in more detail at next week's Committee-of-the-Whole Meeting.

ORDINANCE NO. 79-21

BY: DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH BONDED CHEMICALS, INC. FOR THE PURCHASE AND SUPPLY OF SODIUM HYPOCHLORITE FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT AT A COST OF \$1.30 PER GALLON FOR ONE (1) YEAR AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Furry stated that this is for the purchase of Sodium Hypochlorite, another chemical needed for the necessary operations of the WWTP. This will be discussed in more detail at next week's Committee-of-the-Whole Meeting.

ORDINANCE NO. 80-21

BY: DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY BOARD OF HEALTH AND THE CITY OF ROCKY RIVER FOR PHASE II STORMWATER SERVICES FOR 2022 AND 2023, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Furry stated that this is part of the NPDES Permit with the Ohio EPA and is necessary for operations at the WWTP. This will be discussed in more detail at next week's Committee-of-the-Whole Meeting.

ORDINANCE NO. 81-21

BY: DAVID W. FURRY

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO RENEW FOR (1) YEAR THE AGREEMENT WITH KIMBLE COMPANY FOR THE REMOVAL OF DIGESTED SLUDGE CAKE TO A LANDFILL FOR THE WASTEWATER TREATMENT PLANT AT A COST OF \$46.47 PER TON, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Furry stated that this will be discussed in more detail at next week's Committee-of-the-Whole Meeting.

ORDINANCE NO. 82-21

BY: DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO RENEW FOR (1) YEAR THE 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 THE YEAR 2022, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Furry stated that this is the most economical way of removing sludge cake but cannot be done for the entire year. This will be discussed in more detail at next week's Committee-of-the-Whole Meeting.

ORDINANCE NO. 83-21

BY: DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO RENEW FOR ONE (1) YEAR THE AGREEMENT WITH KIMBLE COMPANY FOR THE REMOVAL OF GRIT AND SCREENINGS TO A LANDFILL FOR THE WASTEWATER TREATMENT PLANT AT A COST OF \$71.75 PER TON, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Furry stated that this is for the necessary operating of the WWTP and needs to be in place. This will be discussed in more detail at next week's Committee-of-the-Whole Meeting.

RESOLUTION NO. 84-21

BY: JOHN B. SHEPHERD

A RESOLUTION AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM FOR THE YEARS 2022 THROUGH 2023

1st READING

Mr. Shepherd stated that this authorizes the contract to take advantage of the State of Ohio's buying power. By entering into this, prices are sometimes better than prices the city can get elsewhere. This is a two-year contract and has been in place as long as Mr. Shepherd has been on Council. There is no downside, as the city does not have to buy anything. Most recently, it was used to purchase material for the Hilliard Road resurfacing. This is also a form of regionalization where the city keeps complete control of what the city buys, but if their pricing is better, the city can use that price.

ORDINANCE NO. 85-21

BY: JAMES W. MORAN

AN ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO PURCHASE GASOLINE, FUEL OIL AND ALLIED PRODUCTS ON THE OPEN MARKET AT THE BEST PRICES POSSIBLE FOR THE PERIOD JANUARY 1, 2022 TO DECEMBER 31, 2022

1st READING

Mr. Moran stated that there are certain items the city does not purchase through the State Cooperative Purchasing Program. By going through local bids, the city can actually improve the price paid. Last year the price for unleaded and diesel fuel gave the city an approximate .20 advantage per gallon. The actual difference was .22 cents in unleaded fuel and .17 cents in diesel fuel per gallon.

ORDINANCE NO. 86-21

BY: JAMES W. MORAN

**AN ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO PURCHASE
TIRES ON THE OPEN MARKET AT THE BEST PRICES POSSIBLE FOR THE PERIOD
JANUARY 1, 2022 TO DECEMBER 31, 2022**

1st READING

Mr. Moran said tires are another situation where better pricing is obtained by bidding locally as opposed to using the State Cooperative Purchasing Program. This will be discussed in more detail at next week's Committee-of-the-Whole Meeting.

PUBLIC COMMENT: NONE

MISCELLANEOUS BUSINESS: Mr. Moran wished Mr. O'Donnell a happy birthday.

Mr. Moran thanked everyone for attending and said the next meeting for City Council will be held on November 1st in City Council Chambers beginning at 7:00 p.m.

The meeting was adjourned at 7:36 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council