

CITY OF ROCKY RIVER

September 27, 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 and Mr. Furry, that the reading of the minutes of the Legislative Meeting of September 13th be waived, and that the minutes be accepted as submitted.

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

Moved by Mr. Moran, seconded by Mr. O'Donnell and Mr. Furry, that the reading of the minutes of the Committee-of-the-Whole Meeting of September 20th, 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 thanked all the Council members who attended the Police Department Dedication and thanked everyone who worked so hard making sure it was a successful event. The Service Department, the Facilities Department, Director Snyder along with all the contractors had the site looking beautiful. Governor DeWine had many positive things to say about the police station and the work of the police department. The Mayor thanked everyone who was in attendance to celebrate.

The Mayor said the private tree-planting project will be commencing soon. This is a unique grant that Director Snyder received from the Cuyahoga County Planning Commission, specifically the Urban Tree Canopy Project. This is the first grant that provides funding for tree planting on private property. Letters will be mailed over the next two weeks to residents of the pilot target area of Carmen, Dale, Forestview and Northview. The city hopes to replicate this throughout the community. There has been a lot of loss of the urban canopy over time, much of which has been replaced by the city on public property, but a lot has been lost on private property. Rocky River is still a well-forested city, but there are opportunities for more trees to be planted.

The Mayor received the Official 2020 Census Numbers from the Secretary of State's Office today. The document is a beautiful proclamation noting that the city's population has increased to 21,755 residents. The community is growing.

The city is in need of individuals who would like to serve as Crossing Guards and Life Guards. Anyone who is interested in part time work for the city, please check the city's website.

Rocky River City School's Homecoming is this weekend. The parade kicks off at 5:30 p.m. with the football game beginning at 7:00 p.m. The tailgate party begins at 4:30 p.m. with the rest of the festivities held on Saturday.

LAW DEPARTMENT: Mr. Bemer stated that Friday he received a judgment from the Supreme Court regarding the litigation involving the 700 Lake Road Project initiated by the adjacent resident. It was successfully decided in the city's favor. The Supreme Court took the predicate underlying foundational issue, which was mootness. Council should have received the entry results via email and it was also recorded in the Ohio Bar. If council recalls, some of the issues contained in the briefing, mootness is the out for any kind of a construction project where there is no stay in the proceedings and substantial progress has been made. The judiciary has a philosophy and has adopted the concept in these instances, that they cannot provide any remedy and as a result, they dismiss any of these types of construction pieces of litigation.

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: President Moran reminded Council to be at St. Christopher's Church parking lot by 5:00 p.m. Friday evening for the parade. Council is looking forward to this great send off for Homecoming Weekend.

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 55-21

BY: MICHAEL P. O'DONNELL

Mr. O'Donnell said that the Charter requires Council every five years to provide for the safekeeping of the funds and designate a financial institution as a Public Depository. Council received an amended ordinance this evening. On the original Ordinance No. 55-21, Bank of America and US Bank were non-responsive to the city's inquiries and the city also reached out to Ohio Savings and they were non-responsive. Amended Ordinance No. 55-21 has removed Bank of America and US Bank from them becoming municipal public depositories. Mr. O'Donnell moved to amend by substitution Ordinance No. 55-21, 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. 55-21

BY: MICHAEL P. O'DONNELL

AN ORDINANCE DESIGNATING THE PUBLIC DEPOSITORIES FOR THE ACTIVE, AND INTERIM AND/OR INACTIVE FUNDS OF THE CITY OF ROCKY RIVER FOR THE PERIOD BEGINNING NOVEMBER 1, 2021 AND ENDING OCTOBER 31, 2026
3rd READING

Mr. O'Donnell said that this ordinance has been discussed for the last two and a half months with no questions. Mr. O'Donnell moved for passage of Amended Ordinance No. 55-21, seconded by Mr. Furry.

- Mr. Furry asked if any of the banks that chose not to participate decides to participate, could they be added at a later date. Mr. Thomas said yes.

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

ORDINANCE NO. 58-21 **BY: JAMES W. MORAN**
**AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-
SERVICE TO EXTEND 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**
3rd READING

Mr. Moran said that this ordinance has been discussed for several weeks and would extend the Janitorial Supply Contract with Ohio Valley Supply and Maintenance Company for up to \$55,000. Ohio Valley has extended their 2019 bid and will honor the same pricing. The city has had great success with Ohio Valley Supply and Maintenance Co. Mr. Moran moved for passage, seconded by Mr. O'Donnell and Mr. Furry.

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

Mr. Shepherd abstained as he represents Ohio Valley Supply and Maintenance Company.

RESOLUTION NO. 59-21 **BY: MICHAEL P. O'DONNELL**
**AN EMERGENCY RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A FUND
ENTITLED “LOCAL FISCAL RECOVERY FUND”, FUND NUMBER 220 TO ACCOUNT FOR
THE AMERICAN RESCUE PLAN ACT (ARPA) RESOURCES PROVIDED TO THE CITY OF
ROCKY RIVER**
2nd READING

Mr. O'Donnell said this has been discussed for a couple of weeks. Mr. O'Donnell stated that the city is receiving just over a million dollars through the American Rescue Plan Act Fund through the United States Congress. This is an almost two trillion dollar economic COVID-19 stimulus relief package. In order for the city to comply and receive these dollars a new account needs to be set up. Mr. O'Donnell will seek passage in two weeks.

RESOLUTION NO. 60-21 **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”**
2nd READING

Mr. O'Donnell said this has been discussed for a couple weeks and relates to the millage on the city. This resolution would accept the rates as determined by the Cuyahoga County Budget Commission. Mr. O'Donnell said this millage is a reduction from last year so the city will be collecting less amounts this year or less percentages than last year. Mr. Thomas anticipates having more discussion with the Cuyahoga County Budget Commission given the news of the valuation increase, so this resolution may need to be amended.

RESOLUTION NO. 61-21 **BY: ALL THE MEMBERS OF COUNCIL**
**AN EMERGENCY RESOLUTION RATIFYING THE ACCEPTANCE OF THE MATERIAL
TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO**

**MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE
JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT
2nd READING**

Mr. Moran said Law Director Bemer has explained this resolution to Council. Council is in agreement with this resolution, but will not know the finality of the amount being received. This will be read for a third time in two weeks.

ORDINANCE NO. 62-21 **BY: DAVID W. FURRY**
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT BETWEEN THE CITY OF ROCKY RIVER AND R2O CONSULTING, LLC.
FOR PROFESSIONAL ENGINEERING SERVICES - CALIBRATED SANITARY HYDRAULIC
MODELING FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT (WWTP) IN
AN AMOUNT NOT TO EXCEED \$541,181 AS FURTHER DESCRIBED IN EXHIBIT "A"**
2nd READING

Mr. Furry said this ordinance was read for the first time last week. The WWTP is contracting with R2O Consulting, LLC to create a hydraulic model to identify areas of high inflow and high infiltration in the collection systems tributary to the WWTP. This model was required by the Ohio EPA as part of a negotiation process following the No Feasible Alternative Study submitted in 2019 to eliminate bypasses at the WWTP. This will be discussed further at next week's Committee-of-the-Whole meeting and Mr. Furry will seek passage in two weeks.

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**
2nd READING

Mr. O'Donnell said this has been discussed the last couple of weeks and this is to amend the 2021 Budget Ordinance which was amended Ordinance No. 95-20. Now that the city is nearly three quarters of the way through the year, the supplemental appropriations contained on Exhibit A are to reflect what is actually taking place. Exhibit A shows the changes and includes change orders for the building of the Police Department, reflects the CARES Act dollars that were received, changes related to the Municipal Court and changes related to the Fire Department for overtime and pension contributions. Please let Mr. O'Donnell know if there are any questions.

ORDINANCE NO. 64-21 **BY: MICHAEL P. O'DONNELL**
**AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY
THE CITY OF CLEVELAND DIVISION OF WATER A REIMBURSEMENT FOR THE 2020
SHORELAND AVENUE AND STRUHAR DRIVE WATER MAIN IMPROVEMENT PROJECT
IN THE AMOUNT OF \$73,708.97**
2nd READING

Mr. O'Donnell said as Council is aware, the city has a water service agreement with the City of Cleveland, where they pay the construction for rebuilding of the waterlines and other related work to the waterlines. The city estimated the amount of money needed at the beginning of the project and the Division of Water advanced the funds for this project. As the cost was under budget, the balance needs to be reimbursed to the City of Cleveland Division of Water in the amount of \$73,708.97. This will have one more read.

ORDINANCE NO. 65-21**BY: MICHAEL P. O'DONNELL**

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY THE CITY OF CLEVELAND DIVISION OF WATER A REIMBURSEMENT FOR THE 2020 STORY ROAD WATER MAIN IMPROVEMENT PROJECT IN THE AMOUNT OF \$3,108.56
2nd READING

This is a companion ordinance to 64-21, related to the Story Road Water Main Project that the City of Cleveland Division of Water advanced funds for this project. The cost came in under budget, so the balance needs to be reimbursed to the City of Cleveland Division of Water in the amount of \$3,108.56. This will have one more read.

RESOLUTION NO. 66-21**BY: JOHN B. SHEPHERD**

A RESOLUTION AUTHORIZING THE MAYOR AND HER DESIGNEE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAM FOR THE ROCKCLIFF DRIVE STORM SEWER, SANITARY SEWER, WATER MAIN AND PAVEMENT REPLACEMENT AND TO EXECUTE CONTRACTS AS REQUIRED
2nd READING

Mr. Shepherd said this is the first piece of legislation for the Rockcliff Project. This is a major project where the inverted sewers will be fixed, waterlines replaced, repave and rebuild curbs and study the access to the MetroParks for improvement in conjunction with the Community Confluence Program. This resolution simply authorizes the city to apply for funding from the Ohio Public Works Commission for the initial stage of engineering and design for this proposed project on Rockcliff. This will be discussed more next week and hopefully approved for passage in two weeks.

NEW BUSINESS:**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
1st READING

Mr. O'Donnell said this a financial clean up and cleaning up the books. This is essentially transferring \$3,311.75 from the Community Impact Fund to the General Fund. This is not an expenditure, but authorizing a transfer of this amount to the General Fund.

- Mr. Furry asked what the Community Impact Fund is. The Mayor asked if this money was originally from the General Fund that was placed into the Community Impact Fund. Mr. Thomas said it looked like in the Memorandum of Agreement that the funds came in 1998 and the purpose had been served at that time. It is related to the railroad crossing improvements or because of the expansion or the potential of train traffic. The Westshore agreed to undertake the project and the award to the cities was defined and the purpose was fulfilled. Mr. Thomas does not think it was General Fund dollars but in essence is a grant fund that is being closed.

PUBLIC COMMENT: NONE

MISCELLANEOUS BUSINESS: Mr. Moran thanked everyone for attending and said the next meeting for City Council will be held on October 4th in City Council Chambers beginning at 7:00 p.m.

The meeting was adjourned at 7:28 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council