

CITY OF ROCKY RIVER

June 28, 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. Furry,
Mr. Klym, Mr. Moran

Absent: Mrs. Morris, Mr. O'Donnell

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. Furry, that the reading of the minutes of the Legislative Meeting of June 14th, be waived, and that the minutes be accepted as submitted.

Vote: Hunt – aye	Shepherd – aye	Furry – aye	
Klym – aye	Moran – aye		
5 ayes		0 nays	PASSED

Moved by Mr. Moran, seconded by Mr. Hunt, that the reading of the minutes of the Committee-of-the-Whole Meeting and the Special Meeting of June 21st, be waived, and that the minutes be accepted as submitted.

Vote: Hunt – aye	Shepherd – aye	Furry – abstain	
Klym – aye	Moran – aye		
4 ayes	1 abstain	0 nays	PASSED

MAYOR'S REPORT:

The Mayor reported that Bradstreet's Landing is receiving another \$100,000 Coastal Management Grant for the boardwalk that will connect the pier to the pedestrian bridge. Each of the components are being added to put this whole project together. Thank you to Director Snyder for making the application. These funds come from the National Oceanic and Atmospheric Administration to the Ohio Department of Natural Resources.

The Senior Center Mobility Van, that Council approved a few months ago, arrives tomorrow. Thank you to Director Snyder and Director Huff.

The Mayor announced a Morewood Parkway resident meeting on Wednesday at the Civic Center beginning at 6:00 p.m. to go over the scope of the project, introduce the contractor as well as City Engineer MacKay and be available to answer any questions or concerns residents

may have. At that time, contact information will be collected from the residents for easy updates and alerts directly to those impacted.

The Mayor announced that Rocky River native Adelaide Aquilla and an OSU student secured a place on the US Olympia Team for the shot put on the track and field team. The city wishes her great success when she attends the Olympics in Japan. Director Bemer added that Adelaide was the Athlete of the Year for The Ohio State University this year.

Habitat for Humanity had a collection over the weekend. More than 60 residents participated filling two trucks. Habitat for Humanity was thrilled and immediately sent a message to City Hall of thanks and that much of the material was new. These items are sold in their Restore Shop to raise money to build Habitat for Humanity homes. Thank you to everyone who donated.

The Mayor again thanked the Rocky River Chamber of Commerce for being diligent in going down to Rocky River Park for park and beach cleanup. The Service Department will be at the park this week also to prepare the park for the upcoming 4th of July holiday.

Thank you too to Director Snyder and the Parks Department for the beautiful work they did on Old Detroit Road. The Mayor has received many positive comments regarding the work that was done.

LAW DEPARTMENT: NONE

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: NONE

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 39-21

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO TO ACCEPT A GRANT UP TO \$30,000.00 FOR THE OPERATION OF THE MARINE PATROL FOR THE YEAR 2021, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Hunt thanked Law Director Bemer for providing clarification on the subsipient grant agreement portion that is attached to this ordinance. There was discussion with the ODNr regarding language in paragraph 10 regarding the duration or period of performance of the contract. It was a function of ODNr and the State's end of their fiscal year of June 30th. Funds are ready to go, but prior to June 30th before the end of the fiscal year was added so the agreement then automatically renews at the end of the calendar year, December 31st. Mr. Hunt has had no other questions about the other substantive materials in the ordinance. The city will receive \$30,000 for the operation of the Marine Patrol. Mr. Hunt moved to amend Ordinance

No. 39-21 by substitution of the revised subsipient agreement, seconded by Mr. Furry.

Vote: Hunt – aye	Shepherd – aye	Furry – aye	
Klym – aye	Moran – aye		
5 ayes		0 nays	PASSED

AMENDED ORDINANCE NO. 39-21 **BY: THOMAS J. HUNT**
AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO
ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO TO ACCEPT A
GRANT UP TO \$30,000.00 FOR THE OPERATION OF THE MARINE PATROL
FOR THE YEAR 2021, AS FURTHER DESCRIBED IN EXHIBIT “A”
3rd READING

Mr. Hunt stated that this is for the operation of the Marine Patrol. The City of Rocky River receives \$30,000 from the ODNR to supplement the operation of the Marine Patrol that will be out for safety inspections, safety checks and patrol beginning Memorial Day continuing to Labor Day.

The Mayor added that the Marine Patrol rescued two kayakers this weekend. Mr. Hunt added that this great operation is necessary and promotes good will by doing safety checks and interacting with the boaters. Mr. Hunt moved for passage, seconded by Mr. Furry.

Vote: Hunt – aye	Shepherd – aye	Furry – aye	
Klym – aye	Moran – aye		
5 ayes		0 nays	PASSED

ORDINANCE NO. 45-21 **BY: MICHAEL P. O'DONNELL**
AN EMERGENCY ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A
PRINCIPAL AMOUNT NOT TO EXCEED \$9,900,000 OF GENERAL OBLIGATION
BOND ANTICIPATION NOTES OF THE CITY AND TO RETIRE OUTSTANDING
BOND ANTICIPATION NOTES ISSUED TO PAY THE COSTS OF CONSTRUCTING,
EQUIPPING, FURNISHING AND OTHERWISE IMPROVING A NEW POLICE
FACILITY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO
2nd READING

Mr. Moran stated that this ordinance relates to the bond financing for the Police Department. These are 30-year bonds of \$9,900,000 not to exceed 4% interest. The 2020 notes mature in September and the city will pay the interest that has accrued on those notes. This will be discussed further at the next Council meeting.

NEW BUSINESS:

RESOLUTION NO. 46-21 **BY: MICHAEL P. O'DONNELL**
A RESOLUTION AUTHORIZING THE CERTIFICATION OF DELINQUENT
SANITARY SEWER ACCOUNTS TO THE CUYAHOGA COUNTY FISCAL OFFICER
FOR COLLECTION, IN ACCORDANCE WITH THE LAWS OF THE STATE OF
OHIO AND AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
1st READING

Mr. Moran stated that this is an annual resolution to certify special assessment for delinquent sanitary sewer accounts as of December 31, 2020. The original list is lengthy but as payment is received, the exhibit will be revised.

RESOLUTION NO. 47-21

BY: MICHAEL P. O'DONNELL

A RESOLUTION ACCEPTING THE ALTERNATIVE TAX BUDGET INFORMATION OF THE CITY OF ROCKY RIVER, OHIO FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2022 AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

1st READING

Mr. Moran stated that Director Thomas has to present this information for the Alternative Tax Budget for 2022, as this is an outline showing the city is looking ahead to the next budget. This is the first reading and will be discussed further at the next meeting.

ORDINANCE NO. 48-21

BY: MICHAEL P. O'DONNELL

AN ORDINANCE TO RATIFY THE USE BY REIMBURSEMENT OF CARES ACT FUNDS PROVIDED TO CITY OF ROCKY RIVER, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

1st READING

Director Thomas stated that this ordinance is to ratify the reimbursement amounts that are shown on the attachment. This money was eligible to be used within three criteria: the expense had to incur during the period of the emergency act prior to December 31st; it had to be necessary to respond to the order and not budgeted for that original purpose. The city had a lot of activity during 2020 that was not budgeted for the purpose of responding to the pandemic and emergency declaration.

- Mr. Furry asked if the city is seeking \$1.6 million dollars. Mr. Thomas said that the city received that money and it has been charged. The Mayor added that this is a formal confirmation on how the money was spent.

ORDINANCE NO. 49-21

BY: CHRISTOPHER J. KLYM

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH CARRON ASPHALT PAVING, INC., FOR THE 2021 LINDEN PARK TENNIS COURT IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$340,872.97, AS FURTHER DESCRIBED IN ATTACHED EXHIBIT "A"

1st READING

Mr. Klym had a lengthy discussion with Director Holub regarding this ordinance. This ordinance is regarding the three tennis courts that were closed in the fall of 2019. Mr. Klym stated that it is a large sum for three tennis courts. The tennis courts are failing because of the subsurface underneath the asphalt. The subsurface has been repaired a number of times and never held up because the ground continued to shift. Mr. Holub looked at three ways to fix it; to do what was done in the past and patch it again; to do what is presented to remove two feet of material and putting new material in and resurfacing with asphalt; or to remove six feet that would be quite a bit more. \$155,000 was budgeted to do these repairs and this is double that

budgeted amount. Mr. Klym asked Mr. Holub about other programming that can use these courts and how much use they get. Mr. Holub said he receives calls weekly regarding the courts and when the courts can be used. Tri-City Park courts was discussed regarding the large amount of use those courts receive. Rocky River and Fairview Park schools along with various clinics use the Tri-City courts. Mr. Klym stated it is still a large sum of money. Director Holub will attend the July 12th Council Meeting to answer any questions Council may have.

- Mr. Shepherd noted that this is more extensive than normal resurfacing due to the subsoil. Once it is fixed, the expensive will be less going forward. Mr. Shepherd said the parks and tennis courts are very important for the city. He thinks it is a good asset and the amount was shocking, but feels it is an investment to the future.
- Mr. Furry said it is a little sticker shock but feels it is time to stop the band-aids and fix the courts the right way now.
- Mr. Snyder said to consider the unit costs on the individual items. \$110,000 is the removal and replacement of the sub-base along with a contingency fund of \$35,000; the amount becomes closer to what was budgeted. Mr. Snyder also compared costs to recent ODOT bids and Carron came in right in the ballpark of a standard ODOT bid.
- Mr. Klym was not questioning the bid process or that the work needs to be done, but feels it needs to be discussed regarding priorities and spending these dollars. He is not sure how much these courts are used.
- The Mayor added said it is twice what was budgeted, but if the city does not do it, this asset needs to be removed. This would not be in front of Council if the City did not think they had the financial resources to do this and feel it is an important project.
- Mr. Klym stated that recreation is a very important part of the community but this needs to be discussed.

ORDINANCE NO. 50-21

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH DRS ENTERPRISES, INC., FOR THE 2021 SIDEWALK PROGRAM IN AN AMOUNT NOT TO EXCEED \$96,321.06, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Shepherd said this is part of the comprehensive program where the city monitors all the sidewalks in the community. If the sidewalks are lifted or damaged because of tree lawn roots or sewer lateral connections, the city will repair it. If it is caused by other issues, the city will communicate with the adjacent property owner. Three responsive bids were received and this vendor will be available to residents for hire to help with repair. This will have three full reads and discussed further at the next meeting.

ORDINANCE NO. 51-21**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH CROSSROADS ASPHALT RECYCLING, INC., FOR THE 2021 STREET REPAIR PROGRAM IN AN AMOUNT NOT TO EXCEED \$808,070.75, AS FURTHER DESCRIBED IN EXHIBIT “A”

1st READING

Mr. Shepherd said that the bid price of \$808,000 includes a contingency of \$90,000. Five bids were received and Crossroads was the lowest bid by \$36,000 and underneath the engineer's estimate of \$1 million. Crossroads has done work for Rocky River and received good references from North Ridgeville and Fairview Park. Crossroads has no unresolved finding with the State Auditors Database. Mr. Shepherd will forward an email concerning this ordinance for Council to review and then discuss further at the next meeting.

ORDINANCE NO. 52-21**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH KONSTRUCTION KING, INC., FOR THE 2021 TREE AND SIDEWALK PROGRAM IN AN AMOUNT NOT TO EXCEED \$164,704.00, AS FURTHER DESCRIBED IN EXHIBIT “A”

1st READING

Mr. Shepherd said this is another sidewalk ordinance for Kings Mill Run, Colonial Court and Kings Post Parkway. This project will provide sidewalk repairs and removal of conflicting trees. Konstruction King had the only bid and was below the engineer's estimate. They have done work for Rocky River, Brunswick and Westlake. They have no unresolved findings in the State Auditors Database. This price contains a contingency of \$16,000. Some of the trees are too large for the tree lawns and will be removed. New trees will be planted in their place. The new sidewalks will incorporate a six-inch base of aggregate for future root growth and allows expansion and contraction of the earth without damaging the sidewalk.

- Mr. Snyder said the comprehensive project is so the city can go through the entire community within a span of five years and evaluate all the sidewalks and handle on a systematic basis. This ordinance is separate because it is an area that needs a significant amount of work and additionally the removal of trees is part of the project. It is a lot of work in a small area.
- Mr. Klym asked what area the comprehensive project is addressing. Mr. Snyder responded that north of Lake Road is being addressed, as the curbs are older.
- Mr. Hunt asked about the sandstone block sidewalks and how those are being handled. Mr. Snyder said that the sidewalks are evaluated consistently throughout Rocky River. If there is natural wear it is being addressed, but if the sidewalks are broken, the residents are being asked to replace or level them. The goal is to put the sidewalks in and leave it there for 25 years.

ORDINANCE NO. 53-21 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
SAFETY SERVICE TO ENTER INTO A CONTRACT WITH SOFTLINE SOLUTIONS
TO INSTALL A POURED IN PLACE RUBBER PLAYGROUND SURFACE FOR
ELLE’S ENCHANTED PLAYGROUND FOR THE CITY OF ROCKY RIVER, AT A
COST NOT TO EXCEED \$58,371.20, AS DESCRIBED IN EXHIBIT “A”
1st READING

Mr. Moran said this relates to Ordinance No. 43-21. This is the poured rubber product of two different colors put on a limestone base. The product is made from 75% of recycled grounded tires. The poured product will last no less than five years and will be a great addition to Elle’s Enchanted Forest for ease of movement. This bid is about \$7,000 lower than the next bid. This will be discussed further at the next meeting.

ORDINANCE NO. 54-21 **BY: JOHN B. SHEPHERD**
AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO RENEW A
SERVICE AGREEMENT WITH WESTLAND HEATING AND AIR CONDITIONING
FOR MAINTENANCE OF THE DECTRON POOL DEHUMIDIFICATION SYSTEM AT
A COST NOT TO EXCEED \$20,000, AS FURTHER DESCRIBED IN EXHIBIT “A”
1st READING

Mr. Shepherd said that the quote for routine maintenance is only \$9,158. The difference from that and the \$20,000 requested will be put aside for any unforeseen repairs needed for this equipment. This equipment, the Dectron Pool Dehumidification System has only two vendors in the area that are qualified to work on it. The City of Rocky River was not completely satisfied with the service of the other vendor. There has been less issues working with Westland and they have been more prompt. This is the same pricing as 2020.

- Mr. Furry questioned the wording on the quote. Mr. Shepherd explained that the cost is annual but the maintenance is performed quarterly.
- Mr. Klym added that Fairview Park’s Dectron Unit failed and is costing Fairview about \$3 million in repairs. \$9,000 is a good price.

CONSENT AGENDA:

ORDINANCE NO. 41-21 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
SAFETY SERVICE TO PURCHASE ONE (1) 2022 FORD F-550 LIFT TRUCK FOR
THE TRAFFIC DIVISION UNDER THE OHIO COOPERATIVE PURCHASING ACT
FROM VALLEY FORD TRUCK, INC., AT A COST NOT TO EXCEED \$151,860.00, AS
DESCRIBED IN EXHIBIT “A”
3rd READING

This is for the purchase of a 2022 Ford F-550 chassis with lift body from Valley Ford Truck for \$151,860 for the Traffic Division. This truck will replace the 1997 Ford truck that was rated as

an unsafe vehicle with a lot of rust and hardly any trade in value.

ORDINANCE NO. 42-21

BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO PURCHASE RECLAMITE LIQUID ASPHALT PAVEMENT PRESERVATION UNDER THE ODOT COOPERATIVE PURCHASING PROGRAM FROM PAVEMENT TECHNOLOGY, INC., AT A COST NOT TO EXCEED \$49,932.61, AS FURTHER DESCRIBED IN EXHIBIT “A” 3rd READING

This product has been used by other communities in the WestShore. This is pavement technology that will extend the life of the pavement and is a new practice for pavement preservation. This will be placed on Hilliard Blvd. from Westmoor to the Westlake line on both sides of the street. It will extend the life of Hilliard by sealing the pores on the road. The cost is 92-cents per square yard and the County will assist the city with a 20-cent per yard preventative maintenance plan.

ORDINANCE NO. 43-21

BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH RMH CONCRETE & FOUNDATIONS, INC. TO COMPLETE SITE WORK FOR ELLE’S ENCHANTED PLAYGROUND FOR THE CITY OF ROCKY RIVER, AT A COST NOT TO EXCEED \$50,009.20, AS DESCRIBED IN EXHIBIT “A” 3rd READING

RMH Concrete and Foundations, Inc. will complete the site work and install concrete curbs for Elle’s Enchanted Playground in an amount not to exceed \$50,009.20.

ORDINANCE NO. 44-21

BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO PURCHASE ONE (1) 2022 FORD F-550 DUMP TRUCK WITH PLOW PACKAGE FOR THE RECREATION DEPARTMENT UNDER THE OHIO COOPERATIVE PURCHASING ACT FROM VALLEY FORD TRUCK, INC., AT A COST NOT TO EXCEED \$76,785.00, AS DESCRIBED IN EXHIBIT “A” 3rd READING

Mr. Moran stated that this 2022 Ford F-550 Dump truck with a plow package will be replacing a truck that has over 88,000 miles on it for the Recreation Department. The back end of this truck is loose, loud and rusted.

Moved by Mr. Moran, seconded by Mr. Furry that Ordinance Nos. 41 - 44-21 of the Consent Agenda be passed as read.

Vote: Hunt – aye
Klym – aye
5 ayes

Shepherd – aye
Moran – aye

Furry – aye
0 nays

PASSED

MISCELLANEOUS BUSINESS: Mr. Moran thanked Director Holub and Director Snyder for the work that was completed at Tri-City Park. The baseball diamond was in very poor condition and it has been resurfaced and is now a playable baseball diamond.

Mr. Furry asked about the Liquor License regarding Nature's Oasis and if this is a relocation or the third Nature's Oasis. Mr. Moran is not sure. Mr. Bemer added that nothing has been received by the Building Department regarding remodeling of this building. This liquor license was approved by Council.

PUBLIC COMMENT: Bill Welsh, Rocky River, asked about the Linden tennis court. Does the engineer and contractors feel that going down two feet of sub-base will eliminate the current problem. Mr. Snyder said that he hired a Geo Technical Firm for test bores. Their preferred choice was to replace five feet, but the city selected the second best option and feels this choice will be a suitable repair and is more economical.

Mr. Welsh also asked about the tree lawn trees. If a citizen has a problem with the sidewalk slab heaving because of tree lawn roots, who is responsible for the slab. Mr. Shepherd said the city would take on that responsibility if caused by a tree lawn tree or a lateral sewer. Mr. Snyder stated that the Parks Department does prune the tree lawn trees. If there is a problem, contact the Service Department. Mr. Shepherd asked about the lower growth on trees. Mr. Snyder said the Service Department will trim that also.

President Moran thanked everyone for attending. The next meeting will be Monday, July 12th in Council Chambers. "Pie in the Park" will be held on Sunday July 11th at Rocky River Park beginning at 7:00 p.m.

The meeting was adjourned at 8:05 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council