

CITY OF ROCKY RIVER

June 13, 2022

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, Mrs. Gallagher,
Mr. Furry, Mr. Sindelar, Mr. Moran

Council Members Absent: Mrs. Morris

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

The meeting was opened with a Pledge of Allegiance.

MOTION:

Moved by Mr. Moran seconded by Mr. Furry that the reading of the minutes of the Committee-of-the-Whole Meeting of June 6th and the minutes of the Legislative Meeting of May 23rd be waived and that the minutes be accepted as submitted.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye
	Furry – aye	Sindelar – aye	Moran - aye
	6 ayes		0 nays

PASSED

MAYOR’S REPORT:

The Mayor reported that Council should have received an email forwarded from First Energy regarding the use of their poles for banners, flags, cameras, et cetera. There is a prescribed process for permitting this and it is through First Energy. If a resident contacts the city regarding this, the city will forward it to the city’s representative at First Energy.

The Mayor announced that the city received the additional \$15,000 for the EV Charging Stations that will be installed outside of City Hall. Thank you to Director Snyder for securing this additional funding.

The Mayor recognized Mr. Keith Krach, a former Rocky River resident and a 1975 graduate from Rocky River High School who has been nominated for the Nobel Peace Prize. Keith’s mother, Elda Krach still lives in Rocky River at age 95. Keith was appointed Under Secretary of State for Economic Growth, Energy and the Environment in the Trump administration but stayed on as a consultant and advisor to President Biden. There is a great article on Keith on Cleveland.com where he speaks about his roots in Rocky River and all that he learned here.

The Family Fitness Event at Linden Park was well attended this weekend. Thank you to Councilman Shepherd for attending. Thank you to Meijer Store for donating the bikes that were given away along with their financial support. Thank you also to the Rocky River Parks and Recreation Foundation for their financial support as well.

The Mayor announced that there was a concert this past weekend at Rocky River United Methodist Church as part of the Summer Concert Series that was very well attended. Summer camp and swimming lessons also began today. City Hall Campus was very busy.

The Senior Center Trivia Teams came in first, second and third place in the tournament for Northeast Ohio. Only one team can attend the finals so the first-place team will compete later this week. Laurie Schaefer from the Senior Center started this program.

The Mayor announced that mid-year budget reviews will begin the third week in July. The first six months of 2022 will be discussed followed by discussion of the next six months then looking ahead to the 2023 Budget. Thank you to the Directors who take this process very seriously.

The Mayor announced that on Thursday June 23rd, there will be a program regarding Bradstreet's Landing at Rocky River Public Library sponsored by the Rocky River Historical Society and the RRPL from 7:00 p.m. – 8:00 p.m. Carrie Sowden, a resident of Rocky River and a marine archeologist from the National Museum of the Great Lakes in Toledo will be the guest speaker. This will be a great presentation.

Rocky River City Hall will be closed next Monday in observance of Juneteenth.

LAW DEPARTMENT: Mr. O'Shea thanked City Council for passage of the Fireworks Legislation. Director O'Shea asked Council to spread the word regarding this passed legislation to residents.

Director O'Shea announced that Officer Nate Gonzalez was acquitted by the Grand Jury in a justifiable use of force in a November 8, 2021 incident. BCI completed the investigation. The Mayor added that there were three body cameras showing the incident and the video should be used in training other officers. The Rocky River Police that were called for this incident did an amazing job in attempting to de-escalate the situation then rendered very compassionate care after the weapon was discharged.

- Mr. Sindelar asked if incidents like this always go to the Grand Jury. Director O'Shea said it is always best custom to have an outside agency review a police use of force and then present it to the Grand Jury. Director O'Shea said it is the Cuyahoga County Grand Jury.

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: President Moran repeated what the Mayor stated, that next week is Juneteenth and City Hall will be closed. There will not be a City Council Meeting next week. The next meeting will be a Legislative Meeting on Monday, June 27, 2022.

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

Mr. Shepherd said that he noted that the diagram in the amended exhibit for Amended Ordinance No. 71-21 does not address the concern he raised in the fall regarding the side parking and the curve line. There is nothing in the exhibit that describes the shape the curve can take either concave or convex. President Moran suggested passing this ordinance this evening and possibly add this detail later. It will be a tool for Commissioner Reich to have that detail in the Codified Ordinances. Mr. Shepherd will contact Commissioner Reich.

AMENDED 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", SECTION 905.04 ENTITLED "DRIVEWAY APRON MATERIAL AND THICKNESS", SECTION 1111.09 ENTITLED "PAVEMENT, CURBS AND SIDEWALKS", SECTION 1153.15 ENTITLED "ACCESSORY USES AND STRUCTURES", AND SECTION 1187.31 ENTITLED

**“REGULATIONS FOR ACCESS DRIVES”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
3rd READING**

Mr. Moran stated that Commissioner Reich discussed this ordinance at last week’s meeting. The exhibit shows the above sections consolidated to one section of the Codified Ordinances. Mr. Moran moved for passage, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	
	Furry – aye	Sindelar – aye	Moran - aye	
	6 ayes		0 nays	PASSED

MOTION:

Mr. Shepherd moved to amend Ordinance No. 29-22 by substitution of Exhibit A. Mr. Shepherd explained that the terms and conditions needed to be revised and all requests have all been met. This was seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	
	Furry – aye	Sindelar – aye	Moran - aye	
	6 ayes		0 nays	PASSED

AMENDED ORDINANCE NO. 29-22 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO PURCHASE TWO STATIONARY CARDBOARD COMPACTORS FOR THE SERVICE DIVISION FROM ROYAL OAK RECYCLING AT A COST NOT TO EXCEED \$88,246.20, AS FURTHER DESCRIBED IN EXHIBIT “A”
2nd READING

Mr. Shepherd said that as discussed in prior meetings part of the funding is from a grant from the Cuyahoga County Solid Waste District in the amount of \$25,000. Council will need to pass this legislation this evening in order to receive the grant. Mr. Shepherd moved for a rule’s suspension, as discussed, on Amended Ordinance No. 29-22, seconded by Mr. Furry.

Mr. Sindelar commented that City Council does not take this rule suspension lightly, but in this case the city will save money by obtaining the grant in the amount of \$25,000 by passing it this evening.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	
	Furry – aye	Sindelar – aye	Moran - aye	
	6 ayes		0 nays	PASSED

Mr. Shepherd stated that this ordinance is to purchase two compactors to be kept at the Service Garage. Currently the city pays \$160.00 monthly to have the cardboard containers emptied. With the compactors the city will receive \$125.00 - \$175.00 per load of compacted cardboard. This will be good for the environment and help the overflow with the containers at City Hall. Mr. Shepherd moved for passage seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	
	Furry – aye	Sindelar – aye	Moran - aye	
	6 ayes		0 nays	PASSED

ORDINANCE NO. 30-22 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH S. A. COMUNALE

COMPANY, INC. FOR THE CIVIC CENTER HVAC ROOFTOP UNIT REPLACEMENT AT A COST NOT TO EXCEED \$139,750.00, AS FURTHER DESCRIBED IN EXHIBIT "A"
2nd READING

Mr. Shepherd said this is for a new Trane HVAC unit for the Civic Center roof which will replace a 2001 Trane HVAC unit. S.A. Comunale was the lowest bidder at \$139,000. This will have a third read.

ORDINANCE NO. 31-22 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH FABRIZI TRUCKING AND PAVING COMPANY, INC., FOR PHASE TWO OF THE 2020 ROCKY RIVER SEWER IMPROVEMENTS PROJECT FOR COLLVER ROAD AND OAK ROAD STORM SEWER, SANITARY SEWER, WATER MAIN AND PAVEMENT REPLACEMENT IN AN AMOUNT NOT TO EXCEED \$1,509,386.60, AS FURTHER DESCRIBED IN EXHIBIT "A"
2nd READING

Mr. Shepherd stated that this is for a project to correct inverted sewers, paving and waterlines for these two streets. These are part of the system that flows into one of the two remaining sanitary sewer overflows.

- Mr. Furry asked the amount the city would be reimbursed by the City of Cleveland, Division of Water. Mr. Shepherd said the City of Cleveland will reimburse up to the amount of \$296,778.24.

ORDINANCE NO. 32-22 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH TEMPEST, INC. FOR THE ICE RINK EVAPORATIVE CONDENSER REPLACEMENT AT A COST NOT TO EXCEED \$82,300.00, AS FURTHER DESCRIBED IN EXHIBIT "A"
2nd READING

Mr. Shepherd said this new unit will replace a unit with an ongoing leak issue and will be a more efficient unit and will help the utility costs at the ice rink.

ORDINANCE NO. 33-22 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH FABRIZI TRUCKING AND PAVING COMPANY, INC., FOR THE SPENCER ROAD SEWER AND PAVEMENT IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$1,289,929.38 AS FURTHER DESCRIBED IN EXHIBIT "A"
2nd READING

Mr. Shepherd said this project will correct the improper lateral tie ins and other problems with the sewers on Spencer. Fabrizi came in as the only bid as this was not a total sewer project. Fabrizi came in at almost \$500,000 below the engineer's estimate.

ORDINANCE NO. 34-22 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO PURCHASE TWO (2) 25 CUBIC YARD TRAILER MOUNTED SELF-CONTAINED VACUUM LEAF COLLECTORS FOR THE SERVICE DIVISION FROM BELL EQUIPMENT COMPANY,

**AT A COST NOT TO EXCEED \$230,384.00, AS FURTHER DESCRIBED IN EXHIBIT “A”
2nd READING**

Mr. Sindelar said this was discussed last week. Mr. Sindelar forwarded pictures of the proposed leaf collectors to Council last week. Mr. Sindelar asked if these units will be used for the spring cleanup. Director Snyder said these units are not used in the spring.

NEW BUSINESS:

RESOLUTION NO. 35-22 **BY: JAMES W. MORAN**
**A RESOLUTION AUTHORIZING THE CERTIFICATION OF UNPAID PROPERTY
MAINTENANCE COSTS 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**

President Moran said this is to certify the unpaid property maintenance costs to the Cuyahoga County Fiscal Officer for collection. The city provided maintenance for these properties and payment needs to be paid by June 23rd. This will have two more reads.

RESOLUTION NO. 36-22 **BY: ALL COUNCIL MEMBERS**
**A RESOLUTION ESTABLISHING THAT ROCKY RIVER CITY COUNCIL SHALL RECESS
DURING THE MONTH OF AUGUST IN 2022
1st READING**

President Moran said that for the last 20 plus years Council has passed this resolution to establish a recess for the month of August to allow for vacation for City Council and the administration.

ORDINANCE NO. 37-22 **BY: JOHN B. SHEPHERD**
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF
PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH AECOM
TECHNICAL SERVICES FOR THE PRIVATE PROPERTY DYE TESTING OF LAKEVIEW
AND HAMPTON ROADS PROJECT IN AN AMOUNT NOT TO EXCEED \$199,575.00, AS
FURTHER DESCRIBED IN EXHIBIT “A”
1st READING**

Mr. Shepherd said this authorizing a contract with AECOM for the dye testing of Lakeview and Hampton as part of the city’s efforts to close the last two sanitary sewer overflows, this one being the overflow at Magnolia and Westway. Mr. Shepherd stated the cost of this ordinance includes public relations, flow monitoring, model updates with a detailed report and the vast majority of the cost goes to the residential dye testing. Mr. Snyder informed Mr. Shepherd that this residential dye testing cost will be 21% less per household than it was for the prior dye testing on Hampton. The model projected about 40% of the houses may have improper tie-ins. The prior testing on Hampton came out close to the projection of 41%. The models seem to be working.

ORDINANCE NO. 38-22 **BY: JAMES W. MORAN**
**AN EMERGENCY ORDINANCE AMENDING ORDINANCE 19-22, FOR POSITIONS AND
FIXING OR ESTABLISHING THE ANNUAL SALARIES AND HOURLY RATES
COMMENCING JANUARY 1, 2022 FOR THE APPOINTED EMPLOYEES IN THE SEVERAL
DIVISIONS AND DEPARTMENTS OF THE CITY OF ROCKY RIVER**

1st READING

This amends Ordinance No 19-22 with an increase for lifeguards to \$15.00 an hour and an increase to \$20.00 for the pool supervisor. The Lead Supervisor in the Service Division will receive a CDL stipend.

ORDINANCE NO. 39-22

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH FABRIZI TRUCKING AND PAVING COMPANY, INC. FOR THE 2022 WATER MAIN REPLACEMENT AND PAVEMENT RESURFACING FOR ERIE ROAD, FAIRHILL DRIVE AND NELSON PARK DRIVE IN AN AMOUNT NOT TO EXCEED \$2,549,471.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Shepherd stated that the primary motivation for this project is the waterlines. There have been numerous leaks on Fairhill and Nelson Park, some of which created situations that may have contributed to erosion. This will be discussed further at the next Committee-of-the-Whole Meeting.

ORDINANCE NO. 40-22

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO PURCHASE PARTS AND SERVICE AS NEEDED FROM WESTLAND HEATING AND AIR CONDITIONING, IN AN AMOUNT NOT TO EXCEED \$35,000.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Sindelar stated that the \$35,000 is for Westland Heating and Air Conditioning for parts and services. Westland is preferred by the Facilities Director Mr. Mike Balla who is satisfied with Westland's level of service, their pricing is fair and their ability to respond to emergencies is excellent. Mr. Sindelar expects two more reads.

MISCELLANEOUS BUSINESS: President Moran wished Councilwoman Gallagher a happy birthday! Mr. Moran also wished a young man in attendance good luck in his remaining scouting years. Lieutenant Matt Previts was also in attendance and was introduced to this young scout.

PUBLIC COMMENT: NONE

As there was no further business by members of Council, the meeting was adjourned at 7:45 p.m. The next City Council Meeting will be held on June 23, 2022 in Council Chambers, beginning at 7:00 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council