

CITY OF ROCKY RIVER

June 27, 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,
Mrs. Morris, Mr. Sindelar (7:17), Mr. Moran

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 Legislative Meeting of June 13th, be waived and that the minutes be accepted as submitted.

Vote: Hunt – aye	Shepherd – aye	Gallagher – aye	
Furry – aye	Morris – abstain	Moran - aye	
5 ayes	1 abstain	0 nays	PASSED

MAYOR’S REPORT:

The Mayor thanked the Rocky River Chamber of Commerce along with Director Thomas, a Chamber Board Member for the very successful and very well attended “Taste of Rocky River” that was held Saturday night. Several Council Members were in attendance. The Greek Festival at St. Demetrius was also held last weekend.

Director Snyder went out for the paving bid for city streets and only one bid was received and it was 28% over the engineer’s estimate. Asphalt costs have increased from \$215 a cubic yard to this bid at \$320 a cubic yard. This will be rebid with the possibility of using recycled asphalt.

The Mayor stated that a reminder was sent out to residents reaffirming the city’s code regarding the use of fireworks in the city via ReadyNotify. The Mayor received several positive comments from residents regarding the reaffirming of the city code. This ReadyNotify will be sent out again at the end of this week.

The Mayor said that the Habitat for Humanity Collection was held on Saturday and was a success. Habitat for Humanity was very appreciative of the generosity from the Rocky River Community.

The outdoor pool sign-in was backed up on a very warm day last week. A second computer went down along with several residents not having their card to swipe, causing employees to look up each individual, which slowed the process down. This week there are two computers with one being a fast lane for residents with their card. A reminder to residents to bring their card with them to the pool. The Mayor also announced that hours for the pool will be expanded for adult swim as more lifeguards have been hired.

The Mayor announced that the ice rink flooring has been installed.

The Mayor announced some important dates:

- “Pie in the Park” will be held on Sunday, July 10th at Rocky River Park
- A concert on August 5th will be held on Old Detroit Road
- The concert on August 14th is “Dog Days” and will be held at Rocky River Park

A few residents have commented that they are interested in the concerts being held at City Hall Park in the Gazebo as there is more parking available. A viewing area was added at Rocky River Park so that those with mobility issues could watch and enjoy the concerts. The pavilion was built facing the upper hill. The Mayor said that there are drainage issues along with continued construction at City Hall Park. As soon as it is feasible to have concerts at both locations, that will happen.

The Mayor announced that City Hall will be closed on Monday, July 4th in observance of Independence Day.

- Councilman Hunt extended a thank you from former Councilman Chris Klym in his role with the Chamber for all the logistical help the city provided for the “Taste of River”. The Mayor stated that the Service Department along with Director Snyder and Police Chief Lichman and staff created a protected area for the outing. The Mayor also commented on the great band that played Saturday night.

LAW DEPARTMENT: Director O’Shea reminded City Council to continue spreading the word regarding the Fireworks Legislation. The media has been reporting on the Firework Legislation also.

Mr. O’Shea made some comments regarding contracts that are attached to legislation. Vendors are willing to make accommodations in their contracts. Some of these accommodations are:

- The City of Rocky River never indemnifies;
- The City will never agree to pay attorney fees that would be lost in a contractual dispute;
- The City will never agree to limitations of damages or liquidated damages;
- The City would never agree to be controlled by any law other than Ohio Law;
- The City attempts to keep the terms of the contracts to two years or less.

Law Director O’Shea asked Council to be alert regarding these types of things when reviewing contracts. Mr. O’Shea will forward an email to Council outlining these items. The Mayor stated that other things may be added to this list as the city moves forward.

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: President Moran repeated the Mayor’s announcement that next week is July 4th 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, July 11th, 2022.

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

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”

3rd 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 by \$10,000 at \$139,000 and all references and background checks were positive. The city received a healthy bid response of four bids for this ordinance. Mr. Shepherd moved for passage, seconded by Mr. Furry.

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

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”
3rd 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 that need to be eliminated. There was a good bid response that came in substantially below the engineer’s estimate. Mr. Shepherd said the City of Cleveland will reimburse up to the amount of \$296,778 and the balance of the project will be covered by the Ohio Public Works Commission loan. Mr. Shepherd moved for passage, seconded by Mr. Furry and Mr. Hunt.

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

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”
3rd READING

Mr. Shepherd said this new unit will replace a condenser unit with an ongoing leak issue. The new unit will be a more efficient unit and will help with the utility costs at the ice rink. The city received only one bid but a year ago these were priced and this price is in the range it should be. Mr. Shepherd moved for passage, seconded by Mr. Furry.

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

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”
3rd READING

Mr. Shepherd said this project will correct the improper lateral tie ins and other problems with the

sanitary sewers that flow into the storm sewers on Spencer Road. Fabrizi came in as the only bid as this was not a total sewer project or possibly due to labor or supply issues. Fabrizi came in over \$500,000 below the engineer's estimate. The city is familiar with Fabrizi and their references and back ground checks were all good. Mr. Shepherd moved for passage, seconded by Mr. Furry.

Vote: Hunt – aye Shepherd – aye Gallagher – aye Furry – aye
Morris – aye Sindelar – aye Moran - aye
7 ayes 0 nays **PASSED**

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"
3rd READING

Mr. Sindelar said this was discussed for a number of weeks without much discussion. He forwarded pictures of the proposed leaf collectors to Council for review. There has been a trend over the last few years not to use the packer for leaf pick up as it is not built for this type of clean up. These new units can be trailed with any truck. This bid was not the lowest but is the one the city service mechanics recommended to purchase. Mr. Sindelar moved for passage, seconded by Mr. Furry.

Vote: Hunt – aye Shepherd – aye Gallagher – aye Furry – aye
Morris – aye Sindelar – aye Moran - aye
7 ayes 0 nays **PASSED**

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"
2nd 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. One payment has been received and Director Thomas will have a revised exhibit for the July 11th Legislative meeting.

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
2nd READING

President Moran said 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. This will be placed on a consent agenda for the next legislative meeting.

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"

2nd 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. Public side improvements have been done but the problem is still not rectified. The studies and modeling show that a substantial number of houses have their storm sewers flow into the sanitary sewers. This will be on the consent agenda for the next meeting.

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

2nd READING

This amends Ordinance No 19-22 with an increase maximum for lifeguards to \$15.00 an hour and an increase maximum to \$20.00 for the pool supervisor. The Lead Supervisors in the Service Division will receive a CDL stipend. This will also be placed on the consent agenda.

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"

2nd READING

Mr. Shepherd stated that this is being done due to waterline issues. It was put out to bid with two responsive bids with Fabrizi being the low bidder. Fabrizi came in slightly above the engineer's estimate but not outside the 10% rule, so it does not need to be rebid. The Cleveland Water will contribute to this project up to \$1,339,000.00 or 52.5% of the project. They contribute \$257.62 per lineal foot and the estimate for footage is 5,200 feet. Director Snyder said that C909 PVC waterline pipe will be used for this project. It is a newer technology because ductile iron pipe has a 20-week waiting period. This project would not have been completed this year with this delay. Cleveland Water allows this C909 PVC substitute for material. North Olmsted and Elyria are using this product. The cost is comparable to the ductile iron pipe. The watermain on Erie will use the ductile iron pipe as that portion of Erie Road will not be done until the Spring of 2023 so the ductile pipe should be delivered by then.

- Mr. Moran asked about the life expectancy for the new product. Mr. Snyder said that the PVC may last longer but it is new technology.
- Mr. Sindelar asked if the PVC gets the water restriction in the lines. Cleveland Water adds things to the water to help lessen the calcification.

This will not be on the consent agenda.

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”
2nd READING**

Mr. Sindelar defers to the Facility Manager, Mr. Balla who recommends Westland as a main provider for all the HVAC units. The pricing is fair and their ability to obtain parts and respond to emergencies is good.

NEW BUSINESS:

ORDINANCE NO. 41-22 **BY: JAMES W. MORAN**
**AN EMERGENCY ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF
GENERAL OBLIGATION POLICE STATION IMPROVEMENT BONDS OF THE CITY OF
ROCKY RIVER, OHIO IN A PRINCIPAL AMOUNT NOT TO EXCEED \$9,900,000 TO
RETIRE, TOGETHER WITH OTHER AVAILABLE MONEY, THE CITY’S 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**
1st READING

Mr. Moran stated this ordinance gives authorization to issue bonds on an amortizing payment schedule to replace one-year notes the city had issued. The ordinance authorizes an amount not to exceed \$9,900,00 which is the total amount of the notes that are coming to maturity in September. Final invoices will be paid with the police facility total cost to be around \$12.7 million. The new police station is at 100% debt financed. The city has paid about 22% of the cost of the facility from available reserves similar to financing a home purchase with 20% down payment with the remainder funded by a 30-year mortgage. The ordinance authorizes retaining the law firm Calfee, Halter & Griswold to serve as Bond Counsel and defines a role for services needed by the city for the Huntington National Bank. This is the first read and will be read two more times.

- Mr. Furry asked if the city went to market today, approximately what would the coupon rate be. Mr. Thomas thinks it would be about 2-2 ½% at the high end. Mr. Furry asked if Fifth Third was used for the bands or court. Mr. Thomas said the city has used Fifth Third but the talent has moved to Huntington.

RESOLUTION NO. 42-22 **BY: JAMES W. MORAN**
**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 said this resolution makes sure the city can collect the delinquent sanitary sewer accounts. The hope is the exhibit will be revised by the end of July due to the city receiving payment for these accounts.

- Mr. Moran asked if the city should add an additional amount for being late. Mr. Thomas stated that the 1% fee is assessed by the County to the taxpayer. The city is certifying sewer charges and penalty that is in place by the codified ordinances.

RESOLUTION NO. 43-22 **BY: JAMES W. MORAN**

A RESOLUTION ACCEPTING THE ALTERNATIVE TAX BUDGET INFORMATION OF THE CITY OF ROCKY RIVER, OHIO FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2023 AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
1st READING

Director Thomas puts this together with input from the Mayor as a first pass of the 2023 budget. This is in a summary form called the “alternative tax budget information”. This includes known costs as well as some projections.

RESOLUTION NO. 44-22 **BY: JAMES W. MORAN**
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”
1st READING

Mr. Moran stated that each year there is an outline of the millage is set at 10.55% with inside and outside millage. In addition to the General Fund of 6.3 mills, several city activities have levies that are part of the total 10.55 mills. These include:

- Senior Center – 0.50 mill
- Refuse & Recycling – 1.00 mill
- Recreation Center – 0.50 mill
- Bond Retirement – 0.65 mill
- Fire Pension – 0.30 mill
- Police Pension – 0.30 mill
- Capital Improvement – 1.00 mill

The debt millage went from .78 to .75 mills which means taxes will be reduced. This will have two more reads.

MISCELLANEOUS BUSINESS: The Mayor stated that Chiefs Lenart and Lichman, along with Director Snyder and herself went out to the Chagrin Valley Dispatch Center in Cleveland Heights this afternoon. This is the location where any of the WestShore Communities that join CVD will be dispatched from. They spent time with the IT Department along with Dave Matty who was legal counsel when that Council of Governments was established. It now has 33 communities including the Sheriff’s Department and the MetroParks. The WestShore Mayors are meeting tomorrow to discuss where all the communities are at, along with the need for additional information. The Mayor is preparing three or four scenarios concerning level of service and dollars involved. The Mayor stated this is a big issue and there is a lot happening with it. If Lakewood or North Olmsted leave the WestShore, the WestShore will not have a constellation of the five communities that are required to consolidate. As the Mayor receives numbers, she will share with Council.

- Mr. Sindelar asked about the email Council received from a dispatcher. The mayor said that the dispatcher in that email is expressing that they do a good job in Lakewood and they would like to stay in Lakewood. The Mayor said that this is an issue that needs to be addressed by the City of Lakewood. The guiding light and number one priority for our community will be service and safety, followed with cost, how it works operationally and what is the governance.

This will take time to make a final decision. Dispatching out of Rocky River’s Fire and Police Station is

a possibility but the additional cost would be \$3,400 - \$4,000 a year. However, there are a lot of mutual aid intricacies that are extremely important. Service calls for the fire department are at 2,500-3,000 a year including EMS. For the police department it is anywhere from 17,000-20,000 calls. The Mayor is happy to answer any questions.

PUBLIC COMMENT: NONE

President Moran wished Councilwoman Morris a happy belated birthday. As there was no further business by members of Council, the meeting was adjourned at 8:01 p.m. The next City Council Meeting will be held on July 11, 2022 in Council Chambers, beginning at 7:00 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council