

CITY OF ROCKY RIVER

JUNE 7, 2021

The Special 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 to hear and consider the following ordinances and resolution.

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.

OATH OF OFFICE

Chief Lichman introduced Patrolman Mike Pavia by stating that he has been with the Rocky River Police Department for 13 years. During this time he has been a consistent and productive patrol officer and a role model for the younger officers in a very quiet way. This will be the next chapter of his career and he will do the same thing as an official leader as opposed to an informal leader in his department. Chief Lichman said that Sergeant Pavia would be responsible for so much more in this new role including keeping the community safe during the 12 hours he is in charge.

The Mayor followed by giving the Oath of Office to Patrolman Pavia and promoting him to Sergeant Pavia at this evening's meeting. Sergeant Pavia thanked everyone for coming to this evening's meeting. It means a lot to him.

AUDIENCE PARTICIPATION: Mr. Andy Bemer addressed City Council regarding Ordinance Nos. 36-21 and 37-21. Ordinance No. 36-21 is regarding compensation for the position of Mayor and Ordinance No. 37-21 is regarding compensation for the position of City Law Director. Mr. Bemer stated that Elected Officials are not employees of the city. As a full time person working in the city, the Mayor should receive other benefits as in sick leave, vacation, longevity and health insurance. The position needs to be identified as a full time City Official and not an employee. Mr. Bemer strongly encourages Council to modify this ordinance to provide at least these bare bone benefits and look at longevity as another factor that is in the employee handbook, which many individuals think the Mayor already receives. The city has grown in sophistication, programming and developing over the last 15 years. Mr. Bemer encourages Council to survey the Mayoral positions before this ordinance is addressed at next week's meeting. The Mayor of Rocky River is also the authoritative figure over the WWTP, of which is made up by four communities.

Ordinance No. 37-21 is regarding compensation for the position of Law Director. Mr. Bemer is no longer seeking re-election for this position. Mr. Bemer is concerned with the salary structure that is behind as compared to other WestShore Communities. Council received a survey of compensation for the WestShore Law Directors:

- Westlake - \$93,000
- Bay Village - \$80,000
- North Olmsted - \$69,000
- Rocky River - \$60,500
- Fairview Park - \$58,000

These are all part-time positions but in all these cities, the position is provided the option of Health Insurance, which is valued at a \$12-15,000 package. This is not the situation in Rocky River. Mr. Bemer thanked Councilman Klym for stating at last week's meeting that this needs to be addressed. Four years ago, Mr. Bemer told Council that the position is underpaid by \$15,000. The salary was at \$56,000. Mr. Bemer suggested \$65,000 for the position. A \$3,000 increase was given to raise the salary to \$59,000. Mr. Bemer has been in the position for sixteen years and there have only been 5 adjustments: 4 with increases and one voluntary decrease during the great recession. Eight of these years there was not an increase. This ordinance needs to adjust the compensation for the Law Director position. Around the County, most of the compensation packages include a built in step up in salary. This has to do with the respect and value of these positions.

UNFINISHED BUSINESS:

ORDINANCE NO. 33-21

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 ONE OF THE 2020 ROCKY RIVER SEWER IMPROVEMENTS PROJECT FOR MOREWOOD PARKWAY STORM SEWER, SANITARY SEWER, WATER MAIN AND PAVEMENT REPLACEMENT IN AN AMOUNT NOT TO EXCEED \$4,092,957.48 AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Shepherd said this is a major project for Morewood that starts at Wagar heading east to the railroad tracks. This will entail correcting the sewers for inverted sewers, curb repair, repaving and waterlines are being replaced. Five responsive bids were received and Fabrizi beat the engineer's estimate by \$5,000 and was \$770,000 lower than the next bid. Fabrizi received good references and there were no violations in the State Auditor's Database. This contract price at \$4,092,957 includes a contingency of \$500,000. There could be some overruns. Cleveland Water is committed to paying \$678,000 however, that figure is not firm but does include a contingency. The remaining \$3.414 million dollars will be paid by an Ohio Public Works Loan, but not until the Collver and Oak improvements are completed. Mr. Shepherd moved for passage, 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. 34-21

BY: JAMES W. MORAN

AN EMERGENCY RESOLUTION REQUESTING THAT THE CITY OF ROCKY AN EMERGENCY ORDINANCE PROVIDING FOR THE COMPENSATION OF COUNCILMEMBERS OF THE CITY OF ROCKY RIVER FOR THE YEARS COMMENCING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2023

2nd READING

Mr. Moran stated that this ordinance is the compensation for the position of a Councilmember. The last increase was in 2020 and this compensation will be held at this same level. This will be discussed further at the Committee-of-the-Whole meeting.

ORDINANCE NO. 35-21

BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE PROVIDING FOR THE COMPENSATION OF THE PRESIDENT OF COUNCIL OF THE CITY OF ROCKY RIVER FOR THE YEARS

COMMENCING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2023
2nd READING

Mr. Moran stated that this ordinance is the compensation for the position of President of Council. The last increase was in 2020 and this compensation will be held at this same level. This will be discussed further at the Committee-of-the-Whole meeting.

ORDINANCE NO. 36-21 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE PROVIDING FOR THE COMPENSATION OF THE MAYOR
OF THE CITY OF ROCKY RIVER FOR THE YEARS COMMENCING JANUARY 1, 2022 AND
ENDING DECEMBER 31, 2023
2nd READING

Mr. Moran stated that the compensation for the position of Mayor will be increased to \$114,000, which is approximately 1% more than the two Chiefs and Directors are paid. This will be for the term of January 1, 2022 through December 31, 2023.

ORDINANCE NO. 37-21 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE PROVIDING FOR THE COMPENSATION OF THE
DIRECTOR OF LAW FOR THE YEARS COMMENCING JANUARY 1, 2022 AND ENDING
DECEMBER 31, 2023
2nd READING

Mr. Moran said that the increase for next year increases the current salary of \$60,500 to \$62,000. This is a small increase, about 4% over last year's compensation. The part time position does not include any health care benefits.

RESOLUTION NO. 38-21 **BY: ALL COUNCIL MEMBERS**
A RESOLUTION ESTABLISHING THAT ROCKY RIVER CITY COUNCIL SHALL RECESS
DURING THE MONTH OF AUGUST IN 2021
2nd READING

Mr. Moran stated that this resolution has always established an August recess for Council to be used for vacation for Councilmembers and the administration. This has been in place during the month of August for many years.

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"
2nd READING

Mr. Hunt will defer further comment on this ordinance until the Committee-of-the-Whole Meeting immediately following this Special Meeting.

NEW BUSINESS:

ORDINANCE NO. 40-21 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO

**PURCHASE AND INSTALL ONE (1) EMERGENCY GENERATOR FOR THE CITY OF
ROCKY RIVER CIVIC CENTER, AT A COST NOT TO EXCEED \$216,919.00, AS DESCRIBED
IN EXHIBIT "A"**
1st READING

Mr. Moran discussed this with Director Snyder, but will defer further discussion until the Committee-of-the-Whole Meeting immediately following this Special Meeting.

Mr. Moran moved to close the Special Meeting, seconded by Mr. O'Donnell.

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

PASSED

The meeting was adjourned at 7:29 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council

CITY OF ROCKY RIVER

June 7, 2021

The meeting of the Committee-of-the-Whole was called to order by Mr. Moran, President, immediately following the Special Meeting.

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

Mr. Moran opened the meeting by announcing the passing of Judge Leo Spellacy last week. Judge Spellacy swore in the Mayor and President Moran for their first term in office, swore in Councilman Hunt and also swore Lawyer Hunt into the Ohio Bar. Judge Spellacy will be missed by all the residents. Condolences to Zita, his wife and the entire Spellacy family.

The Mayor also extended her condolences to Zita and her entire family. During a video played at Judge Spellacy's calling hours, one of the grandchildren described Judge Spellacy as their moral coach. The Mayor was touched by everything that was said on that video. It was such a beautiful tribute to Judge Leo Spellacy.

MAYOR'S REPORT:

The Mayor announced that the Streets Program bids will be opened this Friday. The Linden Tennis Courts, the West River Tree Project and the Sidewalk Program bids will be opened the following Friday on June 18th.

The Mayor announced that it is anticipated that the Police Department will be moving into the new Police Station during the second week of July.

The Mayor mentioned that Sergeant Boncek is scheduled to retire on June 11, 2021 creating the open position that Sergeant Pavia was just sworn into, effective June 11th. Sgt. Boncek was also in charge of the Marine Patrol and Tracey Hill will be taking over that position. Several officers are trained to take out the Marine Patrol on every shift at a moment's notice. The Mayor welcomed Tracey Hill into this position along with Sgt. Pavia and wished Sgt. Boncek well in his retirement.

The Mayor shared that Finance Director Thomas received a refund from R.I.T.A. in the amount of \$211,000. R.I.T.A. is very efficient in their collection of Municipal Income Taxes at 1.64% rate. Thank you to Director Thomas.

The Mayor announced that the Outdoor Pool opens this Friday.

The Mayor also announced that thanks to Chief Lichman and Director Holub, a Safety Fair for the youngest members of the community will be held this summer. The Safety Fair will be a week long and held at Goldwood School. The Safety Fair will encompass a number of things including bus safety along with participation of the SRO Officers. A more formal Safety Town is in the works for future years.

This Sunday's concert will host "42 South", a Country Band at Rocky River Park this Sunday evening beginning at 7:00 p.m.

The Mayor shared Building Department statistics:

- 696 permits currently as compared to 513 permits in 2020
- Currently the city is just under \$21 million in additional valuation

The Mayor added that if Council is interested in the breakdown between commercial, residential or projects of scope, she would be happy to provide that information.

This is the last week of the Art Show at the Senior Center.

The Mayor announced to Council that the City of Rocky River was rated Number 1 in the Cleveland Magazine “Rate the Suburb” Issue. The Mayor gave statistics on the rankings for the City of Rocky River over the years:

- 2016 - #2
- 2017 - #5
- 2018 - #1
- 2019 - #4
- 2020 - #2
- 2021 - #1

The Rocky River City Schools have always ranked very strong in this issue. The Safety Statistics stay in a band in the high 30's to the low 50's. This ranking is in relationship to the statistics from other communities. There is a safety component that the police submit, a school component that the schools submit and the Mayor submits information for questions encompassing the linear feet of sidewalks in the community, how many bus stops, recreation facilities, services provided, cycling, environment, new housing investment, residential investment, notable projects (the police station and Bradstreet's Landing); a historic component and the City's response to COVID-19. The Mayor thanked all of Council for supporting the work that is recognized, the investments in the community and a huge thank you to all of the Civic Organizations and Churches. They are the foundation of what makes Rocky River a strong and sustainable community. Beautiful notes, comments and emails have been received by the Mayor's Office.

The Mayor added that the city has about 1200 inserts on Rocky River from the Cleveland Magazine if anyone needs another along with a small amount of the actual magazine.

- President Moran said that City Council is very pleased to be the #1 Community and appreciates all the work that the Mayor, Directors and Administration provides for all of us. Seventeen out of the last 20 years, the City of Rocky River averages out to be the top community.
- Councilman Shepherd added a thank you to all the employees too because they do the work and are out there every day

Mr. Moran also mentioned the great Memorial Day Commemoration. Thank you to Mr. Healy and Mayor Bobst and everyone who participated in placing over 3900 flags at Lakewood Cemetery.

COMMITTEE REPORTS: NONE

COMMUNICATION & ANNOUNCEMENTS: Parks and Recreation Committee - Mr. Klym said that the Parks and Recreation Committee will be meeting in person this Thursday morning at 7:45 a.m. at Memorial Hall.

UNFINISHED BUSINESS:

ORDINANCE NO. 34-21: This ordinance is for the compensation of City Council members for the 2022-2023 term. This is a zero percent increase and it will keep the pay scale at \$13,500 a year.

ORDINANCE NO. 35-21: This ordinance is for the compensation for the President of City Council for the 2022-2023 term. This also is a zero percent increase and will keep the pay scale at \$14,000 a year.

ORDINANCE NO. 36-21: This ordinance is for the compensation for the position of Mayor for the 2022-2023 term. The compensation has been set at \$114,000 and is a very slight increase over the directors.

ORDINANCE NO. 37-21: This ordinance is for the compensation for the position of Law Director for the 2022-2023 term. It is currently at \$59,500 and this would increase the salary to \$62,000. Resident Bemer presented information to Council this evening. Mr. Moran said there might be a possible increase on the first year or the second year and/or health benefits.

- Mr. Klym commented on this at last week's meeting. The position of Law Director is different from 15 or 20 years ago. There are many different hats to wear in this position. If the salary is not increased, the same quality of an individual may not step up for this position. Mr. Klym thinks Council needs to consider a rate that keeps up with the times and other communities. Mr. Klym thinks \$65-68,000 plus benefits. If benefits are not included, the salary should be \$75-80,000. Mr. Klym would be in support of an amendment for this ordinance in order to increase this salary. There is also a filing deadline Council needs to meet. Mr. Klym does not agree with the escalating clause.
- Mr. Furry agrees that the salary needs to be increased. He does not believe benefits should be provided for part time positions. Mr. Furry said maybe an increase of \$10,000.
- Mr. Shepherd said there is a bump in the ordinance, but not much of one. This is a part time position so he is not in favor of health insurance. He is not sure of what amount the increase should be. Mr. Bemer stated that all the WestShore suburbs offer health insurance. Mr. Shepherd feels the salary could be increased every year.
- Mr. Klym and Mr. O'Donnell said that because it is an elected position, it has to be in an ordinance every two years.
- Mr. Moran said that maybe in the second year of the term there could be an additional bump in the salary as increases through negotiations come through.
- The Mayor added that Councilman Klym discussed the escalator. The Mayor does not think it is the right thing to do because the Mayor and the Law Director negotiates the Collective Bargaining Agreements. These become a part of the compensation structure for Directors and Administrations. The Mayor would not feel comfortable with this.
- Mrs. Morris agrees that the salary should be increased and if benefits are added, the increase should not be as high.
- The Mayor explained what Resident Bemer stated about the position of Mayor. He is correct in noting that the Mayor is not a full time city employee, but is a full time public official and the position does not receive the same benefits as an employee, except for health care.

- Mr. Bemer said his point is that the ordinance is defective. Whatever benefits a public official receives, has to be in the ordinance.
- Mr. Moran said this needs to be presented by the third read next week. Mr. Klym said he would support an amendment for \$75,000 for the Law Director's salary.
- Mr. Moran said that being stewards of the city's finances, he thinks that amount is higher than it should be.
- The Mayor said that no part time employee receives benefits. The city would need to look at the premium cost that is set by Medical Mutual, and a part time employee would have to pay more or a larger share of these benefits.
- Director Thomas added that the contract with Medical Mutual in fact says the coverage is for full time employees only.
- Mr. Hunt said that regardless of what compensation number Council comes up with, he wants it to be for the 2-year term.
- Mr. Moran asked Council to share their thoughts so this ordinance can be adjusted prior to passage.

RESOLUTION NO. 38-21: This establishes August for the recess month for City Council Meetings. There would be no active meetings during the month of August.

ORDINANCE NO. 39-21: This ordinance is a yearly ordinance and is accepting funds from the ODNR for the operation of the Marine Patrol. The Patrol begins Memorial Day weekend and continues through Labor Day. This will be a match of 25% for the city and 75% from the ODNR for the Marine Patrol up to \$30,000. The city has an extension to pass this ordinance and provide the written agreement to the state. The funds come from the Marine Patrol Assistance Grant Program to provide emergency response on the waterways. Mr. Hunt has a question in Section 10 about the agreement terminating and the non-assignment rights clause. Mr. Bemer will review this and get back to Council. Mr. Hunt has received multiple reports of Argus being out because of distressed kayakers.

ORDINANCE NO. 40-21: The proposed fee by Zenith of \$216,919 is \$41,581 less than the second lowest fee proposal and \$108,081 less than our estimated cost (\$325,000). The cost of the generator will be paid from the balance of the NOPEC grants that the City has received over the past three years, which totaled \$315,598. The balance will be used for other energy saving options. This generator will be used at the Civic Center and Memorial Hall.

NEW BUSINESS:

ORDINANCE NO. 41-21: This is for the purchase of a 2022 Ford F-550 chassis with Lift body from Valley Ford Truck as part of the Ohio Cooperative Purchasing Act for an amount not to exceed \$151,860. This truck will replace the current lift truck for the traffic division that has been deemed unsafe for use by our mechanics. The current truck is a 1997 Ford with very little trade-in value. This will be read for a second time next week.

ORDINANCE NO. 42-21: This is to enter into a contract with Pavement Technology, Inc. for the purchase and application of Reclamite Pavement Preservation for Hilliard Blvd between Westmoor and the Westlake line in an amount not to exceed \$49,932.61. The use of reclamite is a new practice for pavement preservation and for the extension of pavement life. It is a liquid that is applied to the surface that seals the pores of the asphalt to prevent against water infiltration. Research has shown that the use of reclamite can extend the life of asphalt an additional five years when applied within the first two (2) years of resurfacing. The City of Westlake has added this

application to all of its resurfacing projects and Bay Village is in the process of applying this product to their recently paved streets. Pavement Technology performed a test application on Middle Post earlier this year and have seen solid results, with the street drying quicker after rains. The Mayor added that the County will pay for 20% of the materials.

Director Snyder explained the process: Two interior lanes will be done first with a spray on the street, then applying sand following with the material being able to be driven on within 30 minutes of application. The next day will be the exterior lanes. The day after that, the sweeper comes through to remove the sand.

ORDINANCE NO. 43-21: 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. The bid is less than the engineer's estimate of \$66,000. RMH has done work at the City of Crestline and City of Oregon and Fairview Park, who provided favorable recommendations regarding the contractor. Additionally, RMH performed the sidewalk replacement on Sunnyhill and Thomson Circle last year and did a good job. A search of the Ohio Auditor of State found no results in the State Finding for Recovery Database. The site work being performed by RMH will be for three location at City Hall Park in preparation of the installation of the accessible playground material and poured in placed rubber playground surface that is to be installed.

MISCELLANEOUS BUSINESS: Mr. Moran discussed the TREX application received from the Ohio Department of Liquor Control for Go Buddha at 19900 Detroit Road. The police and Council approve this request. Mr. Bemer's recommendation to Council regarding the Sunoco Liquor request is to not recommend anything, as it is still in litigation.

Mrs. Morris also stated that she and Councilman Shepherd volunteered at the cleanup at Rocky River Park last Friday with the Chamber of Commerce.

Mr. Moran wished Mrs. Morris a happy birthday.

As there was no further business by members of Council, the meeting was adjourned at 8:30 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council