

CITY OF ROCKY RIVER

May 1, 2023

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.

Council Members Present: Mr. Hunt, Mr. Shepherd, Mrs. Gallagher, Mr. Furry,
Mrs. Morris, Mr. Sindelar, Mr. Moran

Assistant Law Director: Mr. Dever

Administration: Mayor Bobst, Mr. Snyder

The meeting was opened with a Pledge of Allegiance. President Moran stated that this evening's Special Meeting is regarding Ordinance Nos. 34-23, 36-23, 37-23, and 38-23.

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 34-23

BY: THOMAS J. HUNT

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE
DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH
RMH CONCRETE & FOUNDATIONS, FOR THE SAFETY TOWN PROJECT AT A
COST NOT TO EXCEED \$269,610.00, AS FURTHER DESCRIBED IN EXHIBIT "A"
3rd READ**

Mr. Hunt said this ordinance has been pending for a few weeks. Mr. Hunt has not had any specific questions or follow up. Ordinance No. 34-23 will authorize the city to enter into a contract with RMH Concrete & Foundations for the long-awaited Safety Town Project. The cost will not exceed \$269,610. The bid from RMH was the only bid received and was 3.2% over the engineer's estimate. Since it is the only bidder and is within the 10%, the city can move forward. There has been no further discussion about that issue. RMH has performed work within the city including the 2022 Streets Program, the concrete curbs for Elle's Enchanted Forest Playground and have been recommended for the Beachcliff TLCI Project. They have received favorable recommendations from the City of Mayfield Heights and the City of Mentor. RMH is an ODOT prequalified contractor and has satisfactorily performed several other ODOT projects and there were no unresolved findings on the State Auditor Database. The Safety Town Project will be a year-round attraction for the community. Mr. Hunt moved for passage Ordinance No. 34-23, seconded by Mr. Sindelar.

Vote: Hunt – aye
Morris – aye
7 ayes

Shepherd – aye
Sindelar – aye
0 nays

Gallagher - aye
Moran - aye

Furry – aye

PASSED

ORDINANCE NO. 36-23**BY: BRIAN J. SINDELAR**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2024 REFUSE SEMI TRACTOR CHASSIS FOR THE SERVICE DIVISION UNDER THE STATE COOPERATIVE PURCHASING ACT FROM RUSH TRUCK CENTERS OF OHIO, INC., AT A COST NOT TO EXCEED \$141,993.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READ

Mr. Sindelar stated that as the title states it is self-evident and for the sake of brevity he will reiterate the justifications and rationale for this ordinance at the Committee-of-the-Whole meeting following this Special Meeting.

ORDINANCE NO. 37-23**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH CHAGRIN VALLEY PAVING, INC., FOR THE HILLIARD BOULEVARD RESURFACING PROJECT FROM GASSER BOULEVARD TO WOOSTER ROAD AT A COST NOT TO EXCEED \$442,347.20, AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READ

Mr. Shepherd stated that this project is 50% funded by the County and 50% funded by the city. Mr. Shepherd will defer to the Committee-of-the-Whole meeting for further discussion immediately following this Special Meeting.

Mr. Shepherd moved to amend by substitution Ordinance No. 38-23. City Council received a revised exhibit to the ordinance as the original contained a word processing typo error where in the last sentence the wrong company was listed for being excluded or not listed in the Sam.gov database. Originally it stated RMH but has been corrected to read C. A. Agresta Construction Company. Therefore, Mr. Shepherd moved for an amendment by substitution of this ordinance to substitute with the new memo, seconded by Mr. Furry.

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

AMENDED ORDINANCE NO. 38-23**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH C. A. AGRESTA CONSTRUCTION COMPANY, FOR THE CENTER RIDGE ROAD RESURFACING PROJECT IN AN AMOUNT NOT TO EXCEED \$1,307,467.40, AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READ

Mr. Shepherd will discuss this further at the Committee-of-the-Whole Meeting immediately following this Special Meeting.

Mr. Moran moved to close the Special Meeting, seconded by Mr. Furry.

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

The meeting was adjourned at 7:10 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council

CITY OF ROCKY RIVER

May 1, 2023

The Committee-of-the-Whole Meeting of Council was called to order by Mr. Moran, President of Council, immediately following the Special Meeting in the David J. Cook Council Chambers.

Council Members Present: Mr. Hunt, Mr. Shepherd, Mrs. Gallagher,
Mr. Furry, Mrs. Morris, Mr. Sindelar, Mr. Moran

Administration: Mayor Bobst, Mr. Snyder

Assistant Law Director: Mr. Dever

MAYOR'S REPORT:

The Mayor began her report by thanking those in attendance for their comments last week. Thank you for your patience this week and your continued patience. The Mayor then read a prepared statement:

City of Rocky River, Mayor's Statement, City Council Meeting - May 1, 2023

Good evening,

At a recent Council meeting, some residents raised questions regarding concerns that have been voiced by members of our police union. I'd like to update the community on that matter and describe the steps we've taken to address those concerns.

The City usually does not comment on ongoing investigations, so there are limitations to what I can say about pending matters involving our Police Department.

However, several weeks ago, members of the Ohio Patrolmen's Benevolent Association (OPBA), which represents Rocky River Patrol Officers, handed me a document describing a number of allegations involving workplace and labor concerns, as well as allegations related to Rocky River Chief of Police Lichman.

Typically, matters like this are brought to the City's attention using a well-defined, established process. Even though the union did not follow that process in this instance, we took the matter very seriously and responded to the OPBA immediately. At the same time, we contacted the Ohio Attorney General's Office for follow-up.

The Attorney General's Office instructed us that their protocol is to refer matters to the local prosecutor's office first. The Attorney General's Office indicated that we should contact the Cuyahoga County Prosecutor's Office to conduct an independent investigation of the situation and determine if the matter was appropriate for referral to the Attorney General's Office. We did just that.

I can now report that the County Prosecutor carefully reviewed this matter and has completed its investigation of the allegations involving Chief Lichman. The Prosecutor's Office determined that there was no evidence that a crime had been committed and communicated that to the City.

Even though the Prosecutor's Office has issued its findings, the City is continuing its administrative review. An internal, ongoing, administrative review is underway to determine if there are any

administrative actions we should take to address these allegations, and we have engaged outside legal counsel to guide us through that process.

However, in order to complete this critical review, we need information from the members of the OPBA. After repeated requests, I am happy to report that we now have a meeting date scheduled with the OPBA and are moving forward in as thorough and efficient of a manner as possible.

I want everyone here - and everyone in our community - to know that the morale of the Rocky River police force is a top priority for me. We have always had a well-respected, professional, high-functioning police department and I do not want these matters to taint our officers' or the Department's image in any way; and most importantly, to distract them from their important mission to protect and serve our community.

My focus is squarely on continuously improving our police force and moving it forward. To do that, we intend to engage an independent law enforcement operations consultant to assess our Police Department and how it functions, make specific recommendations, and develop a plan for any additional improvements. Issues that need to be addressed, will be addressed. We cannot do that, however, without the input of all members of the Department. The union membership's cooperation is foundational to the success of our efforts.

I will endeavor to keep the city posted on this situation as I am able to do so.

Thank you.

Respectfully, Pamela E. Bobst
Mayor
City of Rocky River

Mayor's Report Continued:

The Mayor received a letter from Chris Darlington from the Bureau of Adult Detention under the Ohio Department of Rehabilitation and Corrections stating that the city's jail has been approved. The administration is very pleased and is in the process of hiring individuals to work in the jail and be cross trained to perform dispatching functions as well as other functions.

This weekend there will be a couple of special events on Saturday. It is planting day for the Rocky River Chamber of Commerce. The Chamber does this each year and have done very meaningful and impactful projects around the city. This year they will be doing beautiful landscaping around the new City Hall sign. Thank you to Rich Snyder and Dave Arendec who have been working hard, as well as Groundworks who worked with Rich on the design of the plantings. This is through the Chamber's "Strengthening Our Roots Program". It started with an idea from former Councilman Chris Klym, who is currently the President of the Rocky River Chamber of Commerce. The Mayor looks forward to that with an early start on Saturday morning.

At the same time Saturday morning, Little League players, coaches and families will gather at City Hall Park for a parade from the park down Hilliard Blvd. to the Little League Fields. The Mayor will throw out the first pitch on Saturday assisted by Dave Ford, who will catch the first pitch. Dave Ford who is also the Mayor's pitching coach, pitched in a World Series game for the Baltimore Orioles. It is always a thrill for the Little Leaguers to see Dave and spend some time with him. The Little Leaguers will gather at 9:00 a.m. and the kickoff is at 9:30. The Mayor encourages anyone who wants to support the Little League to line Hilliard Blvd. to show your support and excitement for the upcoming season.

The Mayor announced that this is Building Safety Month. On behalf of City Council and the administration, the Mayor provided a proclamation to the Building Department. The first week is all about home safety, i.e., electrical safety, fire prevention and fire suppression. The proclamation states:

- Recognizing that our growth and strength depends on the safety and essential role in our homes, buildings and infrastructure. We want to recognize the devotion of vigilant guardians. Our building safety and fire prevention professionals, architects, engineers, builders, trades people, design professionals, laborers and all others in the construction business who work year-round to ensure the safe construction of buildings. The theme of this year's Building Safety Month is "It Starts With You" and it is all about raising awareness in the community.

Every week there will be a new message that goes out to the community. The Mayor shared this with Council as the Proclamation is on behalf of City Council and the Administration.

The Mayor reported that a grant has been submitted for the Shoreland Park for the fourth time. This grant was completed by Rich Snyder and Mark Filipic and submitted to the Cleveland Akron Board of Realtors. Hopefully there will be positive results.

Arbor Day was rescheduled due to weather. It has been moved to Friday, May 12th at 11:00 a.m. at Linden Park.

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 36-23: Mr. Sindelar said this has been discussed for two weeks with two reads. Mr. Sindelar stated that the mechanics do a great job of assessing vehicles and seeing which ones potentially cause hazards, dangers and environmental impacts and look to make the change on a good schedule. Even during recession trouble. The frame on the current vehicle has significant rust on it with a loud exhaust. This vehicle is a 2001 and is over 22 years old with 90,000 hard driven miles from the transfer station. The justification as to why the city does what it does and when these dollars are spent, matters. This will be read for a third time next week and will be placed on a consent agenda.

ORDINANCE NO. 37-23: Mr. Shepherd said that this is to repave Hilliard from Gasser to Wooster Road. This is 50% funded by the County. This was put out to bid with six responsive bids. Chagrin Valley was the low bidder by \$19,500. They were well under the engineer's estimate. Their references have been discussed and they are pre-qualified by ODOT with no unresolved findings in the Auditor's Database. There has been no debate on this so Mr. Shepherd requests that this be added to the consent agenda.

AMENDED ORDINANCE NO. 38-23: Mr. Shepherd said this is for the Center Ridge resurfacing project from Spencer to the Westlake border. This is a greatly welcomed project. Service Director Snyder petitioned ODOT to move the resurfacing up as ODOT had it scheduled for 2027. The State is paying 85% of the cost of the paving portion from curb to curb. The project is bigger than just the paving but they are paying for the majority of the paving. The references have been discussed. Mr. Shepherd said this was put out to bid with three bids in response and Agresta was the low bidder by \$58,960.00.

- Mr. Sindelar said it is the best-case scenario when the city receives as many grant dollars for the state or county road being paid for by them. He likes to keep in mind that they are paying for it with the city's dollars so in essence, the city is wrestling back money that was taken from the city.

NEW BUSINESS: NONE

MISCELLANEOUS BUSINESS: NONE

President Moran explained that City Council meetings are open and accepts all comments at Legislative Meetings. The next Legislative Meeting will be Monday, May 8th.

MOTION:

President Moran respectfully requested Council to move into Executive Session under Article X, Section VI, Subsection I of the City Charter to discuss a personnel matter before the end of this meeting, seconded by Mr. Furry.

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

As there was no further business by members of Council, Mr. Moran adjourned the meeting at 7:59 p.m., seconded by Mr. Furry. The next meeting will be a Legislative Meeting on May 8th.

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

James W. Moran
President of Council

Susan G. Pease
Clerk of Council