

CITY OF ROCKY RIVER

November 13, 2018

The Regular 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. Sindelar, Mr. Klym, Mr. Moran

Absent: Mr. O'Donnell

Administration: Mayor Bobst, Mrs. Costello, Mr. Thomas

Assistant Law Director: Mr. O'Shea

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 October 22nd be waived and that the minutes be accepted as submitted.

Vote: Hunt – aye	Shepherd - abstain	Furry – abstain	Sindelar – aye
Klym – aye	Moran – abstain		
3 ayes	3 abstain	0 nays	PASSED

Moved by Mr. Moran, seconded by Mr. Furry, that the reading of the minutes of the Committee-of-the-Whole Meeting of November 5th be waived and that the minutes be accepted as submitted.

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

MAYOR'S REPORT:

The 2019 Budget is in front of Council this evening. The Mayor thanked Director Thomas, the Finance Department and all the Directors for all the effort and hard work that went in to the Budget. The Directors are looking forward to meeting with their individual Councilman prior to the November 30th Finance Meeting.

The Mayor announced that the Transfer Station will be open on Fridays, beginning December 7th. Thank you to Rich Snyder, Director Costello and the R2 Lead Supervisor Dave Ward who have been working on ways to staff the Station on Fridays. The hours will now be, Monday, Tuesday, Thursday and Friday (beginning on December 7th) from 8:00 am to 2:30 pm and Saturday from 8:00 – 12:00 noon.

Thursday is the Sip & Stroll Winter Market on Linda Street. Friday, November 16th is the Holiday Walk on Lake Road and on December 1st the Holiday Walk on Old Detroit Road and Detroit Road will be held.

Saturday will be the 90th Anniversary Celebration for the Rocky River Public Library. The Mayor is hopeful that Council can attend at some point during the day.

ASSISTANT LAW DIRECTOR'S REPORT: NONE

COMMITTEE REPORTS: Mr. Moran spoke with Mr. O'Donnell regarding the Finance Committee Budget Hearing on Friday, November 30th. Mr. Moran reminded Council to contact their Directors and complete their reports prior to the November 30th meeting.

COMMUNICATIONS AND ANNOUNCEMENTS: NONE

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 87-17

BY: JOHN B. SHEPHERD

AN ORDINANCE AMENDING CHAPTER 1153 CAPTIONED SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT REGULATIONS OF THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, AND SPECIFICALLY SECTION 1153.03 ENTITLED USE REGULATIONS, SECTION 1153.07 ENTITLED SETBACK REQUIREMENTS, SECTION 1153.09 ENTITLED HEIGHT REQUIREMENTS, SECTION 1153.13 ENTITLED PROJECTIONS INTO REQUIRED SETBACKS, AND SECTION 1153.15 ENTITLED ACCESSORY USES AND STRUCTURES, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBITS "A-E" ON HOLD

This amended ordinance is still on hold. Mr. Shepherd said that there are some areas that may be modified regarding the placement of side air conditioning units and fences on side yards against driveways. If Council comes to a consensus or has at least a 2/3 vote, the modifications can go through without sending it back to the Planning Commission.

- Councilman Furry added that the Lake Erie setback has not been fully addressed by the Planning Commission. Mr. Shepherd said that would come back as a separate issue.

AMENDED ORDINANCE NO. 50-18

BY: THOMAS J. HUNT

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 505 ENTITLED ANIMALS AND FOWL OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A" ON HOLD

Mr. Hunt said that this is still on hold. Mr. Hunt said that in Section 505.035 there is additional language regarding the prohibition of feeding wild animals. Mr. Hunt said that this is already covered in section 505.34 and is redundant. He will speak with Mr. Bemer regarding this additional change.

- Mr. Moran asked if there was new terminology regarding companion pets. Mr. Hunt said that Director Bemer added language that refers back to the Ohio Revised Code regarding a companion animal.

ORDINANCE NO. 63-18

BY: CHRISTOPHER J. KLYM

**AN ORDINANCE AUTHORIZING THE MAYOR TO RENEW THE HEALTH CONTRACT FOR 2019 AND 2020 WITH THE GENERAL HEALTH DISTRICT OF CUYAHOGA COUNTY, OHIO FOR SERVICES TO THE CITY OF ROCKY RIVER
2nd READING**

This ordinance has been discussed a couple times over the last three weeks. Mr. Klym will discuss this further at next week's Committee-of-the-Whole Meeting.

ORDINANCE NO. 64-18**BY: BRIAN J. SINDELAR**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2018 FREIGHTLINER REFUSE PACKER CHASSIS FOR THE SERVICE DIVISION UNDER THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING ACT FROM VALLEY FREIGHTLINER, INC. AT A COST NOT TO EXCEED \$100,371.00

2nd READING

Mr. Sindelar said that as discussed in previous weeks, this is going to be a new style of purchase by purchasing the chassis first through the Ohio Department of Transportation's Cooperative Purchasing Act and then placing the body on the chassis later. There will be an increase of price compared to past years, but those models were demonstration vehicles that came with mileage. This will have one more read.

ORDINANCE NO. 65-18**BY: BRIAN J. SINDELAR**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2018 FREIGHTLINER TANDEM AXLE DUMP TRUCK CHASSIS FOR THE SERVICE DIVISION UNDER THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING CONTRACT FROM VALLEY FREIGHTLINER, INC., AT A COST NOT TO EXCEED \$90,663.00

2nd READING

Mr. Sindelar said that this ordinance seeks to purchase the chassis only with the body being purchased at a later date. The Service Commissioner describes this as the "Swiss Army Knife of Trucks". This will have one more read.

ORDINANCE NO. 66-18**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH PERK COMPANY, INC., FOR THE 2018 TREE AND SIDEWALK PROGRAM IN AN AMOUNT NOT TO EXCEED \$157,896.00

2nd READING

Mr. Shepherd said that this is for sidewalk repairs and tree lawn trees for Archwood and Maryls Drive. It was put out to bid and Perk Company was the low bidder. The bid was under the engineer's estimate and all the references checked out.

ORDINANCE NO. 67-18**BY: DAVID W. FURRY**

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE FERRIC CHLORIDE FOR THE WASTEWATER TREATMENT PLANT FROM PVS TECHNOLOGIES, INC., AT \$558.00 PER DRY TON FOR 2019

2nd READING

Mr. Furry said that this was discussed at last week's meeting and will be discussed further at the next Committee-of-the Whole Meeting.

ORDINANCE NO. 68-18**BY: DAVID W. FURRY**

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE SODIUM BISULFITE FOR THE WASTEWATER TREATMENT PLANT FROM PVS CHEMICAL SOLUTIONS, INC. AT \$1.26 PER GALLON FOR THE YEAR 2019

2nd READING

Mr. Furry said that this was discussed at last week's meeting and will be discussed further at the next Committee-of-the Whole Meeting.

ORDINANCE NO. 69-18

BY: DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE SODIUM HYPOCHLORITE FOR THE WASTEWATER TREATMENT PLANT FROM BONDED CHEMICALS, INC. AT \$0.769 PER GALLON FOR 2019

2nd READING

Mr. Furry said that this was discussed at last week's meeting and will be discussed further at the next Committee-of-the Whole Meeting.

NEW BUSINESS:

RESOLUTION NO. 70-18

BY: JOHN B. SHEPHERD

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS FOR THE RESURFACING OF A PORTION OF HILLIARD BOULEVARD WITHIN THE CITY OF ROCKY RIVER

1st READING

Mr. Shepherd said that the funding breakdown for this was discussed at last week's meeting. As this process begins, it is the hope that the resurfacing will be extended to the Westlake border. Mr. Shepherd asked if Director Costello had an opportunity to find out the answer to Mr. Klym's question last week. Director Costello said that she forwarded the question via email and has not yet heard back.

RESOLUTION NO. 71-18

BY: JOHN B. SHEPHERD

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND HER DESIGNEE TO SUBMIT AN APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA), FOR TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (TLCI) PLANNING, TO FUND IMPROVEMENTS FOR THE "COMMUNITY CONFLUENCE TLCI" PROJECT

1st READING

Mr. Shepherd said that Council should have received a new version of this resolution in their packets over the weekend. This Resolution is for a Planning Grant as opposed to an Implementation Grant which was referenced in the Resolution received last week. This does not need to be amended as it was never read prior to this evening.

ORDINANCE NO. 72-18

BY: JOHN B. SHEPHERD

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH DELTA DENTAL TO PROVIDE DENTAL COVERAGE FOR THE FULL-TIME EMPLOYEES OF THE CITY OF ROCKY RIVER, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Shepherd said that he would defer conversation regarding this ordinance until next week's meeting.

ORDINANCE NO. 73-18

BY: JOHN B. SHEPHERD

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITH MEDICAL MUTUAL OF OHIO TO PROVIDE HEALTH CARE, PRESCRIPTION INSURANCE COVERAGE, AND OPTIONAL VISION COVERAGE FOR THE FULL-TIME EMPLOYEES OF THE CITY OF ROCKY RIVER, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Shepherd said that he will defer conversation regarding this ordinance until next week's meeting so he can have time to review the attachments for this Ordinance and Ordinance No. 72-18.

ORDINANCE NO. 74-18

BY: MICHAEL P. O'DONNELL

AN ORDINANCE CREATING POSITIONS AND FIXING OR ESTABLISHING THE ANNUAL SALARIES AND HOURLY RATES COMMENCING JANUARY 1, 2019 FOR THE APPOINTED EMPLOYEES IN THE SEVERAL DIVISIONS AND DEPARTMENTS OF THE CITY OF ROCKY RIVER

1st READING

Mr. Moran said this will be discussed further at next week's meeting. The Mayor said that this relates also to the next ordinance but the city is currently in collective bargaining with three bargaining units so more than likely the exhibits will be updated throughout this process.

ORDINANCE NO. 75-18

BY: MICHAEL P. O'DONNELL

AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019

1st READING

Mr. Moran said that every year Council receives the Budget Book for the following year, which is the culmination of everything that the Mayor and Directors have done to prepare Council for the budget. Mr. Moran thanked Director Thomas for preparing this, which will help Council in preparation for the Finance Meeting on November 30th.

ORDINANCE NO. 76-18

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT FOR VARIOUS INSURANCE COVERAGES FOR THE ROCKY RIVER MUNICIPAL COURT WITH JACKSON DIEKEN & ASSOCIATES FOR THE YEAR 2019 AT A TOTAL COST OF \$9,828.00

1st READING

Mr. Shepherd said that this group of three insurances went out to bid. The court only received one response with a slight increase. The rate last year was \$9,664 and this year \$9,828. Cyber attack insurance was added. Jackson Dieken & Associates has done a good job in past years. This is through Houston Casualty Group but is underwritten by US Specialty Insurance Groups.

ORDINANCE NO. 77-18

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT FOR VARIOUS INSURANCE COVERAGES FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT WITH MCGOWAN INSURANCE COMPANY, INC. FOR THE YEAR 2019 AT A TOTAL COST OF \$76,922.00

1st READING

Mr. Shepherd said that there was only one bid response for this request. There is a modest increase from \$68,175 up to \$76,922. Cyber attack and earthquake coverage was added along with a \$10 million umbrella. The earthquake coverage cost is \$3,582. Director Costello said that the earthquake coverage is important and priced reasonably enough to include.

ORDINANCE NO. 78-18**BY: JOHN B. SHEPHERD****AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT FOR VARIOUS INSURANCE COVERAGES FOR THE CITY OF ROCKY RIVER WITH MCGOWAN INSURANCE COMPANY, INC. FOR THE YEAR 2019 AT A TOTAL COST OF \$275,893.00****1st READING**

Mr. Shepherd said that this has a substantial increase in price. This did go out to bid but received only one final bid. This meets all the city's needs for insurance. Last year's premium was \$196,832 while this revision is \$275,893. Cyber attack protection, sexual molestation and deadly weapon protection has been added. The breakdown of costs are: cyber attack protection is \$1,000; abuse and molestation umbrella is \$5,000; the auto-change figure is \$18,000 and that might not be used. The insurance company will bill the city for auto-changes as new vehicles are purchased. A big cost for Travelers is silo aggregate coverage which adds an additional \$10 million figure over all general liability umbrellas. The cost for this is \$23,000 and Travelers usually doesn't offer it in their insurance quotes. Director Costello will send this breakdown to Council.

- Mr. Sindelar asked about the abuse and molestation. Director Costello explained that this protects the city against any type of claim. Director Costello said that every coach and volunteer will be provided this information and it will be part of the handbook. The city did not have this coverage in the past but Mr. O'Shea added that the city also has had sovereign immunity.
- Mr. Sindelar asked if the move to Travelers is due to the Trident Fire Truck issue. McGowan decided not to write any of these coverages with Argonaut or Trident Insurance. The city did not request this.
- Mr. Shepherd asked what the cost is for the Deadly Weapon/Active Shooter coverage. Director Costello will get that figure to Mr. Shepherd. Regarding the \$18,000 in potential vehicle upgrades to the fleet, Mr. Shepherd commented that the city has been upgrading and restoring the fleet. Director Costello said that for very large items in the past, the city was invoiced. With this coverage, Director Costello has asked the insurance companies to list the cost upfront. The Mayor said that it might be helpful to quantify the increased valuation of equipment or buildings so Council can see where the increase is coming from.
- Mr. Klym referenced Mr. Sindelar's question about the molestation. Are there requirements that the city needs to meet to qualify for that coverage? Director Costello said that employees would need to sign an acknowledgement that they have received the template that is provided by the insurer and the signed forms will be housed in the Human Resource office. The city already completes background checks on employees.
- Mr. Shepherd said that the city has tailored the insurance to the city's particular needs. There is an option that other cities have done called "Pooling Groups" but there is not flexibility in coverage by doing that.
- The Mayor asked about the insurance after the demolition of the police department is complete. Will there be a credit for that part of the building insurance? Director Costello will pursue this with the insurance company.
- Mr. Moran said that along those lines, did the city receive a credit from the insurance company since the damaged fire truck has not been in use. Director Costello will look into this.
- Mr. Hunt asked about the issues with the insurance carrier for the ladder truck. Was there any problems with McGowan in helping with that process? The Mayor responded that the expectation is advocacy. The insurance company should be there to assist the city while working through coverage questions and

also to be sure there is enough coverage. The city has had McGowan Insurance for many years and they have represented the city very well.

CONSENT AGENDA:

ORDINANCE NO. 56-18

BY: DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW AN AGREEMENT WITH JAMES DIAZ TO PURCHASE SERVICES FOR THE REMOVAL OF DIGESTED SLUDGE CAKE FROM THE WASTEWATER TREATMENT PLANT AT A COST OF \$22.00 PER WET TON FOR 2019 AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Furry said that this is the least costly alternative that can be done in the winter months for the removal of digested sludge cake from the WWTP.

ORDINANCE NO. 57-18

BY: DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW AN AGREEMENT WITH RUMPKE OF NORTHERN OHIO, INC. FOR THE REMOVAL OF RAW SEWAGE SLUDGE FROM THE WASTEWATER TREATMENT PLANT AT A COST OF \$42.10 PER TON FOR 2019 AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

This is for the removal of raw sewage sludge cake from the WWTP and is only in place for emergency purposes. It has not been used and hopes it won't be utilized in the future, but needs to be in place.

ORDINANCE NO. 58-18

BY: DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW AN AGREEMENT WITH RUMPKE OF NORTHERN OHIO, INC. TO PURCHASE SERVICES FOR THE REMOVAL OF GRIT AND SCREENINGS FOR THE WASTEWATER TREATMENT PLANT AT \$65.00 PER TON FOR 2019 AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

This is a one-year renewal of an existing agreement for Rumpke of Northern Ohio. They were the lowest and best bidder from the previous year.

ORDINANCE NO. 59-18

BY: DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW AN AGREEMENT WITH RUMPKE OF NORTHERN OHIO, INC., FOR A PERIOD OF ONE YEAR FOR THE REMOVAL OF DIGESTED SLUDGE CAKE TO A MUNICIPAL LANDFILL FOR THE WASTEWATER TREATMENT PLANT AT A COST OF \$42.10 PER TON AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

This is for the removal of digested sludge cake to a municipal landfill during the non-summer months when the city cannot utilize the least costly alternative.

RESOLUTION NO. 61-18

BY: MICHAEL P. O'DONNELL

A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAXES FROM THE PROCEEDS OF ALL TAX LEVIES FOR THE TAX YEAR 2018 PURSUANT TO THE OHIO REVISED CODE

3rd READING

Mr. Moran said that this resolution is an annual resolution that allows the city to receive the money for all tax levies for 2018 from the Fiscal Officer in advance.

RESOLUTION NO. 62-18

BY: MICHAEL P. O'DONNELL

A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAXES HELD FROM THE PROCEEDS OF SPECIAL ASSESSMENTS FOR THE TAX YEAR 2018 PURSUANT TO THE OHIO REVISED CODE

3rd READING

Mr. Moran said this is the companion piece to Resolution No. 61-18. By submitting this request, the city will receive the proceeds of special assessments for the tax year 2018 in a timely fashion.

Moved by Mr. Moran, seconded by Mr. Furry that Ordinance Nos. 56-18, 57-18, 58-18, 59-18 and Resolution Nos. 61-18 and 62-18 of the Consent Agenda be passed as read.

Vote:	Hunt – aye	Shepherd – aye	Furry – aye
	Sindlear – aye	Klym – aye	Moran - aye
	6 ayes		0 nays

PASSED

MISCELLANEOUS BUSINESS: Mr. Moran noted that there was a Design and Construction Board of Review Meeting held last week with six items on the agenda. There were referrals back from the Planning Commission to make sure that the outline for construction in the city stands up to the outline in the City of Rocky River's Master Plan. The BZA will meet this Thursday at 7:00 p.m. and has three items on the agenda.

PUBLIC COMMENT: Mr. Bill Welch commented that he has a much smoother ride on Detroit Road! Director Costello commented that Shelley Paving did a great job and next year the remainder of Wooster Road will be paved. The Mayor added that originally the paving on Detroit Road was to be from the I 90 Bridge to Wooster but when they mobilized they went west to the Westlake line. The Mayor gave a big thank you to Director Costello, Engineers Mike McKay and Kim Kerber for moving the project along. They did a great job!

Mr. Moran wished Director Thomas a Happy Belated Birthday! As there was no further business by members of Council, the meeting was adjourned at 7:58 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council