

CITY OF ROCKY RIVER

July 13, 2020

The Legislative Meeting of Council was called to order by Mr. Moran, President of Council at 7:00 p.m. via ZOOM.

Council Members Present: Mr. Hunt, Mr. Shepherd, Mr. O'Donnell, Mr. Furry,
Mrs. Morris, Mr. Klym, Mr. Moran

Administration: Mayor Bobst, Director Snyder, Director Thomas

Law Director: Mr. Bemer

The meeting was opened with a Pledge of Allegiance.

MOTION:

Moved by Mr. Moran, seconded by Mr. O'Donnell that the reading of the minutes of the Legislative Meeting of June 22nd be waived and that the minutes be accepted as submitted.

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

Moved by Mr. Shepherd, seconded by Mr. O'Donnell that the reading of the minutes of the Finance Meeting and the Committee-of-the-Whole Meeting of July 6th be waived and that the minutes be accepted as submitted.

Vote: Hunt – abstain	Shepherd – aye	O'Donnell – aye	Furry – aye
Morris – aye	Klym – aye	Moran – aye	
6 ayes	1 abstain	0 nays	PASSED

MAYOR'S REPORT:

The Mayor reported that Struhar and Shoreland waterline projects are nearing completion with Story Road close behind. This information will be on the construction update on Friday.

The Mayor also reported that the administration was very happy with the street repaving bids that were received on Friday. The bids are being reviewed with the apparent low bidder being Shelly Construction at \$691,000 about \$208,000 under the engineer's estimate. This project is in the budget. Shelly Construction repaved Detroit Road and are a pre-qualified ODOT contractor. The streets being repaved are Eastlook, Scenic, Eldora, Archwood, Marlys, Shoreland, the entrance to Old Detroit and Wynwood. Streets having a concrete full depth repairs with an asphalt overlay on Middlepost, Westhaven, Kingsbury and Harwich Court curb work. The Mayor requested that the street paving ordinance be passed prior to the August recess.

The demolition of the First Merit Bank building happened last week making way for a Valvoline

Oil Change business at that location.

The City of Rocky River is submitting waterline replacement and rehabilitation work to Cleveland Water for the following streets, which will also include paving at the same time: Fairhill, Nelson Park, Spencer and Erie from Elmwood to Detroit Road.

The Recreation Department is doing renovations to Elmwood Park including restrooms and other renovations at Linden Park.

The Mayor mentioned last week during the Finance Committee Meeting that the ice rink has not been impacted by COVID due to its season. Work has started regarding the opening of the rink concerning safety and financial considerations. The administration will share its findings with Council and the Parks and Recreation Commission.

The Mayor has received a few complaints regarding the condition of Bradstreet's Landing. The Service Department cleans the park three times weekly with one of those days being Friday. The Mayor said the Service Department is also there other times during the week. There are volunteer groups that also help maintain the beach. The Service Department could be at Bradstreet's Landing a couple times a day especially with the waves bringing debris and dead fish onto the beach. On most days the Mayor feels the residents are pleased with that effort.

Revolutionary Pie, a Beatles Tribute Band, played at Rocky River City Hall Gazebo for the first of the Summer Concert Series. There were about 200 people in attendance with social and physical distancing along with wearing masks. With the success of last evening's concert, the city will move ahead with planning other concerts.

The Mayor received a notification from Cuyahoga County regarding the Board of Health complaints for businesses where individuals are not wearing masks. Either employees are not wearing masks or clients or customers are not wearing masks. The complaints go to the Board of Health and the Board of Health will communicate with these businesses while this mandate is in place. If Council receives complaints or concerns from residents, please direct them to the County Board of Health.

The Mayor shared the response rates concerning the 2020 Census. The National Response Rate is 62%, the State is at about 66.5% and the City of Rocky River is at 78.2%.

- Mr. O'Donnell would be interested in reading the Health Department Report. The Mayor will forward that email.
- Mr. Furry had a resident ask when Mitchell would be repaved. Director Snyder responded that there are some sewer repairs slated for Mitchell with repaving probably in 2021. The Mayor also asked Director Snyder to see where Mitchell is located on the ranking schedule for repaving.

LAW DIRECTOR BEMER: Mr. Bemer stated that there will be a meeting next Tuesday, July 21st with the County Planning Commission and the Rocky River Planning Commission to recommence their efforts to review the Development Code. It will be a zoom meeting beginning at 6:00 p.m. Let Kate Straub know if you are interested in joining the meeting.

COMMITTEE REPORTS: NONE

COMMUNICATIONS AND ANNOUNCEMENTS: President Moran stated that Council received Ordinance No. 61-20 regarding the printing contract for Admiral Printing. Mr. Moran moved to waive the 72-hour notification rule and read Ordinance No. 61-20 for the first time this evening, 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

AUDIENCE PARTICIPATION: NONE

UNFINISHED BUSINESS:

RESOLUTION NO. 48-20

BY: CHRISTINA MORRIS

A RESOLUTION SUPPORTING THE PLACEMENT OF A PROPOSED SHORE STRUCTURE AND APPROVAL OF A LAKE ERIE SUBMERGED LAND LEASE FROM OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) ADJACENT TO PERMANENT PARCEL NO. 302-09-009 AT 21660 AVALON DRIVE, ROCKY RIVER, OHIO

2nd READING

Councilwoman Morris moved to Postpone Indefinitely Resolution No. 48-20, seconded by Mr. Furry. The resident has decided not to move forward at this time with this shoreline project.

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

ORDINANCE NO. 49-20

BY: MICHAEL P. O'DONNELL

AN EMERGENCY ORDINANCE AMENDING ORDINANCE 88-19 CREATING POSITIONS AND FIXING OR ESTABLISHING THE ANNUAL SALARIES AND HOURLY RATES COMMENCING AUGUST 1, 2020 FOR THE APPOINTED EMPLOYEES IN THE SEVERAL DIVISIONS AND DEPARTMENTS OF THE CITY OF ROCKY RIVER

2nd READING

Mr. O'Donnell stated that this has been discussed for three or four weeks without any questions. This is an ordinance amending the previous Amended Ordinance No. 88-19 as a result of a number of title changes and reorganizations in several departments. There were six different changes, included in the 2020 Budget, but not included in this ordinance. Mr. O'Donnell will seek passage in two weeks.

ORDINANCE NO. 50-20 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE AMENDING THE CODIFIED ORDINANCES OF
THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 125.03 ENTITLED
“POSTING AND NEWS MEDIA NOTICE” BY ADDING A NEW SUBSECTION FOR
THE METHOD OF PROVIDING PUBLIC NOTICES, AS FURTHER DESCRIBED IN
THE ATTACHED EXHIBIT “A”
2nd READING

Mr. Moran said that this goes along with the changes requested by the Charter Review. This amends Section 125.03 to allow postings to be electronically added to the City’s website.

ORDINANCE NO. 51-20 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE AMENDING THE CODIFIED ORDINANCES OF
THE CITY OF ROCKY RIVER, REGARDING THE OFFICE OF DIRECTOR OF LAW
AND SPECIFICALLY SECTION 135.03 ENTITLED “ASSISTANT; APPOINTMENT
AND DUTIES” TO BE CONSISTENT WITH THE CHARTER REGARDING
APPOINTMENTS, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
2nd READING

Mr. Moran stated this was not consistent with the Charter. The Charter states that the Director of Law appoints the Assistant Law Director.

ORDINANCE NO. 52-20 **BY: ALL MEMBERS OF COUNCIL**
AN ORDINANCE AUTHORIZING THE AMENDMENT OF SECTION 1 OF ARTICLE
VII OF THE CHARTER OF THE CITY OF ROCKY RIVER ENTITLED FINANCES
BY DELETING AS OBSOLETE LANGUAGE THE REFERENCE TO PERSONAL
PROPERTY AS A TAXABLE ITEM, AND DECLARING AN EMERGENCY
2nd READING

This is obsolete language that needs to be deleted. Personal property is no longer a permissible taxable item.

ORDINANCE NO. 53-20 **BY: ALL MEMBERS OF COUNCIL**
AN ORDINANCE AUTHORIZING THE AMENDMENT OF SECTION 3 OF ARTICLE
IX OF THE CHARTER OF THE CITY OF ROCKY RIVER ENTITLED
DECLARATION OF CANDIDACY BY CHANGING THE WORD “SHALL” TO
“TO” IN THE SECOND LINE OF THIS SECTION, AND DECLARING AN
EMERGENCY
2nd READING

This is requested by the Charter Review and is shown on the outline of the ordinance regarding the declaration of candidacy to change the word “shall” to “to” in the second line of this section.

ORDINANCE NO. 54-20 **BY: ALL MEMBERS OF COUNCIL**
AN ORDINANCE AUTHORIZING THE AMENDMENT OF SECTION 3 OF ARTICLE

**IV OF THE CHARTER OF THE CITY OF ROCKY RIVER ENTITLED
ADMINISTRATIVE DEPARTMENTS, DEPARTMENT OF FINANCE, BY
DELETING OBSOLETE LANGUAGE REGARDING THE EXEMPTION FROM
QUALIFICATIONS FOR THE POSITION OF DIRECTOR OF FINANCE, AND
DECLARING AN EMERGENCY**

2nd READING

There is a deletion in Section 3 to address the person who held the office when this requirement was written. That person did not necessarily meet the additional qualifications that were added to the position. The Charter Review Commission decided this was obsolete language.

ORDINANCE NO. 56-20

BY: THOMAS J. HUNT

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT MODIFICATION WITH SITETECH, INC. FOR CONDUIT
PLACEMENT WORK NECESSARY TO PROCEED WITH THE CITY OF ROCKY
RIVER POLICE STATION PROJECT IN AN AMOUNT NOT TO EXCEED \$9,510.09,
AS FURTHER DESCRIBED IN EXHIBIT "A"**

2nd READING

Mr. Hunt thanked Mr. Moran for speaking on this ordinance last week during Mr. Hunt's absence. Ordinance 56-20 is an emergency ordinance that would authorize the Mayor to enter into a contract modification with SiteTech, Inc. in an amount not to exceed \$9,510.09 to pay for the installation of new underground conduit. The original line that was disrupted during the site excavation for the Police Department by SiteTech was an AT&T line for the Autism Center. The City has offset payment to Bowen in the amount of \$9,510.09 for this repair. There have not been any questions and Mr. Hunt will seek passage in two weeks after the third read.

RESOLUTION NO. 57-20

BY: MICHAEL P. O'DONNELL

**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"**

2nd READING

Mr. O'Donnell stated that this has been discussed for several weeks and this is to aid in the collection of the sanitary sewer collections. All the accounts on the exhibit were passed due as of December 31, 2019. Collection letters were mailed to the outstanding account holders on June 8, 2020 and these residents have not yet paid. The list will be updated prior to passage of this ordinance with an amended exhibit.

RESOLUTION NO. 58-20

BY: MICHAEL P. O'DONNELL

**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

Mr. O'Donnell stated that this resolution is very similar to resolution to No. 57-20. This is for work that residents needed to complete and did not. These amounts owed become liens on the property tax bill for the County, which will help the city to obtain payment. The city had the work completed and residents were billed in February 2020 and the residents did not paid.

NEW BUSINESS:

RESOLUTION NO. 59-20

BY: CHRISTINA MORRIS

A RESOLUTION SUPPORTING THE PLACEMENT OF A PROPOSED SHORE STRUCTURE AND APPROVAL OF A LAKE ERIE SUBMERGED LAND LEASE FROM OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) ADJACENT TO PERMANENT PARCEL NO. 302-09-008 AT 21620 AVALON DRIVE, ROCKY RIVER, OHIO

1st READING

Mrs. Morris said this is a new request for permission for the placement of a proposed shore structure and the approval of a Lake Erie submerged land lease from the Ohio Department of Natural Resources.

ORDINANCE NO. 60-20

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH RMH CONCRETE, INC., FOR THE 2020 TREE AND SIDEWALK PROGRAM IN AN AMOUNT NOT TO EXCEED \$82,271.70

1st READING

Mr. Shepherd stated that this will have three full reads. This was put out to bid and received three responsive bids with RMH Concrete being the winning bid. This will be discussed more at next week's meeting.

ORDINANCE NO. 61-20

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO PURCHASE PRINTING SERVICES FOR THE CITY OF ROCKY RIVER FROM ADMIRAL PRODUCTS, INC. FOR TWO (2) YEARS

1st READING

Mr. Shepherd said this was put out to bid and the competing company was actually the low bidder by approximately \$3,000 but there were issues of the completeness of their bid. Based upon this, the Admiral bid was thought to be the best bid. The bid did increase about \$14,000 due to being put out to bid. Mr. Shepherd said that this will be read three times.

- Mr. Snyder explained that Minutemen Press was the apparent low bidder, but viewing their bid package found exclusions in the front of their packet. The city sent out a spreadsheet to everyone with basic descriptions. It was stated that there were samples available to view to help with the bid process. Minutemen Press excluded six items that

were based on the description in the spreadsheet and may be higher in price than their quoted amount. After discussion with Director Thomas and Law Director Bemer, it was concluded that this was not an acceptable way to submit pricing and their bid was rejected.

The Mayor added that the company was notified and it was explained to them why it was not a sufficient bid. This company does not have a lot of experience with this, and Director Snyder took the time explaining why this was not a bid that could be accepted in the public arena.

CONSENT AGENDA:

RESOLUTION NO. 35-20 **BY: ALL COUNCIL MEMBERS**
AN EMERGENCY RESOLUTION ESTABLISHING THAT ROCKY RIVER CITY COUNCIL SHALL RECESS DURING THE MONTH OF AUGUST IN 2020
3rd READING

Mr. Moran stated that this has been discussed for several weeks. President Moran said this is a time that Council and the administration have planned for vacation. If a Special Meeting is necessary, Council will be available.

ORDINANCE NO. 37-20 **BY: ALL MEMBERS OF COUNCIL**
AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS A PROPOSAL TO AMEND SECTION 6 OF ARTICLE X OF THE CHARTER OF THE CITY OF ROCKY RIVER TO INCLUDE THE USE OF ELECTRONIC TECHNOLOGY FOR MEETINGS AND HEARINGS IN CIRCUMSTANCES OF HEALTH AND SAFETY EMERGENCY, AND DECLARING AN EMERGENCY
3rd READING

Mr. Moran stated that this is Section 6 of Article X keeps Council up to date on electronic technology to be used for meetings going forward.

ORDINANCE NO. 38-20 **BY: ALL MEMBERS OF COUNCIL**
AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS A PROPOSAL TO AMEND SECTION 6 OF ARTICLE X OF THE CHARTER OF THE CITY OF ROCKY RIVER BY PROVIDING THAT DISCUSSION OF ECONOMIC DEVELOPMENT MATTERS ARE CONFIDENTIAL AND AN EXCEPTION TO OPEN MEETINGS, AND DECLARING AN EMERGENCY
3rd READING

Mr. Moran stated that the amendment of Section 6, Article X of Economic Development matters provides for this important discussion to be confidential.

ORDINANCE NO. 39-20 **BY: ALL MEMBERS OF COUNCIL**
AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE ELECTORS A PROPOSAL TO ADD SECTION 7 OF ARTICLE X OF THE CHARTER

**OF THE CITY OF ROCKY RIVER TO PROVIDE AUTHORITY TO CITY COUNCIL
TO ADOPT LEGISLATION FOR POSTING ALL PUBLIC NOTICES BY
ELECTRONIC MEANS, AND DECLARING AN EMERGENCY
3rd READING**

Mr. Moran stated that electronic postings would be more efficient and should be added to the Charter.

**ORDINANCE NO. 40-20 BY: ALL MEMBERS OF COUNCIL
AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE
ELECTORS A PROPOSAL TO AMEND SECTION 2(B)(1)(A) OF ARTICLE VI OF
THE CHARTER OF THE CITY OF ROCKY RIVER BY DELETING CITY
COUNCIL REVIEW OF VARIANCES THAT WERE GRANTED BY THE BOARD OF
ZONING AND BUILDING APPEALS, AND DECLARING AN EMERGENCY
3rd READING**

Mr. Moran said this information was vetted and discussed. Mr. Moran said that Council's role and responsibility is to take the information from the Charter Review and pass it along whether Council agrees or disagrees. This is an item from the Charter Review and needs to be submitted to the electors.

**ORDINANCE NO. 41-20 BY: ALL MEMBERS OF COUNCIL
AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE
ELECTORS A PROPOSAL TO AMEND SECTION 2 OF ARTICLE V OF THE
CHARTER OF THE CITY OF ROCKY RIVER REGARDING THE POWERS AND
DUTIES OF THE CIVIL SERVICE COMMISSION TO ADOPT RULES AND
REGULATIONS AS APPROVED BY CITY COUNCIL FOR CIVIL SERVICE
EMPLOYEES, AND DECLARING AN EMERGENCY
3rd READING**

Mr. Moran stated that the Charter Review vetted this with the Civil Service Commission. Submitting this amendment to the electorate will give residents the opportunity to vote on this also.

**ORDINANCE NO. 42-20 BY: ALL MEMBERS OF COUNCIL
AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO THE
ELECTORS A PROPOSAL TO AMEND SECTION 7 OF ARTICLE III OF THE
CHARTER OF THE CITY OF ROCKY RIVER REGARDING THE TIME WITHIN
WHICH AN APPOINTMENT TO FILL A VACANCY TO CITY COUNCIL SHALL BE
MADE, AND DECLARING AN EMERGENCY
3rd READING**

Mr. Moran stated that this is in the event something drastic happens, 30 days is a short period of time to find a replacement. With this amendment, the 30 days would be extended to 60 days to appoint a new Council member and interview all the candidates. The Charter Review Commission has suggested this be brought to the electorate and it is Council's role and

responsibility to take the information and pass it along.

ORDINANCE NO. 45-20

BY: JOHN B. SHEPHERD

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO RENEW A SERVICE AGREEMENT FOR ONE (1) YEAR WITH WESTLAND HEATING AND AIR CONDITIONING FOR MAINTENANCE OF THE DECTRON POOL DEHUMIDIFICATION SYSTEM AT A COST NOT TO EXCEED \$20,000. AS FURTHER DESCRIBED IN EXHIBIT “A”

3rd READING

Mr. Shepherd said that there are only two companies certified to work on the Dectron Dehumidification Unit and the city has used both companies. Westland Heating is the company the city has had the best experience with. \$10,000 of this \$20,000 is allocated for general maintenance and \$10,000 allows additional funds for any needed repairs to the unit at a reduced labor rate.

Moved by Mr. Moran, seconded by Mr. Furry that Resolution No. 35-20 and Ordinance Nos. 37-20, 38-20, 39-20, 40-20, 41-20, 42-20 and 45-20 of the Consent Agenda be passed as read

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

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: Mr. Bill Welch asked what the latest is on the property on Hilliard near the Hilroc where the fire was, are they going to rebuild? The Mayor responded that after the fire first occurred, they did state that they wanted to rebuild. The builder then suggested some modifications to the building to make it larger and the city rejected that. The city has not heard back as the builder was waiting to hear back from the insurance company. The Mayor will check with the Building Department tomorrow regarding this question.

The Mayor respectfully requested a Special Meeting next Monday to read the paving legislation that Council will receive in their packets this week along with legislation that has been read once. President Moran said there will be a Special Meeting next Monday, July 20th beginning at 7:00 p.m.

As there was no further business by members of Council, the meeting was adjourned at 7:50 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council