

CITY OF ROCKY RIVER

June 22, 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. Furry that the reading of the minutes of the Legislative Meeting of June 8th 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

MAYOR'S REPORT:

The Mayor stated that the Social Justice Gathering on Saturday was very well attended. Thank you to the organizers, speakers, participants who all did a tremendous job as well as the Rocky River Police that escorted everyone safely from the City Hall Campus to Rocky River High School. This was an important time for the community for sharing, listening, learning and hopefully taking action. Thank you to the Council members who were in attendance for this event.

The Riverdale Street widening began today. Thank you to Director Snyder and QCI, who are working with the residents and the contractor in keeping them informed.

The West River Estate Sidewalk project bid opening will be this Friday. Council will be receiving legislation regarding this project prior to Council's summer recess.

The Mayor shared the Building Department Stats: 513 permits have been pulled through May 2020 as compared to 644 permits in May 2019. However, the total commercial valuation in 2019 totaled almost \$1.4 million whereas to date in 2020 the total valuation is \$15,622,000. This increase is due to Ruffing Montessori School adding a second floor, Magnificat adding a Science Wing along with HVAC work, Lutheran West is adding a Science Wing and the Goddard School is coming to Beachcliff Market Square with a 10,000 square foot build out. The city is at \$23,772,000 worth of valuation as compared to this time last year at \$16,556,000.

Construction Updates were sent out to Council and residents via Ready Notify on Friday.

The Shredding Event continues to be very popular. Director Snyder estimates that over 250 cars were lined up. Everyone was able to dispose of their material. Thank you to Director Snyder and the Community Emergency Response Team and the Police Auxiliary for making this a very smooth process. It is very much appreciated by the residents.

The Senior Center began senior transportation primarily for doctor visits using the sedans unless an individual is in a wheelchair then the van will be used. Masks and social distancing will be in full compliance and will be transporting only one passenger per trip.

Director Deb Huff continues to work with the state putting together some best practices, standards and mandates for Senior Centers, with no indication of being open in the near future. Outdoor activities are being planned with a drive-in concert in July, many zoom classes and outdoor fitness classes along with “Junk in the Trunk” scheduled in August to be held.

Outdoor slides and the spray ground will be re-opening. The indoor lap pool is now open as of today. The Summer Concert Series will be resumed with four concerts with one hopefully at Rocky River Park. Tennis Camp has started at Tri-City Park along with pitching and softball clinics.

The Recreation Department is partnering with Rocky River Public Library on a storybook walk at Martin Park. Pages of a book are mounted along the walking trail. This is for pets and people to enjoy.

The Mayor shared the Response Rate for the 2020 Census. As of today, the National Response Rate is at 61.6%; Ohio is at 66.2% and the City of Rocky River is at 77.7%. The Mayor is very pleased that the response rate continues to grow.

On Wednesday, June 24 beginning at 6:00 p.m. there will be a virtual Town Hall called “Light the Night to Shape our Future” to encourage people to respond to the 2020 Census. It is very quick and easy to complete. Residents will be asked to light their homes along with the Terminal Tower to draw attention to the importance of completing the census forms.

The Mayor announced that voting precincts will be moved from the Rocky River Methodist Church on Detroit Road to the City Hall Campus for the General Election on November 3rd. There will be 12 precincts voting on City Hall Campus. The Civic Center gymnasium will accommodate all these precincts. There will not be any programming during this time. Residents in this precinct will receive notice of this change. The Mayor is anticipating that this may be a permanent change.

- Councilman Klym asked if Council will be receiving a repaving ordinance before the August Recess. Director Snyder responded that the bids will be opened Friday, July 10th and he should have the recommendation within the week. A Special Meeting may need to be called in order to pass this legislation. The Mayor will look into breaking the paving project up into components per Councilman Shepherd’s suggestion.

- The Mayor also stated that the Bradstreet's Landing bidding will go out in July. Bids will be due back the second week of August with recommendations ready for the September Council Meetings.
- Councilman O'Donnell asked if the Methodist Church requesting not to be a voting location has anything to do with COVID-19. The Mayor said that is what she understands. It was a request from the Methodist Church to the Board of Elections. The precincts have been moved three times and there needs to be a permanent solution for these voting locations. It can be confusing for the residents.

LAW DIRECTOR BEMER: Mr. Bemmer stated that there are five ordinances, Nos. 50-20 to 54-20, which came as recommendations from the Charter Review Commission. Some are Charter amendments, but are under Article X concerning obsolete language that does not have further applications. Kate Straub sent these recommendations to City Council previously.

COMMITTEE REPORTS: Finance Committee: Mr. O'Donnell is still interested in holding a Finance Committee meeting to discuss the impact of COVID-19 on the city's finances when Council resumes in person meetings. At some point however, he will call a meeting even if it has to be conducted via ZOOM.

- Mr. Moran stated that Council would like an update before the end of July.
- Mr. Furry asked about the drop of income tax revenue in the May financial report. Mr. Furry asked if Director Thomas is hoping for a rebound in August. Mr. Thomas said a lot of that is because of the due date delay. The filings that are delayed are 2019 and 2019 had a robust economy. Estimated payments should have been made prior to 2020, so in terms of what to expect he would expect it to be close to expectations.

COMMUNICATIONS AND ANNOUNCEMENTS: President Moran announced that the St. Demetrius Greek Festival will be held from June 25 – 28th from 11:00 a.m. to 8:00 p.m. for a drive through meal. This is a 60+ year tradition and St. Demetrius is hoping everyone drives through!

AUDIENCE PARTICIPATION: NONE

UNFINISHED BUSINESS:

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

2nd READING

Mr. Moran stated that for the last 20 years, Rocky River City Council has recessed and scheduled vacation time during the month of August. 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 ready.

**RESOLUTION NO. 36-20 BY: MAYOR BOBST, LAW DIRECTOR, ALL COUNCIL
A RESOLUTION EXPRESSING THE GRATITUDE OF THE CITY OF ROCKY
RIVER TO THE 2020 CHARTER REVIEW COMMISSION FOR ITS SERVICE TO
THE RESIDENTS OF THE CITY OF ROCKY RIVER
2nd READING**

Mr. Moran thanked the Charter Review Commission for their service and wants the community to realize the time that was spent making these revisions. Mr. Moran thanked Kate Straub for her work for the Commission. Thank you to Mr. Bemer for his help. Mr. Moran moved to suspend the three read rule for Resolution No. 36-20, seconded by Mr. O'Donnell and Mr. Furry.

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

Mr. Moran then moved for passage of Resolution No. 36-20, 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. 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
2nd READING**

Mr. Moran stated that this is a proposal to amend Section 6 of Article X to keep Council up to date on electronic technology to be used for meetings going forward. Mr. Bemer stated that this follows the modification of the General Assembly of the Ohio Revised Code 121.22 in anticipation of future issues.

**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
2nd READING**

Mr. Moran stated that the amendment of Section 6, Article X of Economic Development matters provides for the important discussion to be confidential and an exception to open meetings.

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****2nd 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****2nd READING**

Mr. Moran asked Mr. Bemer if there is opportunity to review the language that has been presented on this request. Mr. Bemer said the language is a deletion which was Andy's recommendation to the Commission for a decision. This particular article is lawfully lacking in appropriate standards and legally it would not pass any legal test to take on a case. More importantly, there are no standards upon which City Council's review could overstep what has been approved by the BZA. The most significant defect is that it is a de novo of a BZA variance that had been granted which in effect is a second chance for an objector and is a problem if there is not a second chance for the applicant to whom a variance was denied.

President Moran asked if there was a 3/2 split vote, would it make sense for those to come to a second board, Mayor or City Council. Mr. Bemer stated that the BZA is a quasi-judicial body. It is administrative in terms of the appellate process, and then would go to court for judicial review. The current language permits Council to begin a variance process over again, rather than being a reviewing body.

- Mr. Hunt assumes that the Commission brought these to Mr. Bemer's attention and then discussed the standards and the problems as Mr. Bemer saw it. The Commission had a process for presenting all of the articles for discussion. If Mr. Bemer initiated it or if it came from the Building Department, Mr. Bemer said it was clear on the onset that there were issues with this article, and the three attorneys on the Commission understood that.
- Mr. O'Donnell asked if perhaps this does not belong in the Charter. If any Council feels they should have a review process, could a review be put in through an ordinance as opposed to the Charter. Mr. Bemer thinks that will be getting into the Ohio Revised

Code 2506, which applies for those administrative reviews and that the Code is general law and neither Charter or Ordinances can conflict with that. .

- The Mayor added that it does not help for the variance just granted, but if Council sees that a variance has been granted and Council does not believe that is the intent of the Development Code, Council has the ability, by ordinance, to change that section of the Development Code.

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
2nd READING

Mr. Moran stated that the Civil Service Commission was invited in on this discussion. Getting 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
2nd 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 get through the interview process giving all applicants a chance to be heard.

ORDINANCE NO. 43-20 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT WITH MILLER CABLE COMPANY FOR THE CONSTRUCTION OF
2020 CUY-ROCKY RIVER SIGNALS PROJECT IN AN AMOUNT NOT TO
EXCEED \$876,175.00 INCLUDING ALTERNATES, AS FURTHER DESCRIBED IN
EXHIBIT "A"
2nd READING

This is a project that has been in front of Council for several years in various forms. Ordinance No. 44-20 will mirror this ordinance. The scope of this project is to improve pedestrian transportation and reduce traffic congestion along Center Ridge Road between the intersection of RTA/Savers and Northview/Linden Road. There are 5 total intersections that will receive improvements to the signals and pavement markings, including high visibility crosswalks, ADA

curb ramp upgrades, new pedestrian signal heads, and stop line radar detection. This is a cooperative project between the City of Rocky River and the City of Fairview Park, in which the City of Fairview Park is utilizing a TLCI (Transportation and Livable Communities Initiative) grant they were awarded by NOACA to aid in the improvement of the pedestrian crossings. The amount of this grant is \$159,000. The remainder of the cost for construction will be paid by a combination of local funding and \$298,000 that has been awarded to Rocky River by ODOT as part of a CMAQ (Congestion Mitigation and Air Quality Improvement) grant to cover what is primarily the signalization upgrades for Center Ridge. This ordinance needs to be in place by June 30th.

Mr. Shepherd moved for a three read rule suspension on Ordinance No. 43-20, 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

Mr. Shepherd then moved for passage of Ordinance No. 43-20, 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

ORDINANCE NO. 44-20

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH DLZ OHIO, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE 2020 CUY-ROCKY RIVER SIGNALS PROJECT IN AN AMOUNT NOT TO EXCEED \$107,863.00 AS FURTHER DESCRIBED IN EXHIBIT “A”

2nd READING

Mr. Shepherd said this Ordinance is in conjunction with Ordinance 43-20 and would like to keep both ordinances on the same timetable. This an emergency ordinance to enter into a contract with DLZ Ohio, Inc for Construction Administration Services for the Center Ridge (CUY-Rocky River Signals Project) for an amount not to exceed \$107,863.00. The city received RFQ's from two firms for this project on March 6, 2020, DLZ Ohio and CTL Engineering.

Mr. Shepherd moved for a three read rule suspension on Ordinance No. 44-20, 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

Mr. Shepherd then moved for passage of Ordinance No. 44-20, 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

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"

2nd READING

Mr. Shepherd said that \$10,000 of this \$20,000 is allocated for general routine maintenance of the Dectron Dehumidification Unit including quarterly filter changes, annual belt changes, annual condenser cleaning and cycle and sequencing of operation checks. The remaining \$10,000 allows additional funds for any needed repairs to the unit at a reduced labor rate. This is the same pricing in 2019. Westland is one of two contractors that is certified to work on this product. The other company has had reports of dissatisfaction of work on this type unit. This will have three full reads.

RESOLUTION NO. 46-20**BY: JOHN B. SHEPHERD**

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) FOR THE NOPEC 2020 ENERGIZED COMMUNITY GRANT AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

This resolution will require a three read rule suspension as this is due by June 30. This will be the third grant received by NOPEC. This will be used to purchase a generator for the Recreation Center, which will then be classified as a Red Cross Emergency Shelter.

Mr. Shepherd moved for a three read rule suspension on Ordinance No. 46-20, 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

Mr. Shepherd then moved for passage of Ordinance No. 46-20, seconded by Mr. O'Donnell and Mr. Furry.

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

NEW BUSINESS:**RESOLUTION NO. 47-20****BY: ALL MEMBERS OF COUNCIL**

A RESOLUTION REQUESTING FUNDS FROM THE CUYAHOGA COUNTY CORONAVIRUS RELIEF DISTRIBUTION FUND FOR THE CITY OF ROCKY RIVER TO BE EXPENDED TO COVER COSTS RELATED WITH THE

CORONAVIRUS PANDEMIC AND DECLARING AN EMERGENCY

1st READING

This resolution is the opportunity for the City of Rocky River to request funds from the Cuyahoga County Coronavirus Relief Distribution Fund. The Mayor said the city is registered so the sooner this is approved by Council the sooner funds will be transferred to the city. This resolution states Senate Bill 310 but it is actually House Bill 481. The legislation does not need to be changed to reflect this so the process can continue. These are the funds that will be 110% of the Local Government Fund distribution from 2019.

- Mr. O'Donnell noted that in Section 1, #2, Rocky River, Ohio should be placed in the parenthesis.

Mr. Moran moved to amend Resolution No. 47-20 to add Rocky River, Ohio in Section 1 #2, 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

AMENDED RESOLUTION NO. 47-20

BY: ALL MEMBERS OF COUNCIL

A RESOLUTION REQUESTING FUNDS FROM THE CUYAHOGA COUNTY

CORONAVIRUS RELIEF DISTRIBUTION FUND FOR THE CITY OF ROCKY

RIVER TO BE EXPENDED TO COVER COSTS RELATED WITH THE

CORONAVIRUS PANDEMIC AND DECLARING AN EMERGENCY

1st READING

- Mr. Furry asked if there was a catch on this funding. The Mayor said that these funds went to the state, \$45 billion and this is the distribution back out. The State Auditor will make sure that the city accurately discloses what items are being reimbursed.

Mr. Moran moved for a three read rule suspension on Amended Resolution No. 47-20, 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

Mr. Moran then moved for passage of Amended Resolution No. 47-20, seconded by Mr. O'Donnell and Mrs. Morris.

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

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**

1st READING

The owner of this property would like to put in a retaining wall so as not to lose shoreline. The owners have permission from the ODNR but also need a resolution from Council to grant the land lease.

- Mr. Furry commented that this was to begin in August 2019. Why has it taken so long? Mrs. Morris said that everything that has to do with the lake has to be thoroughly vetted.

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**

1st READING

Mr. O'Donnell received an email from Director Greco explaining the changes to the Wage Ordinance. Essentially this is amending Amended Ordinance No. 88-19 and is a result of a number of title changes and reorganizations in several departments, so the wage ordinance needs amended. There were six different changes. For example, one is the addition of a part-time inspector position for the Safety-Service Department, which was in the budget but not reflected in the wage ordinance. Mr. O'Donnell noted that there are no plans to fill this position but needs to be reflected in the wage ordinance. This will have three full reads. Mr. O'Donnell will forward Mr. Greco's email to Council.

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"**

1st READING

Mr. Moran said that this goes along with the electronic change with the Charter Review. This amends Section 125.03 to allow postings to be electronically added to the City's website.

- Mr. Klym asked if these need to be emergency ordinances. This will be discussed at the next meeting.

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”
1st READING**

Mr. Moran stated that when the Director of Law is elected, this elected position appoints an assistant at that time. Mr. Bemer added that the Administrative Code was passed prior to the Charter, stating that the Mayor appointed the Assistant Law Director under the Code. The Charter states that the Director of Law appoints the Assistant Law Director. In view of that conflict, the Charter trumps any ordinances to the contrary.

- Mr. O'Donnell asked how these inconsistencies came about. Mr. Bemer said that in the process of Charter Review, the Administrative Code was introduced to the Charter Commission so they understood that everything did not have to be put in the Charter. Throughout the process things like this popped up when reviewing qualifications for different Directors.

**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
1st 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
1st READING**

Mr. Moran stated that this is shown on the outline of the ordinance regarding the declaration of candidacy.

**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
1st READING**

Mr. Moran stated that there is a deletion in Section 3 that addressed the person who held the office when this requirement went in. That person did not necessarily meet the additional qualifications that were put upon the position. This was to exempt that person out or grandfather that person in. The Charter Review Commission decided this was obsolete language.

ORDINANCE NO. 55-20 **BY: JOHN B. SHEPHERD**
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE
TO RENEW A CONTRACT FOR ONE (1) YEAR FOR THE PURCHASE OF
PRINTING SERVICES FOR THE CITY OF ROCKY RIVER FROM ADMIRAL
PRODUCTS, INC. AS FURTHER DESCRIBED IN EXHIBIT “A”
1st READING

- Mr. Klym asked if this went out to bid. Mr. Klym had a Rocky River business ask about the bidding process. The Mayor said this needs to go out to bid.

Mr. Shepherd moved to postpone indefinitely Ordinance No. 55-20, 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. 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”
1st READING

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 for AT&T. The original contract and ordinance for SiteTech (51-19) is not to exceed \$1,107,000.00. Of that, \$55,350.00 (5%) was set aside as general contingency and \$21,000.00 for other allowances, such as temporary signage, water fees, and trailer electric hookup for a total of \$76,350.00. Exhibit “A”, PCO #16 for the conduit will put the total allowance over by \$8,970.24, for a total of \$85,320.00. The existing AT&T was damaged during the excavation for the stormwater detention system in front of the building. Bowen alleges that the city claimed the line was abandoned and the city's stance is that Bowen and their engineers did not perform their due diligence in the preconstruction inspections. An agreement was made between Bowen and the city that the city would pay for the PCO out of contingency and then deduct that amount from Bowen's next pay application to keep SiteTech working. This will have a three full reads.

- Mr. Furry asked about the AT&T box on the other side. Mr. Snyder said that is an

additional bundle.

- Mr. Snyder said there is a 5% contingency. There is an issue regarding the disposal of unsuitable soil. There were some unsuitable soils found underneath the existing police station and Bowen and SiteTech did not follow the protocol in dealing with this situation properly. The Mayor stated there are a lot more knowns above ground but unfortunately underneath the ground is a lot of unknown. The Mayor also said thank you to Director Grau. Chris had excellent documentation about the AT&T line in the basement and said that it needed to be evaluated. That was the line for the Autism Center.
- Mr. Furry expressed his displeasure with the value engineering from Bowen. He hopes that as the project goes up, things go smoother.

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"

1st READING

Mr. O'Donnell stated that this is the annual sanitary sewer ordinance. These amounts are due on delinquent sewer accounts. These were passed due as of December 31, 2019. Letters were mailed to the outstanding account holders on June 8, 2020 and the attached list is residents that have not yet paid. The list will be updated prior to passage of this ordinance. Mr. O'Donnell noted that the outstanding amount in 2019 was about \$281,000 and this year the amount is \$165,000. This will have three full reads.

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"

1st READING

Mr. O'Donnell stated that this resolution is a companion resolution to No. 57-20. The amounts owed on this resolution and No. 57-20 become liens on the property tax bill for the County, which will help the city to obtain payment. This is for work that residents needed to complete and did not. The city had it completed and residents were billed on February 12, 2020 and have gone unpaid. This will have three full reads.

- Mrs. Morris asked if there were any COVID allowances on these bills that are pass due. Mr. Moran said that residents should contact the Finance Department if this is the case. The Mayor stated that the city has waived all late fees which are usually assessed.

CONSENT AGENDA:

AMENDED ORDINANCE NO. 32-20

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR OR THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH GPD GROUP, FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE 2018-2019 DETROIT ROAD / WOOSTER ROAD RESURFACING PROJECT IN AN AMOUNT NOT TO EXCEED \$7,310.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Shepherd stated that during this project GPD Group did work over the original contract including thermal plastic markings that were added and used for the street markings as opposed to painting and a federal audit of the project. This covers time the construction manager added that was not in the scope of the original agreement.

RESOLUTION NO. 33-20

BY: JOHN B. SHEPHERD

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY DEPARTMENT OF PUBLIC WORKS TO PERFORM CERTAIN PREVENTATIVE MAINTENANCE SERVICES RELATED TO ROADWAYS WITHIN THE CITY OF ROCKY RIVER AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Shepherd stated that in February, 2020 a grant was received in the amount of \$5,872.50 from the County to pay for materials for certain maintenance work on County roads. Encouraged by Mr. Furry, Director Snyder re-submitted the application and on May 7, 2020 was awarded a new grant in the amount of \$26,633.00, an increase of \$20,633 over the initial grant. This covers the cost of materials used for the maintenance of County roads in Rocky River.

RESOLUTION NO. 34-20

BY: DAVID W. FURRY

AN EMERGENCY RESOLUTION REQUESTING THAT THE CITY OF ROCKY RIVER APPLY FOR FINANCIAL ASSISTANCE FROM THE WATER POLLUTION CONTROL LOAN FUND PROGRAM FOR THE FUNDING OF THE ROCKY RIVER WASTEWATER TREATMENT PLANT FINAL CLARIFIER REHABILITATION PROJECT

3rd READING

Mr. Furry said this is to apply for a low interest funding through the water pollution control loan fund program for the completion of the final clarifier rehab project.

Moved by Mr. Moran, seconded by Mr. Furry that Amended Ordinance No. 32-20, Resolution Nos. 33-20 and 34-20 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: Next Monday will be the fifth Monday of the month. Council will have a Committee-of-the Whole Meeting on July 6th and 20th along with Legislative Meetings on July 13th and July 27th with the possibility of a Special Meeting sometime in July. The July meetings will hopefully be held in the Civic Center. The Finance Committee Meeting will be scheduled for 6:30 p.m. on July 6th if Council meets in person. The CIC Meeting will also be scheduled for July 6th.

Mr. Moran wished everyone a Happy Fourth of July. Mr. Moran is happy to see that the Transfer Station is back to their usual hours.

PUBLIC COMMENT: NONE

As there was no further business by members of Council, the meeting was adjourned at 8:56 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council