

CITY OF ROCKY RIVER

October 26, 2020

The Regular Legislative Meeting of Council was called to order by Mr. Moran, President of Council, at 7:00 p.m. in the Civic Center Community Room.

The meeting was opened with the Pledge of Allegiance.

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

Assistant Law Director: Mr. O'Shea

MOTION:

Moved by Mr. Moran, seconded by Mr. Furry, that the reading of the minutes of the Legislative Meeting of October 12th and the Committee-of-the-Whole Meeting of October 19th 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

Mr. Moran welcomed Assistant Law Director O'Shea, Dr. Gary Previts and Mr. Bill Welch to this evenings meeting.

MAYOR'S REPORT:

The Mayor announced that the city received the C.A.R.E.S. Act distribution. On October 20th, the Financial Activity Report was due and thanks to Director Thomas was submitted in a timely fashion. Thank you to all the directors and their staff members for keeping good records so that the city could submit this report. The administration continues to receive guidance from the U.S. Treasury as well as the State Auditor. The city expenses submitted on this Activity Report totaled \$707,000. The city received just under \$1.4 million dollars and this Activity Report will continue from now until December 31st. The city continues to document costs as they relate to COVID that are acceptable expenses under the C.A.R.E.S. Act. The Mayor had mentioned that a new Local Government Corona Virus Relief Fund has been created and the C.A.R.E.S. Act dollars have been transferred from the General Fund. The legislation was provided for by the State that all communities would and need to establish a Corona Virus Relief Fund. These funds will be distributed back to each department for their respective expenses. Council will see a supplemental showing all the movement of the \$707,000.

The Mayor mentioned that Council will hold a Public Hearing on December 7th to discuss the 2021 Budget. The administration is also working on a Community Development Block Grant Application, through Director Snyder's office, and a short Public Meeting will need to be scheduled for next Monday at 7:00 p.m.

The Mayor reminded Council that COVID 19 was discussed last week regarding modifications that may need to be made as positive cases rise. Chief Lenart shared with the Mayor information from a meeting

he attended with other Chief's, County Health Department and the County Emergency Management that Cuyahoga County is on the Purple Watch List. The city needs to be ready to put more modifications in place. The Mayor is reviewing the Continuity of Operations Plan with directors and making adjustments as necessary. The State lists descriptors of what it means to be in the purple range and guidance for actions will be forthcoming.

The Mayor stated that there will be several pieces of legislation in the coming weeks including: Health, Dental and Life Insurance with a vision component; the Wage Ordinance; the WWTP annual chemical ordinances; Property and Casualty Insurance for the city, the WWTP and the Court; a contract modification with AECOM for the WWTP that was approved by the WWTP's Management Committee; and the renewal of the Consulting Engineer's Contract which contains additional work; the Supplemental Ordinance and the Budget Ordinance. Council will receive these ordinances soon, so they can be reviewed and considered for passage.

Leaf Collections begins on Monday, November 2nd. Residents are asked to rake the leaves to the tree lawn but not into the street so sewers and drains are not blocked as well as no parking on the streets during leaf pick up.

Tree replacement for Laurel, Riverwood and Hampton will be completed this week.

The Property Casualty Insurance specifications and timeline has been received by Council. If Council is aware of any companies within the city or outside the city, please encourage them to request the specifications. Several companies have already expressed an interest.

The Mayor mentioned that the stairs in the new police department will be completed later this week. If Council is interested in touring the police station, please let the Mayor or Director Snyder know.

The renovations of the Ice Rink Pavilion have begun consisting of the fireplace repair, working on doors and freshening up the pavilion.

The Mayor announced that Comsat Architects, a small company located on Center Ridge Road in Rocky River that specializes in space communication technologies, was awarded a National Science Foundation (NSF) Small Business Innovation Research (SBIR) grant for \$250,000 to conduct R&D work on a comprehensive cognitive communications payload module (C3PM) to enhance communications functions for groups of CubeSats, a kind of small satellite. This combined hardware and software module will enable intelligent networking among the CubeSat platforms in low earth orbits, tremendously enhancing their communications capabilities. The C3PM has several application areas, including Earth observation, science, and space communications. In addition to performing cognitive functions to allow groups of CubeSats to form intelligent networks, the C3PM prototype will also deliver improved data transmission for commercial, government, and academic CubeSat operators. Comsat received this in Phase I and then become eligible to apply for a Phase II grant (up to \$1,000,000). Small businesses with Phase II grants are eligible to receive up to \$500,000 in additional matching funds with qualifying third-party investment or sales. The Mayor stated that this is an incredible small business. Comsat has an important employment model that attracts the most talented students back to the City of Rocky River. The Mayor congratulated Comsat Architects. A Governor's representative saw the press release and immediately reached out with congratulations as well.

Halloween trick or treating will be this Saturday evening from 6:00 – 8:00 p.m.

- Mr. Moran confirmed that there will be a Public Hearing regarding the Community Development Block Grant Application before next week's Committee-of-the-Whole Meeting.

- Mr. Moran also confirmed with Councilman O'Donnell that there will be a Public Hearing on December 7th regarding the 2021 Budget prior to the regularly scheduled Council meeting.
- The Mayor also requested the possibility of having a short Special Meeting on December 4th prior to the Finance Committee Meeting to read legislation.

LAW DEPARTMENT: Mr. O'Shea asked if Council had any questions regarding the Political Speech Memo that Council received from Mr. Bemer last week. Mr. O'Donnell asked if this ordinance should be amended and placed on Council's agenda for 2021. Mr. Klym mentioned that Mr. Bemer has mentioned making some changes regarding the commercial sign ordinances and temporary signage. This all can still be considered.

Mr. O'Shea also mentioned that there was a possibility of a jury trial in Judge Fitzsimmons Court Room this week. In preparation, Judge Fitzsimmons retrofitted her courtroom with shields in between juror chairs, the witness stand and bench. This particular case settled but the court is ready in the event of another jury trial. The Mayor said the Court received a \$70,000 grant to do some of this work.

COMMITTEE REPORTS: Mr. O'Donnell reiterated upcoming dates for the Finance Committee regarding the 2021 Budget. November 9th will be the first reading of Budget Legislation, the 2nd reading will be on November 23rd, December 4th will be the Finance Committee Meeting with the Directors and December 7th will be the Public Hearing for the 2021 Budget followed by the 3rd reading of this legislation. The Mayor will have Chris Grau put a placeholder on the zoom schedule for the December 4th Finance Committee Meeting in the event COVID 19 restrictions need to be put back into place.

COMMUNICATIONS FROM COUNCIL: NONE

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 75-20

BY: THOMAS J. HUNT

**AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2021 EMERGENCY MEDICAL AMBULANCE FOR THE FIRE DIVISION FROM PFUND SUPERIOR SALES AT A COST NOT TO EXCEED \$255,660.00 AS FURTHER DESCRIBED IN EXHIBIT A
2nd READING**

Mr. Hunt said there has been good discussions regarding this ordinance over the last few weeks. This is for the purchase of a new ambulance for the fire division. Council has discussed the lack of bids and how the administration determined that the \$255,000 is a good bid for this purchase. President Moran had asked if Medic 63 could get back up and running. Director Snyder provided notes regarding Medic 63 needing a new engine, new brakes and new ball joints and springs, the tires are worn and the patient load system has already been removed to be placed in the new squad eventually. It sounds like it would take quite a bit to get Medic 63 back to operating standards. The other two medics are 14 and 3 years old and the 3-year-old Medic 68 has over 57,000 miles on it. The trade-in amount versus the auction amount is still being discussed. This will be discussed again at next week's Committee-of-the-Whole Meeting.

ORDINANCE NO. 76-20**BY: JOHN B. SHEPHERD****AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PUBLIC HEALTH SERVICE AGREEMENT FOR 2021 WITH THE CUYAHOGA COUNTY BOARD OF HEALTH FOR SERVICES TO THE CITY OF ROCKY RIVER AS FURTHER DESCRIBED IN EXHIBIT A****2nd READING**

Chapter 3709 of the Ohio Revised Code requires that each city must provide health services either through a health district or by a valid contract or union with the county health district or an adjacent city health district. This contract meets that responsibility and continues the rate of \$5.45 per capita, which is the same rate as 2020. This will be discussed again next week and hopefully passed at the next Legislative Meeting.

- Mr. Furry asked if the County's reporting for schools was paid for by the city or the schools. The Mayor will look into that. The Mayor stated that the schools do utilize the County Board of Health.
- Mr. Furry asked if the County reports how many confirmed cases of COVID 19 are in Rocky River. The Mayor said that the County's link regarding COVID is on the city's website and shows the COVID numbers. It is updated weekly.

RESOLUTION NO. 77-20**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) IMPLEMENTATION, TO FUND IMPROVEMENTS FOR THE "BEACHCLIFF/LAKE ROAD PEDESTRIAN CROSSING IMPROVEMENT" PROJECT****2nd READING**

Mr. Shepherd said that this resolution authorizes the application for this grant. This grant will be in the range of 80% being paid by NOACA. The project starts just north of US 6 at the bridge and there are four areas of crosswalks that will be improved and four areas of sidewalks being replaced. This will have three reads.

- Mr. Snyder stated that this grant application was submitted and Rocky River is one of the eleven communities eligible for this grant based on the application. Mr. Snyder will be presenting to NOACA next Friday for this grant.

NEW BUSINESS:**ORDINANCE NO. 78-20****BY: JOHN B. SHEPHERD****AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH A & J CEMENT CONTRACTORS, INC., FOR THE 2020 SIDEWALK PROGRAM IN AN AMOUNT NOT TO EXCEED \$48,300.00, AS FURTHER DESCRIBED IN EXHIBIT "A"****1st READING**

This is authorizing a contract with A & J Cement Contractors for the 2020 Sidewalk Program. This is to make sidewalk repairs where sidewalks have been damaged by tree root systems or sewer lateral fractures. Mr. Shepherd will be asking for a rule suspension to pass this legislation this evening so the project can begin. There were four responsive bids and A & J came in under the engineer's estimate of \$60,000. A & J has performed work for Fairview Park, Westlake and Mentor and there are no unresolved findings on the auditor's database.

Mr. Shepherd moved for a rules suspension, 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. 78-20, 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. 79-20

BY: JAMES W. MORAN

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE GASOLINE, FUEL OIL AND ALLIED PRODUCTS ON THE OPEN MARKET AT THE BEST PRICES POSSIBLE FOR THE PERIOD JANUARY 1, 2021 TO DECEMBER 31, 2021

1st READING

Mr. Moran said this ordinance authorizes the city to purchase gasoline, fuel oil and allied products on the Open Market at the best prices possible. This is a yearly ordinance and the city is always successful in purchasing gas on the open market. Mr. Moran asked if Director Snyder would supply Council with the open market prices as compared to the state bid. Mr. Snyder will send this information to Council.

ORDINANCE NO. 80-20

BY: JAMES W. MORAN

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE TIRES ON THE OPEN MARKET AT THE BEST PRICES POSSIBLE FOR THE PERIOD JANUARY 1, 2021 TO DECEMBER 31, 2021

1st READING

Mr. Moran said this ordinance authorizes the city to purchase tires on the Open Market at the best prices possible. This will be discussed more at the Committee-of-the Whole Meeting next week. Mr. Snyder stated that the lead mechanic always gets three estimates for any order he places and completes a tire pricing form for each purchase made.

RESOLUTION NO. 81-20

BY: JOHN B. SHEPHERD

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND HER DESIGNEE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS FOR THE SPENCER ROAD SANITARY SEWER AND PAVEMENT

IMPROVEMENTS PROJECT AND TO EXECUTE CONTRACTS AS REQUIRED

1st READING

Mr. Shepherd said this was discussed at last week's meeting. If this project goes forward, it will be replacing the sanitary sewers on Spencer Road and repaving the surface. The city has applied for this grant before, without approval, but with the catch basins being replaced on Spencer, the administration feels it will be granted. This will have three full reads.

- Mr. Moran is looking forward to this being successful.

ORDINANCE NO. 82-20

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH SITETECH, INC. FOR SITE WORK FOR THE CITY OF ROCKY RIVER POLICE STATION PROJECT IN AN AMOUNT NOT TO EXCEED \$163,019.35, AS FURTHER DESCRIBED IN EXHIBITS "A" AND "B"

1st READING

Mr. Hunt stated that in the course of demolition and the start of construction for the new police department, the contract was awarded to Sitetech, Inc. for the demolition or remediation of the old police station and the grounds upon which the new police station will be erected. During the course of the demolition, it was determined that there was unsuitable soil underneath the footprint of the old police station that had to be removed. There was a dispute and the resolution is contained in Exhibit A of this ordinance between Sitetech and Bowen who was responsible for the extra cost of the removal and the replacement of the soils. It was determined that Sitetech would be paid \$205,000 for the work. Bowen would contribute \$65,000 and the City of Rocky River would pay \$140,000. In the ordinance, there are two components. The first component is the \$140,000 for the removal and replacement of the unsuitable soils plus an additional \$23,019.35 that is related to extending Sitetech's contract and the increases of labor cost that will occur for the completion of the services they will provide. Their contract should have terminated earlier this fall but was extended along with a labor rate increase as of April 2021 included in Exhibit B. This will have three full reads and will be discussed further at next week's meeting.

- Mr. Furry expressed concern that initially the contract requirements were not followed. The Mayor said that the administration had concern for more than nine months and stated it was not initially authorized and the contract was not followed. The Mayor stated that the individual we believe authorized this, no longer works for Bowen. Sitetech reduced their costs significantly and Bowen participated to the tune of \$65,000 to restore the oversight. The \$140,000 is a reduction from the \$235,000 that the city would have paid if a change order had been approved in accordance with the contract requirement. The Mayor understands what Mr. Furry is saying but there needs to be a reasonable resolution.
- Mr. O'Donnell had trouble with this last week but understands why with the explanation given by the administration.
- Mr. Klym said as a site condition the city would have had to deal with if it was properly discovered. Mr. Klym looks at this as the city is paying less for something that was actually there.

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: NONE

The Meeting was adjourned at 7:51 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council