

CITY OF ROCKY RIVER

April 12, 2021

The Regular Legislative Meeting of Council was called to order by Mr. Moran, President of Council, at 7:02 p.m. via Zoom.

Council Members Present: Mr. Hunt (until 7:22 pm), Mr. Shepherd, Mr. O'Donnell,
Mr. Furry, Mrs. Morris, Mr. Klym, Mr. Moran

Administration: Mayor Bobst, Mr. Thomas, Mr. Snyder

Law Director: Mr. Bemer

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

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

MAYOR'S REPORT:

The Mayor congratulated Finance Director Michael Thomas for completing course work to become a certified Economic Development Financial Professional for the City of Rocky River. This new credential for Director Thomas from the National Development Council, will be important for the city as well as investments. The Mayor thanked Director Thomas for pursuing and obtaining this important credential.

The City of Rocky River was recommended for a TLCI Grant award for the implementation of the US 6A Ramps in the amount of \$95,500. The city also received an Urban Tree Canopy Grant in the amount of \$30,000. This grant is unique as it is the first time money was awarded for plantings on private property as the city is working towards a greater tree canopy. Congratulations to Director Snyder on obtaining both of these grants.

The Mayor announced that on Tuesday, Federal Government representatives initiated Community Priority Grants and the City of Rocky River has submitted two. One of the submissions is for Bradstreet's Landing in the amount of \$1.84 million dollars for stream restoration and parking. Director Snyder included letters of support from the MetroParks, the Cuyahoga County Soil and Water Conservation District, the Cuyahoga County Planning Commission, the Rocky River Parks and Recreation Commission, the Historical Society and many other partners involved with this project. The second grant request is for the Arundel/Argyle Oval/Buckingham Sewer Project in the amount of \$2.4 million to assist in

closing the overflow that will compliment other sewer projects. Congresswoman Kaptur and Representative Gonzalez's offices reached out to the City of Rocky River.

The Mayor announced that the Cleveland Water Department has committed to improving the Beaconsfield waterline, thanks to the efforts of Director Snyder.

Councilman Shepherd will be sharing good news this evening regarding the Construction Management Services on Ordinance No. 14-21.

The Center Ridge Road signalization masts are being installed. ODOT also has accelerated the repaving of Center Ridge Road from Spencer to the Westlake line to be completed in 2023.

The Mayor announced that the City of Rocky River is looking for summer help in the Refuse, Parks and Streets Departments. Please look at the city's website under Human Resources if interested.

The Mayor shared Building Department Statistics: In March 2020, the valuation was at \$6 million. By comparison, in March 2021 permits were up to 333 permits with a valuation of \$10.5 million.

The Mayor announced that Rocky River Parks are being prepared for the nice weather with restrooms being cleaned, swings being put up and tree lawn trees being planted.

The Shredding Event this weekend was a great success with 210 cars dropping off items to be shredded. Thank you to Director Snyder, Mark Filipic along with the CERT and Green Teams.

The Mayor met with the Joint Veterans Council and there will be a Memorial Ceremony only at Lakewood Cemetery on Monday, May 31st at 10:00 a.m. There will not be a parade this year at their request. Information will be forth coming to all the residents.

The Mayor added that Ordinance No. 15-21 will be removed from this evening's Consent Agenda and will be put on hold.

LAW DEPARTMENT: Law Director Bemer reported that there has been coverage in the news media regarding the city and the Police Department's investigation of the activity at the high school. The school district has concluded their administrative process; the criminal process continues to go on. The issue at hand is the effect of Garrity Principles, which concerns the ability to continue to investigate matters to which a right against self-incrimination have been provided by an employer. The city will continue to do the necessary legal research on this. There is a briefing to be completed by April 23rd and at that point in time the municipal judge will be making a ruling on whether the city's investigation should be completed or continued to go forward.

- President Moran thanked Law Director Bemer and Chief Lichman for all the work that has been done on this. There were many people who were not aware of all the work the city has done on their own and with the School Board. The Chief wrote excellent letters

and communication back to community members who may not have had all the details. The questions were answered, the investigation has taken a lot of time and was underneath the scope of the news media. President Moran thanked Law Director Bemer and Chief Lichman for a job well done. Mr. Bemer thanked President Moran. Mr. Bemer stated that those in the city that work with George Lichman on a regular basis really know that he is a “major keeper” and hopefully will be here for many years to come. Mr. Bemer will pass President Moran’s statement along to the Cheif. Mayor Bobst thanked Mr. Moran for his remarks. All of Council was included on the letters of inquiries and the responses. Chief Lichman took each question and answered them individually and thoroughly and the response that the city received from those correspondences was overwhelming. Chief Lichman not only takes his role as a Chief Law Enforcement Official seriously but also as an educator concerning these matters. He did a great job.

- Mr. O’Donnell echoed these thoughts. Mr. O’Donnell asked Mr. Bemer if the issue are because the Garrity interviews were conducted and the city police investigation would like access to these interviews but the school does not want the city to have access. Mr. Bemer responded in essence, yes.

Mr. Hunt left the meeting at 7:22 p.m. as he was boarding an airplane.

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: Mr. Furry talked with Superintendent Barille regarding removal of Ordinance No. 15-21 from the Consent Agenda and putting it on hold. Mr. Barille will submit an ordinance in a few weeks for a Water Pollution Control Loan Fund from the Ohio EPA Division of Financial Assistance to help pay the Hazen contract. The WWTP Management Committee will need to approve this tomorrow, which Superintendent Barille is anticipating will happen. The Mayor added that the WWTP needs a parallel process and they asked the city to consolidate two requests. This is the consolidation and did not want the contract to be approved in advance of doing the consolidation of the financing.

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 15-21 **BY: DAVID W. FURRY**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT BETWEEN THE CITY OF ROCKY RIVER AND HAZEN AND SAWYER FOR PROFESSIONAL CONSULTING SANITARY ENGINEERING SERVICES FOR CEPT AND FINAL CLARIFIER CAPITAL IMPROVEMENT FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$2,903,559.00 INCLUDING, AS AUTHORIZED, TASK 400 – CONSTRUCTION ADMINISTRATION SERVICES AS FURTHER DESCRIBED IN EXHIBIT “A”
ON HOLD

Mr. Furry stated that this will be discussed more at next week's meeting.

Mr. Shepherd moved to Amend Resolution No. 17-21, seconded by Mr. O'Donnell to include the word Emergency in the title and add the emergency clause to the ordinance so the city does not need to wait the 30 days to take affect after passage.

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

AMENDED RESOLUTION NO. 17-21 **BY: JOHN B. SHEPHERD**
AN EMERGENCY RESOLUTION AUTHORIZING THE CITY OF ROCKY RIVER TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACTS TO BE AWARDED IN 2021
2nd READING

Mr. Shepherd said this is an annual ordinance and every year the city is in the same position to pass with a rules suspension because of the date the contract is needed by. The ODOT Salt Contract uses the bargaining power of having the whole state to negotiate the best price possible. Mr. Shepherd asked for a three read rule suspension, seconded by Mr. Furry.

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

Mr. Shepherd moved for passage of Amended Resolution No. 17-21, seconded by Mr. Furry and Mr. O'Donnell.

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

ORDINANCE NO. 18-21 **BY: CHRISTOPHER J. KLYM**
AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 958.01 ENTITLED USE FEES, PERTAINING TO THE CITY HALL PARK GAZEBO AND THE ROCKY RIVER PARK PAVILION, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
2nd READING

Mr. Klym discussed this ordinance below with Ordinance No. 19-21.

ORDINANCE NO. 19-21 **BY: CHRISTOPHER J. KLYM**
AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 957.01 ENTITLED USE FEES, PERTAINING TO ELMWOOD PARK CABIN, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
2nd READING

Mr. Klym discussed both Ordinance No. 18-21 and Ordinance No. 19-21. Councilwoman Morris had questions about the fee increase and Mr. Holub has answered her questions. These fees have not increased in several years and the Commission is trying to get the rental fee costs closer to neighboring communities. These ordinances expand the amount of time for rental to March through October. These rates will not be in effect until 2022.

- Mr. Moran asked about the improvements to Elmwood Cabin. Elmwood Cabin has new cabinets and new paint with the possible addition of TV's. They are also looking at having a day rental and evening rental as opposed to the entire day, which would allow the city opportunity for more rentals.
- Mrs. Morris asked if groups like the Boy Scouts would be discounted. Mr. Klym will ask Mr. Holub to join Council next week. Mr. O'Donnell said it may be difficult to decide where to draw the line for groups. The Mayor added that Memorial Hall gives discounts to youth serving organizations. The Mayor will look into this.

NEW BUSINESS:

ORDINANCE NO. 20-21 **BY: CHRISTOPHER J. KLYM**
AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF
ROCKY RIVER, SPECIFICALLY SECTION 953.02 ENTITLED FEES, PERTAINING
TO ROCKY RIVER MUNICIPAL ICE SKATING RINK, AS FURTHER DESCRIBED
IN THE ATTACHED EXHIBIT "A"
1st READING

Mr. Klym said Mr. Holub provided information to Council regarding this ordinance. These fees increased two years ago and the increases are fairly small and provide a range of fees giving the ability on different times and events to charge different costs. The large change is with youth hockey as other cities around Rocky River charge much more. The Commission has been looking at these fees to get Rocky River in line with other communities. Youth Hockey asked if the fees could increase in increments over a number of years. The Commission recommended an increase of \$75.00 for residents and \$125 for non-residents with the understanding the fees will be looked at yearly. Currently, the City of Rocky River is at \$575 compared to Shaker Heights at \$755 for residents and \$1,005 for non-residents, North Olmsted is \$925 for 10U; Strongsville's 10U is \$1,200. The City of Rocky River is a bargain.

ORDINANCE NO. 21-21 **BY: JOHN B. SHEPHERD**
AN ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR
TO ENTER INTO A CONTRACT WITH SPECIALIZED CONSTRUCTION, INC. FOR
THE 2021 CRACK & JOINT SEALING PROGRAM IN AN AMOUNT NOT TO
EXCEED \$109,500.00 AS FURTHER DESCRIBED IN EXHIBIT "A"
1st READING

Mr. Shepherd said this is an annual ordinance. Crack & joint sealing is done to lengthen the life of the streets. It prevents water from getting into the cracks. Two responsive bids were received

and Specialized Construction came in at \$37,000 lower than American Pavements, Inc. but at \$9500 greater than the engineer's estimate. The city is happy with the level of their performance. North Olmsted gave them a good reference and there are no unresolved findings on the State Auditor's Database. This will have three full reads. Mr. Shepherd will send an email to council with the list of streets.

ORDINANCE NO. 22-21

BY: JAMES W. MORAN

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO SELL A USED 2004 NEW HOLLAND BACKHOE WHICH WAS OFFERED FOR SALE THROUGH PUBLIC BIDDING FOR A TOTAL SUM OF \$8,600.00

1st READING

Mr. Moran stated that the backhoe was removed from a previous ordinance, as the year was incorrect on that ordinance. This is the best bid for the 2004 backhoe.

CONSENT AGENDA:

RESOLUTION NO. 12-21

BY: JOHN B. SHEPHERD

A RESOLUTION AUTHORIZING THE MAYOR TO RENEW OUR AGREEMENT WITH NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) FOR THE NOPEC 2021 ENERGIZED COMMUNITY GRANT AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

This is the fourth year the city has received this grant and the prior three years of funds have been accumulating in order to purchase a generator for Memorial Hall. Memorial Hall is classified as a Red Cross Emergency Shelter. This particular grant will be in the amount of \$59,328 which brings the total saved to \$350,598. Engineering is complete and the city is getting ready to go out to bid. As in the past three years, there has not been any opposition to this resolution.

ORDINANCE NO. 13-21

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH CHAGRIN VALLEY PAVING, INC. FOR THE RESURFACING OF US 6A RAMPS C & D AT A COST NOT TO EXCEED \$232,273.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Shepherd said this project not only entails the repaving of the ramps but also a sidewalk extension that will allow pedestrians coming from the Lake Road Bridge to cross safely. ADA compliance equipment and better markings will be installed. The original estimate for the project was \$155,000, which ODOT was going to pay 80%. As a result of bidding the project, the amount came in at \$125,430. Their 80% contribution is now only \$100,344. ODOT has agreed to put money towards the Construction Administrator costs up to 80%. The most the city

will pay out of pocket will be \$9,309.60 for Construction Administration.

ORDINANCE NO. 14-21

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 RESURFACING OF US 6A RAMPS C & D IN AN AMOUNT NOT TO EXCEED \$32,965.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

This Ordinance was discussed in the above Ordinance No. 13-21.

ORDINANCE NO. 16-21

BY: MICHAEL P. O'DONNELL

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY THE CITY OF CLEVELAND, DIVISION OF WATER FOR WATER METER READINGS NEEDED BY THE CITY OF ROCKY RIVER IN THE AMOUNT OF \$33,251.16, FOR THE PERIOD FROM MARCH 1, 2020 TO FEBRUARY 28, 2021 AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

3rd READING

Mr. O'Donnell said this is an annual ordinance and has been discussed for over a month. This authorizes payment to the City of Cleveland for the annual cost of the water meter readings.

Mr. Moran moved to approve the Consent Agenda for Ordinance No. 12-21, 13-21, 14-21 and 16-21, seconded by Mr. O'Donnell.

Vote: Shepherd – aye	O'Donnell – aye	Furry - aye
Morris – aye	Klym – aye	Moran – aye
6 ayes		0 nays

PASSED

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: NONE

President Moran thanked everyone for attending. The next meeting will be held on April 19th at 7:00 p.m. via zoom. The meeting was adjourned at 7:55 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council