

CITY OF ROCKY RIVER

July 12, 2021

The Regular Legislative 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. O'Donnell,
Mr. Furry, Mrs. Morris, Mr. Moran

Absent: Mr. Klym

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 June 28th, be waived, and that the minutes be accepted as submitted.

Vote: Hunt – aye	Shepherd – aye	O'Donnell – abstain	
Furry – aye	Morris – abstain	Moran – aye	
4 ayes	2 abstain	0 nays	PASSED

President Moran invited Director Bob Holub to discuss Ordinance No. 49-21 on this evening's agenda.

Ordinance No. 49-21 is regarding the tennis courts at Linden Park. Mr. Holub stated that the Recreation Center researched neighboring communities regarding the number of tennis and pickle ball courts in each community. Linden courts have been in disrepair and closed since the fall of 2019. In 2019, the cost for a full grind and repair for the three tennis courts would have been \$150,000. After obtaining core samples and involving the engineer, the number increased to over \$300,000. Much of the increase was due to the amount of aggregate needed under the courts. Aggregate is a combination of limestone base and dirt. The engineers and core sample showed that the grind, the dig and replacing of up to two feet of aggregate is the process they would recommend. The paint and patch would last 2-3 years and cost roughly \$50-\$60,000 to complete. The last option would be to remove the existing courts and not replace.

The three tennis courts at Linden Park are the only three solely owned by the City of Rocky River. Tri-City Park has 6 tennis courts and 6 pickle ball courts. Courts 1- 4 were repaired last year with patch and paint, and are now failing. Courts 5 and 6 were looked at for a full grind and that cost came in over 22% of the engineer's estimate. The tennis court infrastructure is aging so the question is how to move forward. At Linden Park, Director Holub is looking at double striping to add pickle ball to those courts and maximize the space.

- President Moran stated that Council agrees that recreation is an important part of the city. Mr. Moran asked about Morley Park and the possibility of adding courts there.
- The Mayor added that an inventory was taken regarding assets of the other parks. Each park has different assets and meets different needs of the neighborhoods and the city at large. These are well-used courts and phone calls have been received questioning why the courts are still closed.
- The Mayor stated that the city has the funds for this project. The Mayor feels the project should move ahead and the city should make this investment.
- Mr. Furry said that it is a big expense. He said that because of the numerous complaints on the Tri-City courts, he feels it is a good idea. Mr. Furry asked if there will be inspectors watching that the full grind is done correctly. The Mayor and Director Snyder said that the Inspector from MacKay Engineering will be the Construction Manager on this project.
- Mr. O'Donnell asked about pickle ball courts at Linden Park. Director Holub is looking at double lining to use the courts at Linden Park for both.
- Mr. Shepherd asked about the inventory compared to neighboring communities. Mr. Holub said the City of Rocky River compared very low. Westlake has four tennis courts; Fairview Park has six but are all closed due to disrepair; Bay Village has eleven; Lakewood has fourteen; Shaker has eighteen and with Tri-City added, the City of Rocky River increases to nine. Middle School tennis courts are owned by the schools and are in disrepair.
- Mr. Shepherd also asked about the noise with pickle ball courts. Were hours ever limited for pickle ball play? Mr. Holub said no limited hours but arborvitae has been planted at Tri-City and he has not received any complaints this year. Mr. Holub said that the paddle does have a noise when hitting the ball. He feels that the courts are distanced far enough from homes that the noise will not be a problem.
- The Mayor added that if the City has good courts and are double striped, the programming could be robust including lessons and tournaments.
- Mr. Moran asked if there is space at Morley Park for tennis or pickle ball courts. Mr. Holub said that parking would be a concern at Morley Park and core samples would need to be taken there also. The Mayor said that courts have to be placed in a north/south configuration and would probably not fit at Morley Park and the cost would be far greater than what is being discussed here to start brand new.
- Mrs. Morris asked if more courts could be added to Linden Park. The Mayor said the city is locked at Linden due to co-existing recreational items.

MAYOR'S REPORT:

The Mayor reported that the Police Department has begun moving in to their new headquarters. Later this week there may be limited public access for individuals. Individuals will need to come in through City Hall. The technology is being worked on for the Police Department. The jail section will not open until mid-fall due to materials that have not arrived. An Open House will be planned for some time in September. Landscaping and asphalt need to be completed.

The State of Ohio issued grants specifically for Recovery Ohio, which is the Governor's plan to support reducing substance abuse, age appropriate and school related prevention education and connecting those needing the help to treatment and other resources. The Mayor is happy to announce that the Westshore Enforcement Bureau is receiving a grant, one of a few across the state, in the amount of \$43,000 to be used for the Youth Prevention Specialist efforts. The Mayor explained that the Westshore Enforcement Bureau is a collaborative made up of all the Westshore communities and works on drug enforcement, drug prevention and a number of other efforts.

Council received information about the Morewood Parkway Sewer and Waterline reconstruction that began today. Cones and signs are up and for the next fourteen months there will be only one-way traffic on Morewood heading east and north from Wagar Road to the railroad tracks. This one-way traffic design will be in effect for the entire duration of the project. Information regarding this project is on the website. A public meeting was held and contact information has been collected for impacted residents for continual updates. Thank you to Director Snyder and MacKay Engineering for leading that successful meeting.

Work is beginning on Elle's Enchanted Forest and soon the Pirate Ship playground equipment will be delivered for Rocky River Park.

The Mayor discussed the latest Building Department statistics of six months of actual:

- An increase of almost 100 building permits over this time last year
- About \$23,500,000 in added valuation compared to \$26,000,000 this time last year

The Mayor announced that registration for Fall Recreation programming is open.

The Mayor thanked Heinen's, Joe's Deli, Giant Eagle, the Welsh Home and the Normandy for donating pies for "Pie-in-the-Park. A special thank you to Mary Ellen Umerley for securing the pies and City Council for serving about 350 pieces of pie. Thank you also for our most famous volunteer, Mrs. Copa, who helped serve the pie. Thank you to the great Revolutionary Pie Band that has a strong Rocky River connection. Mayor Bobst also thanked Director Holub and his staff for all their hard work making the concert happen in the Ice Rink due to the rain.

The Sunflower Wine Festival was held this weekend and was very successful. There is always a good police presence along with security for this event.

- Mr. Moran said that it has been about 14 years since the “Pie in the Park Program” began by Mayor Bobst.

LAW DEPARTMENT: Mr. Bemer announced that he will be on vacation the balance of July and Assistant Law Director O’Shea will be covering for him in his absence.

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: NONE

PUBLIC COMMENT: Ms. Lisa Havemann, 180 Buckingham, and several neighbors have questions regarding the markings on the sidewalks regarding Ordinance Nos. 50-21 and 52-21.

- How many linear feet are included in No. 50-21 versus 52-21?
- Which streets are covered in 50-21?
- No. 50-21 had three bids and 52-21 had one bid.
- The pink marked sidewalks are the resident’s responsibility but in 52-21 the contractor stated that due to the damage everything needed replaced and it made more sense to do it all at once. Why do those residents not have to pay a share of the sidewalk replacement when her neighborhood does have to pay.
- Who is responsible for the Middle School tennis courts?

The Mayor and Mr. Snyder explained that these are two very separate programs and cannot be compared apples to apples. These programs are not usually completed simultaneously. The West River Estates is the Tree and Sidewalk Program. Only one bid was received possibly because of the removal of trees and most sidewalk contractors do not do in-house and maybe cannot secure a subcontractor to do the work. The major cause for the damage on those sidewalks is primarily due to tree roots. The tree lawns are approximately 4-6 feet in width, which compared to the diameter of the trees is the primary reason. Regarding the linear feet – the Public Works Coordinator went out and established an approximate number of blocks. The number was 280 blocks at 25 square feet, based upon the bid price from last year at \$13.00 per square foot. 280 blocks x 25 x 13, plus curb and contingency equals the engineer’s estimate. In addition, a portion of this project is for curb replacement on Kensington. \$90,000 is allotted to sidewalk work, and \$17,500 includes the curb and contingency allowance. This comprehensive program’s goal is to get to every street within five years. Lake Road North, the first year; Lake to Detroit, year two; Detroit to Hilliard, year three; Hilliard to Center Ridge, year four; and Center Ridge South, year five. Lake Road North was first due to the age of the neighborhood. If there are any other questions regarding these programs, please call the Safety Service Office at City Hall. The Mayor added that the city receives a number of complaints about sidewalks that are lifted and those sidewalks are marked for replacement if necessary. The Mayor added that the city has had sidewalk programs for years. With Director Snyder’s plan, the city will inspect zone to zone over a five-year course.

Director Snyder said that the School District is responsible for the Middle School tennis courts.

Mr. Steve Kunath, 19550 Argyle Oval, stated that there was not any proactive communication from the city regarding the markings on the sidewalks. He feels some of the drama would have

been avoided if the city communicated to residents the rules of the game. Mr. Snyder said that construction updates are sent out to residents, and information is posted on the Service Department's Facebook Page. The Codified Ordinance grants 45 days for sidewalk repairs. The Mayor stated that Steve's point is well taken concerning the detail residents may have needed for an explanation. The city will send out paperwork with the Public Works Coordinator so he can drop the information off at each house for future work. The Building Department will also send out a letter with contact information for the contractor awarded the job. The Mayor asked that when questions like this arise, please do not hesitate to call City Hall and speak with Director Snyder or herself.

The Mayor added that Argyle Oval, Arundel and Buckingham sidewalks should not be marked as the city has recently been notified that federal funding may be received for this project.

UNFINISHED BUSINESS:

ORDINANCE NO. 45-21 **BY: MICHAEL P. O'DONNELL**
AN EMERGENCY ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A
PRINCIPAL AMOUNT NOT TO EXCEED \$9,900,000 OF GENERAL OBLIGATION
BOND ANTICIPATION NOTES OF THE CITY AND TO RETIRE OUTSTANDING
BOND ANTICIPATION NOTES ISSUED TO PAY THE COSTS OF CONSTRUCTING,
EQUIPPING, FURNISHING AND OTHERWISE IMPROVING A NEW POLICE
FACILITY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO
3rd READING

Mr. O'Donnell said that this is the third read and it has been discussed for a month. Mr. O'Donnell stated that this ordinance relates to the bond financing for the Police Department. These are 30-year bonds of \$9,900,000 not to exceed 4% interest. Finance Director Thomas stated the interest rate is currently well below 4%. The 2020 notes mature in September and the city will pay the interest that has accrued on those notes. The 2021 notes are a roll over of the 2020 rates of \$9,000,000. When the project is completed, the city will bond out the final costs. Mr. O'Donnell moved for passage of Ordinance No. 45-21, seconded by Mr. Furry.

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

RESOLUTION NO. 46-21 **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 is an annual resolution to certify special assessment for delinquent sanitary sewer accounts as of December 31, 2020. The charges have been billed to residents throughout the 2020-year and billed again in March and June of 2021, but the amounts are still outstanding. The original list is lengthy but as payment is received, Mr. O'Donnell anticipates an amended exhibit.

RESOLUTION NO. 47-21**BY: MICHAEL P. O'DONNELL****A RESOLUTION ACCEPTING THE ALTERNATIVE TAX BUDGET INFORMATION OF THE CITY OF ROCKY RIVER, OHIO FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2022 AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"****2nd READING**

Mr. O'Donnell stated that this is an annual ordinance. It states that Director Thomas has to present this information for the Alternative Tax Budget for 2022, as this is an outline showing the city is looking ahead to the next budget. This is prepared by making projections including known costs that will be part of the 2022 budget, such as certain negotiated wage increases and costs associated with the new Police Department. This is the second read and anticipates passage in two weeks.

ORDINANCE NO. 48-21**BY: MICHAEL P. O'DONNELL****AN ORDINANCE TO RATIFY THE USE BY REIMBURSEMENT OF CARES ACT FUNDS PROVIDED TO CITY OF ROCKY RIVER, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"****2nd READING**

Mr. O'Donnell stated that this ordinance is to ratify the reimbursement amounts that are on the attachment. The city can take and allocate the federal dollars given to the City because of COVID-19 and apply it to the excess costs. The city received \$1.6 million dollars and is able to apply and use all of the money received for the Fire, Police, Recreation, Senior Center, Service, and the Building Departments. This is the second read and Mr. O'Donnell anticipates three reads.

ORDINANCE NO. 49-21**BY: CHRISTOPHER J. KLYM****AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH CARRON ASPHALT PAVING, INC., FOR THE 2021 LINDEN PARK TENNIS COURT IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$340,872.97, AS FURTHER DESCRIBED IN ATTACHED EXHIBIT "A"****2nd READING**

Mr. Moran thanked Director Holub for attending this evening's meeting to discuss this ordinance. This is for the tennis courts at Linden Park to grind, dig and replace two feet of aggregate. This will be read one more time.

ORDINANCE NO. 50-21**BY: JOHN B. SHEPHERD****AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH DRS ENTERPRISES, INC., FOR THE 2021 SIDEWALK PROGRAM IN AN AMOUNT NOT TO EXCEED \$96,321.06, AS FURTHER DESCRIBED IN EXHIBIT "A"****2nd READING**

Mr. Shepherd said this was discussed at length the beginning of the meeting. This is the second read with one more read. This is a systematic sidewalk program where sections of the city are inspected and if the damage is due to tree roots or sewer damage the city will pay, and if not it is the responsibility of the resident to pay for the replacement.

ORDINANCE NO. 51-21

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH CROSSROADS ASPHALT RECYCLING, INC., FOR THE 2021 STREET REPAIR PROGRAM IN AN AMOUNT NOT TO EXCEED \$808,070.75, AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Shepherd reviewed the bidding on this job, summarized it and discussed the references for the low bidder, at last week's meeting. This week he sent a detailed list to Council of the streets that were selected this year. Mr. Shepherd described the system used to choose the streets. The streets are rated and the streets with the highest points are repaired. In conjunction with that, the city looks at sewer and water repairs and outside funding and grants. It is a methodical system. This will be read one more time.

ORDINANCE NO. 52-21

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH KONSTRUCTION KING, INC., FOR THE 2021 TREE AND SIDEWALK PROGRAM IN AN AMOUNT NOT TO EXCEED \$164,704.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Shepherd said this is a different program as discussed earlier this evening. This neighborhood, primarily because of the type of tree selected and the extensive amount of damage, it made sense for the City to do the whole project. The city advertised for bids and received only one bid due to the project being bid as a package with removal of the trees and construction of the sidewalks. The bid was significantly lower than the engineer's estimate. New trees will be planted through the Tree Program and not this ordinance. The trees currently selected were planted prior to this Council and Administration being in office.

- The Mayor clarified that not every sidewalk block is being replaced. Only damaged sidewalk blocks will be replaced due to tree roots along with some curb work and minimal apron work.

ORDINANCE NO. 53-21

BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH SOFTLINE SOLUTIONS TO INSTALL A POURED IN PLACE RUBBER PLAYGROUND SURFACE FOR ELLE'S ENCHANTED PLAYGROUND FOR THE CITY OF ROCKY RIVER, AT A COST NOT TO EXCEED \$58,371.20, AS DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Moran said this relates to Ordinance No. 43-21 for the foundation of Elle's Enchanted Playground. This is the poured rubber product of two different colors put on a limestone base. The product is made from 75% of recycled grounded tires. The poured product is a great addition to Elle's Enchanted Forest for the opportunity of all abilities to access the playground. The successful bidder was Softline Solutions in the amount of \$58,371.20. This bid is about \$7,00-\$9,000 lower than the next bids. There were no unresolved findings on the State Auditors website.

ORDINANCE NO. 54-21

BY: JOHN B. SHEPHERD

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO RENEW A SERVICE AGREEMENT 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 the quote for routine maintenance is \$9,158. The difference from that and the \$20,000 requested will be put aside for any unforeseen repairs needed for this equipment. This equipment, the Dectron Pool Dehumidification System has only two vendors in the area that are qualified to work on it. The City of Rocky River was not completely satisfied with the service of the other vendor. The current contractor has been doing a good job. Mr. Klym mentioned last week that Fairview Park's Dectron Unit failed and is costing Fairview about \$3 million in repairs. Mr. Holub said that it will take Fairview Park eight months to complete these repairs.

NEW BUSINESS:

ORDINANCE NO. 55-21

BY: MICHAEL P. O'DONNELL

AN ORDINANCE DESIGNATING THE PUBLIC DEPOSITORIES FOR THE ACTIVE, AND INTERIM AND/OR INACTIVE FUNDS OF THE CITY OF ROCKY RIVER FOR THE PERIOD BEGINNING NOVEMBER 1, 2021 AND ENDING OCTOBER 31, 2026
1st READING

Mr. O'Donnell said that per the Charter, City Council is responsible for the safekeeping of all funds and for the deposit of funds in a financial institution for a five-year period from November 1, 2021 and ending October 31, 2026. The Finance Director has written to a number of financial institutions inquiring if they would apply for public depository designation for the upcoming five-year period. Responses are due back by August 13, 2021. This will be read again in two weeks.

- Mr. Furry stated that the Community Bank of New York (former Ohio Savings) is not on this list. Were they non-responsive? Director Thomas has a legal add in the paper, but he could reach out to them as well.
- Mr. O'Donnell asked how these financial institutions are selected. Mr. Thomas said that they are current depositories and are willing to accept public funds. He is not sure Ohio Savings does that in Ohio. Director Thomas added that currently the City has deposit

accounts at Dollar Bank, First Federal of Lakewood, Huntington Bank, JP Morgan Chase, Key Bank and PNC Bank.

MISCELLANEOUS BUSINESS: Mr. Moran said there will be a Special Meeting on July 19th.

The meeting was adjourned at 8:10 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council