

CITY OF ROCKY RIVER

April 26, 2021

The Regular 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, 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 April 12th be waived, and that the minutes be accepted as submitted.

Vote: Hunt – aye (7:00-7:22 p.m.)	Abstain (7:23-7:55 p.m.)	Shepherd – aye	O'Donnell – aye
Furry – aye	Morris – aye	Klym – aye	Moran – aye
7 ayes (until 7:22 p.m.)	1 Abstain (7:23-7:55 p.m.)	0 nays	PASSED

Moved by Mr. Moran, seconded by Mr. Furry, that the reading of the minutes of the Committee-of-the-Whole Meeting of April 19th 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 announced that the City of Rocky River was notified today that they received the Certificate of Achievement for Excellence in Financial Reporting. The Mayor shared pieces of the press release: The Comprehensive Annual Financial Report for the fiscal year ending December 31, 2019 was judged by an impartial panel to ensure that the CAFR demonstrates the spirit of full disclosure to clearly communicate its financial story and motivate potential users and user groups to read the report. This certificate of achievement is the highest form of recognition in governmental accounting and financial reporting and its attainment represents a significant accomplishment by a government and its management. Huge congratulations once again for the 31st consecutive year that the city has received this distinction. Thank you to Director Thomas and his staff, City Council for their oversight and to the directors who work closely with the budget process and with the Finance Department. Again, congratulations, most notably, to Director Thomas!

The Census Apportionment Results from the 2020 Census was forwarded to the President. The population of the United States is 331,500,000. The reason this is important is that the congressional representation is based on the apportionment of numbers. The State of Ohio will lose one congressional district. The Midwest had an increase in population of 3.1%. The South with about a 9.2% population increase and the growth of the United States is 7.14%, but that is the lowest it has been since the 1930's and 1940's.

The Mayor announced that the WWTP Digester Project is now complete.

The Mayor also announced that there was a bid opening on Friday for the Morewood Sewer Reconstruction Project. Thank you to Director Snyder and MacKay Engineering. The engineer's estimate was \$4.6 million and the apparent low bidder came in at \$4.1 million. This was a very aggressive bid and will continue to be evaluated.

The generator RFP for Memorial Hall has been posted and is out for the proposal process and will be in front of Council shortly.

The Mayor discussed the many road closures due to the NFL Draft and the possible overflow as hotels in downtown Cleveland are at a high rate of occupancy. This may overflow into the suburbs causing an increase of activity.

May 2nd through May 8th is Drinking Water Week, stressing the importance of clean drinking water and the role it plays in our daily lives. The city joins with the Cleveland Division of Water in promoting Clean Drinking Water Week and having access to clean drinking water.

The ball fields at Tri-City Park will be open and groomed by June 10th. Fairview Park is taking a leadership role along with some work done by Westlake. The Recreation Directors met last week and made that commitment.

Arbor Day Celebration is this Friday, April 30th at 10:00 a.m. in front of City Hall. Council and the community is invited to join in for the tree planting. A Shingle Oak tree will be planted, possibly growing to 80 feet to restore some of the large oaks that were in the front.

The Mayor shared that Mr. Don Burney passed away. Mr. Burney owned a construction company and had a wonderful reputation as a building contractor as well as a community leader in Rocky River. Mr. Burney was 91 years old and served on City Council from 1972-1977. The Mayor extends her sympathies to his family.

- Mrs. Morris asked what the name of the certificate is that the city received in regards to finance. The Mayor said it is from the Government Finance Officers Association and the title is Certificate of Achievement for Excellence in Financial Reporting. This is the highest honor given.
- Mr. Moran congratulated Director Thomas from all of City Council and the administration. Mike is always so helpful with reports presented and keeping Council

updated and having an open door to explain details when needed. Thank you Director Thomas.

LAW DEPARTMENT: Law Director Bemer followed up on the Census Report. Mr. Bemer added that every year during an election there is a comment that someone was elected by only one or two votes as well as issues passing or not passing by one or two votes. In the Census, the State of New York lost a congressional seat by 89 votes, which is a ratio of other losses, but at the end of the day, it was close. A lesson learned regarding the importance of the Census.

Mr. Bemer received information today regarding the applicant of the recent Liquor License Request that City Council has been discussing. The applicant is in the middle of litigation with the property owner. It is a civil case that was filed in October and it continues to pend. City Council needs to find out the status of the Liquor License because the applicant is not the property owner. The Liquor Control Board will be contacted to find out what the status of this application is.

- Mr. Shepherd added that he received a call from the owner of the Sunoco and he is still in possession of the station. Mr. Shepherd does not think they have a stand to process the transfer. Mr. Bemer agrees but it is a question of if the city needs to object or whether they are addressing the situation. The other question is the date of the application is August 2020. The case is still ongoing. Mr. Shepherd thinks the application was filed to transfer after the contract was signed and then the contract ended up in litigation. Mr. Bemer and Mr. Moran do not think this should be approved. This will be put on hold until next week's meeting.
- Mr. O'Donnell followed up on the situation with the School Board and asked if it has been resolved. Mr. Bemer stated that he saw some banter online between the attorneys regarding a potential hearing date of May 12th or 13th. There was a meeting scheduled for last Friday, but was continued as a key participant was out of town. Mr. Bemer is not sure yet what the conclusion will be. The Judge has reviewed the documents but has not made the declaration of what documents should be released.

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: NONE

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 ordinance needs to be read in tandem with Ordinance No. 24-21, so is on hold. This is for soft costs for the CEPT and final clarifier project at the WWTP. This is not enhancing capacity but converting the Excessive Flow Clarifiers to CEPT’s. The WWTP use to be able to treat 45 million gallons a day, approximately 35%; after conversion, 100% of capacity will be chemically treated.

This is an expensive item as this is for soft costs only. The hard costs will be \$16 million plus. This was approved by the Management Committee but not unanimously, as Westlake voted no due to disputes on cost allocations, but did deem the project necessary. This has been discussed for a couple of weeks and will be discussed further and moved for passage on May 24th.

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”
3rd READING**

Mr. Klym said this has been discussed for several weeks and Mr. Holub reported on it during last week’s meeting. These are for the increase of reservation fees for the City Hall Gazebo and the Rocky River Park Pavilion. It stretches the time period for utilization and hourly rentals and does increase the fees. Mr. Klym moved this ordinance for passage, seconded by Mr. O’Donnell.

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

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”
3rd READING**

Mr. Klym said this is a companion ordinance to Ordinance No. 18-21. This has been discussed for several weeks and Mr. Holub discussed it last week. Mr. Klym wanted to add to this ordinance as well as the above ordinance that these fees will not be applied this year, but in 2022, if passed this evening. Elmwood Cabin is utilized quite heavily and may have discounts in the future for non-profits or youth organizations. Mr. Klym seeked passage for Ordinance No. 19-21, seconded by Mr. Furry.

Vote: Hunt – aye	Shepherd – aye	O’Donnell – aye	Furry – aye
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Morris – aye
7 ayes

Klym – aye

Moran – aye
0 nays

PASSED

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”

2nd READING

Mr. Klym said Mr. Holub provided information and a power point presentation to Council regarding this ordinance at last week’s meeting. Mr. Holub compared the city’s current prices against the City of Shaker Heights, as Mr. Holub saw this as the most apples to apples comparison. The Commission recommended an increase with the understanding the fees will be looked at yearly.

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”

2nd READING

Mr. Shepherd said he read into record the list of streets receiving this service but would like to clarify that the city has committed to 10,000 gallons of sealant and will only do what this amount of sealant will do. Any streets not completed this year will be put on the top of the list for 2022.

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

2nd READING

Mr. Moran stated that two bids were received, one for \$7,200 and the winning bid of \$8,600 for the 2004 New Holland Backhoe. Mr. Moran stated that this was removed from a previous ordinance as the year was incorrect on the original ordinance. This is a good positive bid.

NEW BUSINESS:

ORDINANCE NO. 23-21

BY: CHRISTINA MORRIS

AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY KNOWN AS AUDITOR’S PERMANENT PARCEL NO. 301-22-054, FROM ITS PRESENT CLASSIFICATION OF R-1 SINGLE FAMILY RESIDENTIAL TO LB LOCAL BUSINESS, AS FURTHER DESCRIBED IN EXHIBIT “A”

1st READING

Mrs. Morris stated that she does not have an interest in this being changed. This ordinance will be referred to the Planning Commission for further review. The Planning Commission will have a Public Hearing and if approved, it will come back to City Council. City Council will also have a Public Hearing with a 20-day open period along with two weeks of newspaper notification. Mrs. Morris referred this to the Planning Commission.

- Mr. Klym asked if the house behind this lot is included in the rezoning request. Mrs. Morris said the house is not included, just the vacant lot.

RESOLUTION NO. 24-21

BY: DAVID W. FURRY

AN EMERGENCY RESOLUTION REQUESTING THAT THE CITY OF ROCKY RIVER APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) LOAN AGREEMENT ON BEHALF OF THE WASTEWATER TREATMENT PLANT FOR PLANNING AND DESIGN OF THE CEPT AND FINAL CLARIFIER IMPROVEMENTS PROJECT: AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN

1st READING

This resolution dovetails with Ordinance 15-21 and is the reason why Ordinance No. 15-21 is on hold. This authorizes the City to apply for, accept and enter into a water pollution control loan fund on behalf of the WWTP for planning and design of the CEPT and final clarifier improvements. Per the EPA, the City of Rocky River is the “master” even though the WWTP is a regional cooperation between the four cities, Rocky River, Fairview Park, Bay Village and Westlake. This is why the City is applying for the low or no interest loan, but the WWTP is the repayment source. The Management Committee unanimously approved application at their meeting on April 13th, 2021. Repayment will be either from the WWTP utility fund or the capital fund.

ORDINANCE NO. 25-21

BY: CHRISTOPHER J. KLYM

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO PURCHASE PLAYGROUND EQUIPMENT FOR THE ROCKY RIVER PARK FROM GAMETIME AT A COST NOT TO EXCEED \$144,298.01, AS FURTHER DESCRIBED IN EXHIBIT “A”

1st READING

Mr. Klym said this was discussed last week with Mr. Holub along with a power point presentation. The current equipment is a large playground structure and will be replaced with new, larger equipment in the shape of a ship and will have some ADA accessible equipment as well. The current equipment is over 20 years old and requires major repairs. This was in the budget but came in at \$100,000 below budget. All three bids were below the budget amount and the engineer’s estimate. This will have three full reads.

ORDINANCE NO. 26-21

BY: CHRISTINA MORRIS

AN ORDINANCE AMENDING THE BUILDING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY CHAPTER 1321,

**ENTITLED PERMIT, INSPECTION AND LICENSE FEES, AS FURTHER
DESCRIBED IN THE ATTACHED EXHIBIT “A”**

1st READING

Mrs. Morris discussed this last week and forwarded her notes to Council. City Council received a revised Exhibit A for this ordinance. Mr. Furry thanked Mr. Bemer and Mr. Reich for fixing the language he had questioned last week.

ORDINANCE NO. 27-21 **BY: MICHAEL P. O'DONNELL**
**AN EMERGENCY ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS
FOR THE CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING
THE FISCAL YEAR ENDING DECEMBER 31, 2021 AND TO AMEND AMENDED
ORDINANCE NO. 95-20
REMOVED**

Mr. O'Donnell received a correspondence from Director Thomas regarding this ordinance and it is duplicative of Ordinance No. 62-20 that was passed last year. Mr. O'Donnell requested that it be removed from the agenda.

ORDINANCE NO. 28-21 **BY: JAMES W. MORAN**
**AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE
DIRECTOR TO PURCHASE ONE (1) 2019 FORD TRANSIT MOBILITY VAN FOR
THE SENIOR CENTER UNDER THE STATE COOPERATIVE PURCHASING ACT
FROM VALLEY FORD TRUCK, INC., AT A COST NOT TO EXCEED \$39,415.00, AS
DESCRIBED IN EXHIBIT “A”**

1st READING

Mr. Moran received an update from the Senior Center regarding their fleet. Currently there are two Impalas, one Uplander, one Odyssey and one Malibu. The Impalas have 126,000 and 124,000 miles and the Uplander has 123,000. These three vehicles will be part of a trade in value for the new Ford. The new Ford is \$49,415 less the trade, which equals \$39,415. This follows the State Cooperative Purchasing Agreement and includes a step, COVID screen and two additional seats. There are five part-time drivers and the staff will now have the Odyssey Van, the Ford Van and the Malibu Van. The new vehicle has a complete lift for wheelchair accessibility and has 1,200 miles.

ORDINANCE NO. 29-21 **BY: JOHN B. SHEPHERD**
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE
DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A TWO (2) YEAR
LEASE AGREEMENT FOR CONCESSION SERVICES WITH TASTEFUL
SENSATIONS, LLC FOR THE CITY OF ROCKY RIVER RECREATION
DEPARTMENT AT VARIOUS LOCATIONS, AS FURTHER DESCRIBED IN EXHIBIT
“A”**

1st READING

Mr. Shepherd said this contract leases out the space so a third party is operating the food services

in the recreation facilities. This has been looked at and economically will be better for the city. The pool opens on June 10th so Mr. Shepherd would like this read for a second time at a Special Meeting on May 3rd if Council agrees. The Mayor said there is some equipment that needs to be purchased and mobilization time needs to occur. Other legislation can be added to a Special Meeting Agenda for next week.

- Mr. Furry asked if the city is making enough on this or cutting losses from losing money from running concession stand before. Mr. Klym said this has been studied and Mr. Holub thinks this is a good contract for Rocky River. Other vendors for other cities give back on a percentage basis. Cleveland and Mayfield Heights use this vendor and feel this is better than the percentages. This vendor will interview the current employees for future employment. The Mayor said this goes back to when Mr. Holub was first hired and the Mayor asked him to look at various cost centers and evaluate the cost effectiveness. Mr. Holub did a very detailed evaluation, if Council is interested. This is not only a cost savings but also gives more food choice options for residents to purchase. Mr. Holub has been working with the Parks and Recreation Commission to get to this point.

Mr. Shepherd said they looked at vendors and only found two that were viable options to carry out this service. This service would cover the outdoor municipal pool, the ice rink, Elmwood Park and the Don Umerley Civic Center. The one bid was based on percentages with maximum revenue of less than \$5,000 annually. This vendor proposed a lease agreement and the city is guaranteed \$8,100 for each year of the lease. The city would assist with capital upgrades, which include three bay sinks that are required by Health Department regulations. The city would retain ownership of this equipment. The vendor will hire locally with preference going to Rocky River students. Employees will be supervised by adult aged managers and the adult employees will be background checked. This contract will only be successful if they can work with the city and the city can work with them based on flexibility.

Mr. Shepherd and Mr. Klym had concerns with parts of the contract and would like Mr. Bemer to work with Tasteful Sensations LLC to incorporate the following:

- Is Tasteful Sensations LLC, a freestanding set up for this job or is it the same LLC they use for other operations? If it is free standing there is no commitment and needs to be clarified.
- Item 13 – There could be products the city does not feel appropriate or vice versa. It should say the city has a right to approve and not to be unreasonably withheld.
- Item 18 – Gives the city the option to renew but there is not any framework for it; i.e. 30 or 60 days before.
- A safety net for the city would be a “Right to Termination” on 60 days advanced notice without cause and if there was cause the city would go through the process.

Mrs. Morris asked if the city is providing the people to work there. Mr. Shepherd stated that Tasteful Sensations will do all the hiring.

ORDINANCE NO. 30-21

BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY

SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH LOGICALIS, INC. FOR THE CITY OF ROCKY RIVER POLICE STATION NETWORK UPGRADE PROJECT, IN AN AMOUNT NOT TO EXCEED \$63,161.63, AS FURTHER DESCRIBED IN EXHIBIT “A”

1st READING

Mr. Moran stated that the city received three bids for this contract. Simvay Systems totaled \$77,222, CDW-G totaled \$76,000 and Logicalis totaled \$63,161. The new Police building project provides the opportunity to place the department’s network on the same platform and technology creating business continuity through the city buildings. The department’s network, for security reasons, is separate from the main city network as required by the Ohio Law Enforcement Automated Data System or LEADS. The new building’s Cisco Meraki network will be comprised of 2 firewalls, 5 network switches, 34 security cameras and 16 wireless access points. The second firewall is for high availability or redundancy in the event of a hardware failure, like the main city network. The vendor selected is Logicalis, having provided the best pricing and services proposal. Logicalis was further selected because of their extensive knowledge of the city’s existing network and knowledgeable Cisco engineers.

- Mr. Furry asked about licensing and ongoing costs. Mr. Grau stated that this quote incorporates five years for licensing on hardware and software.

ORDINANCE NO. 31-21

BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO PURCHASE A MUNICIPAL PHONE SYSTEM FROM LOGICALIS, INC. AT A COST NOT TO EXCEED \$145,400.67, AS FURTHER DESCRIBED IN EXHIBIT “A”

1st READING

Mr. Moran said that three quotes were received for this ordinance. CDW-G was incomplete and missing equipment and the other from Simvay Systems did not include installation/implementation, which is estimated between \$30,000 and \$70,000. Logicalis came in at \$145,400.67.

The City’s Toshiba Phone System, including the Police Department, which is a separate system, is approximately 5 to 6 years old. Toshiba was acquired by Mitel in 2018-2019 and Mitel discontinued support for hardware and software of all Toshiba Systems and components in October of 2020. Mitel also discontinued the manufacturing of parts for all Toshiba Systems in 2020. The last Toshiba hardware warranty for the City Hall system, the voicemail hardware, expired in February 2021. In the current market place, there are only three major vendors producing phone systems, Mitel, Avaya, and Cisco. Avaya entered into bankruptcy in 2018/2019 and their current status is unknown. A Cisco Unified Communications system (UC) will provide on campus redundancy between City Hall and the Police Dept for failover and maintenance windows, added internal 9-1-1 capabilities, and integrates seamlessly with our Cisco Meraki and fiber optic network. Cisco has been in the telephony business since 1998 and is one of three core segments of their business. This makes it unlikely Cisco would sell-off their UC systems to another vendor, however no one can predict the future.

Logicalis provided the best pricing and services proposal for the Cisco UC System. Logicalis was further selected because of their extensive knowledge of the city's existing network, knowledgeable Cisco engineers and prior experience.

- Mr. Furry asked if this is a three-year licensing agreement. Mr. Grau confirmed that it comes with a three-year software licensing agreement along with a support maintenance agreement. After that the city will need to go back to Cisco to see what their annual support will be moving forward.
- Mrs. Morris asked what the support cost is currently. It is factored in, but he is guessing the cost will be \$5,000-\$7,000.
- The Mayor added that since these phones are no longer being made, there may be some value in the equipment the city has and could possibly be sold or auctioned off.

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: NONE

President Moran thanked everyone for attending. The next meeting will be held on May 3rd at 7:00 p.m. via zoom. The meeting was adjourned at 8:12 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council