

CITY OF ROCKY RIVER

December 12, 2022

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, Mrs. Gallagher, Mr. Furry,
Mrs. Morris, Mr. Sindelar, Mr. Moran

Administration: Mayor Bobst, Mr. Thomas

Law Director: Mr. O'Shea

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 November 28th and the Committee-of-the-Whole Meeting minutes of December 5th be waived and that the minutes be accepted as submitted.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – aye
	Morris – aye	Sindelar – aye	Moran - aye	
	7 ayes	0 nays		PASSED

Moved by Mr. Moran, seconded by Mr. Furry that the reading of the minutes of the Finance Committee Meeting of December 2nd be waived and that the minutes be accepted as submitted.

Vote:	Moran – aye	Hunt – aye	Furry – aye	Shepherd – aye
	4 ayes	0 nays		PASSED

The Mayor respectfully requested an Executive Session this evening under Article X, Section 6, Subsection 4, to discuss the Collective Bargaining Agreements.

MOTION:

Moved by Mr. Moran, seconded by Mr. Furry that an Executive Session under Article X, Section 6, Subsection 4, to discuss the Collective Bargaining Agreements be held at 7:04 p.m.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – aye
	Morris – aye	Sindelar – aye	Moran - aye	
	7 ayes	0 nays		PASSED

MOTION:

Moved by Mr. Moran, seconded by Mr. Furry that the Executive Session be closed at 7:30 p.m.
The Executive Session ended at 7:30 p.m.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – aye
	Morris – aye	Sindelar – aye	Moran - aye	
	7 ayes	0 nays		PASSED

MAYOR'S REPORT:

The Mayor reported that the Police Station is within a day or two of being ready for the final state inspection. The Sally Port is functioning and the station is good to go. The Mayor will keep Council in the loop on that schedule, hopefully during the holidays.

The Mayor reported that the Linden Park restroom improvements are in process and should be completed within the next week.

This is the final week for bulk leaf collection. After that, leaves and yard waste must be bagged in brown bags and placed on the tree lawn for collection on the regular collection day. A ReadyNotify was sent out to residents regarding this information.

The administration is working on two new ordinances. One is better definitions for attached and unattached garages. Language has been reviewed with Building Commissioner Reich and will be forwarded to the Law Director. The second new ordinance is for light shielding. Mr. Reich is currently working on language for that. Both ordinances will be in front of Council after the first of the year.

The Recreation Center is selling college passes for \$45.00 for 15 punches.

The compactor at the Service Garage is getting a lot of business because the cardboard does not have to be collapsed. Commission Dave Arendec mentioned that the machine works better if the cardboard is not collapsed.

Tomorrow is a big day at the Senior Center. The accreditation final review is tomorrow followed by the results being announced on Wednesday at noon. Council should have received an invitation via email for Wednesday's announcement.

The Mayor received a message from the Executive Director of the Chamber of Commerce that Ingersoll was paved by the new owner and resident, Bobby Kreuger. They Mayor met with them today and on behalf of the city and residents, thanked them for paving that street. They are getting ready to plan a large project there.

- Mr. Hunt asked what the timing is in terms of getting feedback, ultimate approval for the police station and jail. The Mayor feels it will be a quick turnaround. Once the Mayor gets a better date she will share that with Council. Mr. Hunt said that he and the Chief talked at length about timing and how difficult it has been hiring jailers. The Mayor will ask the Chief to send out a memo regarding the inspection, timing and hiring jailers. There are some dispatchers that can serve in that function.

LAW DEPARTMENT: Mr. O'Shea emailed the Planning Commission and the BZA today that a case came out of the Ohio Supreme Court regarding titling ordinances. This particular case was a zoning ordinance and it led to a position against the city. The title given to an ordinance can have a relatively big influence on how the entire ordinance is interpreted when it comes to enforcement. Mr. O'Shea said that he is discussing with the Chief a generically panhandler ordinance that would target some levels of vagrancy. There have been complaints over the last twelve months. Mr. O'Shea would like to discuss his thoughts regarding Ordinance No 76-22 at the appropriate time.

- Mr. Moran added that he feels Rocky River shares a line with Fairview Park on the vagrancy and panhandling situation. There were instances that vagrants and/or panhandlers were going from one side of Center Ridge to the other and feels both cities should have the same ordinance of rules. Mr. O'Shea said that the first amendment issue could get in the way so they will need to

step carefully. More discussion ensued. The Mayor suggested that an ordinance be drafted for further discussion.

COMMITTEE REPORTS: Parks and Recreation Commission: Mr. Furry stated that there was a Parks and Rec Commission meeting on Thursday, December 8th. It was a general meeting to approve minutes.

COMMUNICATIONS FROM COUNCIL: Mr. Moran noted that due to the Christmas Holiday, there will be a Special Meeting held next Monday, December 19, 2022 following the Committee-of-the-Whole Meeting.

MOTION: Mr. Moran moved to waive the 72-hour rule for Ordinance Nos. 83-22 and 84-22 regarding the Collective Bargaining Units, adding these ordinances to tonight's agenda, seconded by Mr. Furry and Mr. Hunt.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – aye
	Morris – aye	Sindelar – aye	Moran - aye	
	7 ayes	0 nays		PASSED

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 76-22 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE CREATING POSITIONS AND FIXING OR ESTABLISHING THE ANNUAL SALARIES AND HOURLY RATES COMMENCING JANUARY 1, 2023 FOR THE APPOINTED EMPLOYEES IN THE SEVERAL DIVISIONS AND DEPARTMENTS OF THE CITY OF ROCKY RIVER
3rd READING

President Moran said this is the ordinance fixing salaries starting January 1, 2023. It has been read twice. Council received an amended exhibit for this ordinance this evening. Mr. Moran moved to amended Ordinance No. 76-22 by substitution of the exhibit, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – aye
	Morris – aye	Sindelar – aye	Moran - aye	
	7 ayes	0 nays		PASSED

AMENDED ORDINANCE NO. 76-22 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE CREATING POSITIONS AND FIXING OR ESTABLISHING THE ANNUAL SALARIES AND HOURLY RATES COMMENCING JANUARY 1, 2023 FOR THE APPOINTED EMPLOYEES IN THE SEVERAL DIVISIONS AND DEPARTMENTS OF THE CITY OF ROCKY RIVER
ON HOLD

This has been read twice and will be added to the Special Agenda for next week giving Council time to review the amended Exhibit A dated 12/12/2022. There have been small changes made. This will be read for the third time next week.

ORDINANCE NO. 77-22 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023
3rd READING

President Moran said this is for the budget with the same situation as Ordinance No. 76-22. Council received an amended exhibit this evening regarding wages due to the Collective Bargaining Agreements. Mr. Moran moved to amend Ordinance No. 77-22 by substitution of the exhibit, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – aye
	Morris – aye	Sindelar – aye	Moran - aye	
	7 ayes	0 nays		PASSED

AMENDED ORDINANCE NO. 77-22 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT
EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING THE FISCAL YEAR
ENDING DECEMBER 31, 2023
ON HOLD

Mr. Moran noted that the revised date on Exhibit A is 12/12/2022. This will be read for a third time at next week's Special Meeting.

NEW BUSINESS:

ORDINANCE NO. 82-22 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
CONTRACTS WITH MEDICAL MUTUAL OF OHIO TO PROVIDE HEALTH CARE,
PRESCRIPTION INSURANCE COVERAGE AND OPTIONAL VISION COVERAGE FOR THE
FULL-TIME EMPLOYEES OF THE CITY OF ROCKY RIVER, AS FURTHER DESCRIBED IN
EXHIBIT "A"
1st READING

Mr. Shepherd said this is for the medical insurance, prescription coverage and optional vision care for the full-time employees. These policies are required by the Collective Bargaining Agreements extending the same coverage to all other full-time employees. The city has had a good rate experience with the health coverage in part due to the city uses an ASO Contract which is an Administrative Services Only Contract. The city underwrites the medical insurance but Medical Mutual processes the claims, allows the city to use their negotiated rates with the various providers and basically administers the insurance. The vision care is optional. Employees can get that and pay their cost for vision care. This should be in place by the first of the year. Mr. Shepherd anticipates, if everything goes smoothly, that Council will pass this on a rule's suspension at next week's Special Meeting. This will be the last Legislative Meeting of the year. Mr. Shepherd said the claims experience was good last year and the vision rates for what employees pay went down. Mr. Shepherd asked the Mayor to expound on this. The Mayor added that there was no change in the plan design with all deductibles and co-pays staying the same. The city started a health savings account a few years ago that is a no premium high deductible plan and made it more attractive by taking the prior no premium plan with a \$5,000 deductible down to \$4,000. The city does not contribute to that. It is an interest-bearing account. The city has an FSA that are pre-taxed dollars that can be used for various medical expenses and co-pays. As it relates to medical and prescription drugs, it is a 6.8% increase.

- Single coverage increased \$1.46 a pay period
- Employee plus one increased \$2.94 a pay period
- Family coverage increased \$4.27 a pay period

The Mayor mentioned that with the HSA there has been an increased number of employees taking the HSA. All prevention is paid at 100%. Applicants for positions have asked if there is an HSA as they have been contributing and would like to move theirs over to here. It becomes a recruitment tool. The dental was locked in last year for a two-year contract and the vision was adjusted slightly lower. The administration negotiates on behalf of the employees. Mr. Shepherd said that the fourth whereas on the ordinance describes the health care as a minimum premium contract and describes the prescription coverage as an administrative service only contract. He believes they are the same thing and it should have

a consistent name for both. The Mayor will look into it. This is the language that has been used in the past.

- Mrs. Morris asked if the ASO is a common way to have health care. The Mayor stated that many communities are self-insured and need someone to administrate it and want that to take advantage of their discounted rates. Medical Mutual has stated that their negotiated rates are about 55% across the board lower. Medical Mutual's administrative fee did not increase this year per employee per month. Mr. Shepherd stated that the bigger the entity or organization the more money they have the more likely they are going to be an ASO.

ORDINANCE NO. 83-22

BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE AUTHORIZING THE EMAYOR TO ENTER INTO AN AGREEMENT WITH THE ROCKY RIVER FIRE FIGHTERS ASSOCIATION, LOCAL #659, REPRESENTING THE EMPLOYEES OF THE ROCKY RIVER FIRE DIVISION, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Moran said this was discussed earlier in executive session. This is the contract with the Rocky River Firefighters. It moves January 1, 2023 through 2025. It has a 3% increase and steps up the additional items such as:

- Additional steps for the newly hired firefighters
- The acting pay for the MOU between the unions and the management coming into play around July 1st
- The squad differential of \$2.00 for the lead squad
- An increased educational differential, paramedic certification at \$2500 and a Bachelor's Degree at \$1500 promoting continuing education
- Increase in comp time training bank to 48 hours
- Added the Juneteenth Holiday
- No increase in clothing allowance
- No increase in longevity payments

Mr. Moran said that the 30-days begin last Thursday with this being a first read. This will be read next week at the Special Meeting and hopefully pass this ordinance next week.

ORDINANCE NO. 84-22

BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE TEAMSTERS LOCAL UNION 436 REPRESENTING CERTAIN EMPLOYEES OF THE ROCKY RIVER WASTEWATER TREATMENT PLANT, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Moran said that this contract follows the same increase across the board at 3%.

- There is a reduced calendar days for internal postings allowing management to speed up the hiring process.
- There is a uniform allowance increase of \$100 to \$900.
- Contract language was clarified stating the Superintendent can arrange for a temporary job and assignment moving up employees to fill the opening
- Clarified language when employees work on observed holidays verses the actual holiday
- An added operator license stipend:
 - Level one at \$750
 - Level two at \$1,000
 - Level three at \$1,250

- Added the Juneteenth Holiday

This will be read for the second time at the Special Meeting and should be passed this calendar year as this contract takes effect January 1, 2023.

- Mrs. Gallagher asked how many paid holidays do the employees get. The Mayor stated they are outlined in the contract depending on the bargaining unit. In the WWTP contract, it is under Article 24, page 13. There is a half day listed for before Christmas and New Year's. The Mayor said yes, and the non-bargaining unit employees they get a day added to their bank as one floating day to make up for those two half days. This happens when holidays fall on the weekend.

CONSENT AGENDA:

ORDINANCE NO. 70-22

BY: CHRISTINA MORRIS

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT FOR A PERIOD OF ONE YEAR FOR THE REMOVAL OF GRIT AND SCREENINGS TO A MUNICIPAL LANDFILL FOR THE WASTEWATER TREATMENT PLANT FROM KIMBLE COMPANY, AT A COST OF \$86.35 PER TON AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

This ordinance is for the removal of grit & screenings for the WWTP. This is inorganic material, such as fine particles of sand, corn, or toilet paper that is removed as part of the initial screening process at the plant. This material is taken to a landfill about once a week and Kimble won the competitive bidding process and was the only bid. Superintendent Barille believes that the pricing is acceptable given the economic climate.

ORDINANCE NO. 71-22

BY: CHRISTINA MORRIS

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH PVS CHEMICAL SOLUTIONS, INC., FOR THE PURCHASE AND SUPPLY OF SODIUM BISULFITE FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT AT A COST OF \$1.87 PER GALLON FOR ONE (1) YEAR AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

This is an agreement for the purchase and supply of Sodium Bisulfite for the WWTP for the removal of the chlorine content in the wastewater and is required by an EPA permit and used only in the summer months. PVS Solutions was the low bidder of three and currently holds the supply contract for 2022. There was a minimal increase for this chemical.

ORDINANCE NO. 72-22

BY: CHRISTINA MORRIS

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH PVS TECHNOLOGIES, INC. FOR THE PURCHASE AND SUPPLY OF FERRIC CHLORIDE FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT AT A COST OF \$1173.00 PER DRY TON FOR ONE (1) YEAR AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

This is an agreement for the purchase and supply of Ferric Chloride for the WWTP which removes phosphorous required by the EPA. There were two bids with a significant increase in price over the past two years. The price has doubled since 2021. PVS Technologies won the bid for 2023 and currently holds the contract through 2022.

ORDINANCE NO. 73-22**BY: CHRISTINA MORRIS**

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH JAMES DIAZ FARM FOR THE REMOVAL OF DIGESTED SLUDGE CAKE (SUMMER SEASON) FOR THE WASTEWATER TREATMENT PLANT AT A COST OF \$46.00 PER TON FOR ONE (1) YEAR AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

This is an agreement with James Diaz for the removal of Digested Sludge Cake. This is a farm that takes the digested sludge cake and uses it as fertilizer. This service is used April through November. James Diaz was the only bidder and historically has been the low bidder for the past five years and has to be credentialed by the EPA for land application during the summer.

RESOLUTION NO. 75-22**BY: CHRISTINA MORRIS**

A 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 CONSTRUCTION OF THE CEPT AND FINAL CLARIFIER IMPROVEMENTS PROJECT; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN

3rd READING

Councilwoman Morris said this resolution is necessary for the WWTP to apply for a zero-interest loan for construction of the CEPT and Final Clarifier Improvements Project.

ORDINANCE NO. 79-22**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO AN AGREEMENT TO RENEW VARIOUS INSURANCE COVERAGES FOR THE CITY OF ROCKY RIVER WITH MCGOWAN INSURANCE COMPANY, INC. FOR THE YEAR 2023 AT A TOTAL COST OF \$286,899.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Shepherd said this ordinance is for the general insurance needs of the city. Mr. Shepherd will give a brief statement of the facts behind this and the following two ordinances that represent insurance for the Court and the WWTP. Across this policy and the next two, rates increased approximately 8% but the city added \$4 million in valuation to the insurance coverage; six vehicles were added and none were removed; a 15% increase in claims cost that is factored in and in view of the fact that neighboring communities had increases as high as 16-30% and cities with good claims histories had increases of 15-20%, this rate increase looks good and demonstrates that the city is managing their risk well. The insurance bids are going out to bid the next year.

ORDINANCE NO. 80-22**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO AN AGREEMENT TO RENEW VARIOUS INSURANCE COVERAGES FOR THE ROCKY RIVER MUNICIPAL COURT WITH MCGOWAN INSURANCE COMPANY, INC., FOR THE YEAR 2023 AT A TOTAL COST OF \$8,012.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Shepherd said this is the insurance for the courts.

ORDINANCE NO. 81-22**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO AN AGREEMENT TO RENEW VARIOUS INSURANCE COVERAGES FOR THE ROCKY RIVER WASTE WATER TREATMENT PLANT WITH MCGOWAN INSURANCE COMPANY, INC. FOR THE YEAR 2023 AT A TOTAL COST OF \$104,144.00, AS FURTHER DESCRIBED IN EXHIBIT “A”

3rd READING

Mr. Shepherd said this is the insurance for the WasteWater Treatment Plant and along with the other two ordinances concerning insurance these all have received three full reads and were fully vetted.

Mr. Moran said that the items on the Consent Agenda, Ordinance Nos. 70-22, 71-22, 72-22, 73-22, 79-22, 80-22, 81-22 and Resolution No. 75-22 have all been read for the third time with no major problems or questions. Mr. Moran moved to pass all the items on the Consent Agenda, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – aye
	Morris – aye	Sindelar – aye	Moran - aye	
	7 ayes	0 nays		PASSED

MISCELLANEOUS BUSINESS: Mr. Moran re-confirmed that December 19th will have a Special Meeting following the Committee-of-the-Whole Meeting next week as City Hall will be closed on December 26th. The Special Meeting will take the place of the second Legislative Meeting held this month.

PUBLIC COMMENT: NONE

As there was no further business by members of Council, the meeting was adjourned at 8:10 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council