

CITY OF ROCKY RIVER

April 25, 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, Mr. Snyder

Law Director: Mr. O'Shea

The meeting was opened by the Pledge of Allegiance. President Moran added that he thought about these words and their meaning and we are so blessed and lucky to live in the United States without the troubles that plague Russia and Ukraine. Prayers to the people of Ukraine.

MOTION:

Moved by Mr. Moran seconded by Mr. Furry that the reading of the minutes of the Legislative Meeting of April 11th, 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

MAYOR'S REPORT:

The Mayor announced that Madison MacArthur left the WestLife for a new position at Spectrum TV. Madison is extremely conscientious, fair and thorough and she will be missed. Good luck to Madison.

The Mayor announced that Director Snyder has been recommended for a \$300,000 Stream Restoration and DeChannelization Grant for Spencer Creek at Bradstreet's Landing. This is a huge project that involves the stream itself, the stream banks and restoring the natural habitat. Congratulations to Director Snyder.

Bids will be opened a week from Friday regarding Phase II of the Construction of Bradstreet's Landing. These bids will be evaluated by the consultants and engineers with the recommendation sent to Council.

The Sidewalk Program is commencing soon. Door hangers will be distributed in neighborhoods as some sidewalks are the city's responsibility and others are the resident's responsibility. The Mayor asks that Councilmembers receive a copy of the door hangers.

The Paving Program will be starting. The resurfacing of Dorothy and Beaconsfield on both sides. This will be a process of reclaiming the asphalt. The milled asphalt will be used in the repaving of the street. This will reduce the carbon footprint along with reducing the amount of waste. Other communities have been successful with this process.

The Mayor discussed the shredding event earlier this month. Thank you to Councilwoman Morris for helping and being a part of the Green Team. The Mayor said that 7,660 pounds of material was collecting in two hours. This beats 2021 by more than 2,000 pounds. Thanks to Director Snyder and

grant dollars that help pay for these shredding events. It is great to remove this amount of material from the waste stream.

The Mayor swore in two new police officers this morning. Hayden Grafton and Andrew Gleespen were sworn in and hopefully will be able to attend a City Council Meeting to introduce themselves. Both officers have been working in the field but this will be their first full time position. The Mayor announced that Officer Kim Forkins is retiring after 20 years of service. Kim's law enforcement work has touched many individuals collectively and individually. She has always taken the time needed with residents to listen, assist and identify resources for them. The Mayor greatly appreciates her work on the police force and she will be missed.

This Wednesday, Cox Communication volunteers will prime the Safety Town structures that have been built. Councilman Furry will give more detail in the Committee Reports.

The Mayor said Director Bob Holub attended a Rocky River School Board Meeting to discuss the plans for putting a new Hockey Locker Room for women. The Board agreed to pay for half of the locker room which is about a \$15,000 commitment. The city is ready to begin that project through the Recreation Department.

The Mayor stated that there has been a lot of damage to the park restrooms especially the Rocky River Park. The drywall in the men's room needs to be removed and replaced along with new fixtures and dividers in both men's and women's bathrooms. Cameras will also be installed.

Last Friday was Earth Day. The Recreation Department staff spent an hour and a half cleaning up City Hall Park. The Park looked great after all their hard work. A big thank you to the Recreation Department staff.

The Mayor announced that Jim Umerley retired Friday after 39 years working for the city. Jim was in the Traffic Division. Jim began with the city as a part-time seasonal employee working at the Bait Shop. The new traffic engineer is Dan Gibson. Dan has been with the city for several years and is moving into the lead position. Steve Baker will be the electrician along with Dan.

The State of the City is this Thursday at the Rocky River Chamber of Commerce Luncheon.

Arbor Day is this Friday, April 29th at 10:00 a.m. A tree will be planted in front of City Hall in honor of the former Safety Service Director Jim Linden, who passed away a couple of years ago. Director Linden's family will be in attendance along with representation from the Fire, Police and Service Departments. The tree has been donated by Davey Tree and Kent Winterhalter who worked very closely with Jim Linden.

- Councilman Hunt verified that the Sidewalk Program would be between Lake and Detroit Roads. The Mayor concurred.
- Councilman Hunt asked why the police swearing in was not in front of Council. The Mayor said they are happy to come to Council but this needed to happen in the morning so everyone could attend the training sessions. Mr. Hunt looks forward to meeting them.
- Mr. Sindelar asked about the compliment of police. The Mayor stated that there are currently 29 with one more officer being hired due to retirements. The Mayor confirmed that with restructuring to 12 hour shifts the city was able to reduce by one because of the number of Lieutenants. The city is evaluating the compliment as there are jailers, CSO's and dispatchers. The landscape has changed since there were 33 officers. The Mayor offered to have the Chief come to a meeting to explain his organizational structure as he sees it.

- Councilman Furry asked what the percentage is with the recycled asphalt. Director Snyder explained that a typical recycled process is usually 25-30%. This process is 100% as it recycles on what is already there. They do samples to evaluate how much binding agent is in the mix and the machine mills it up, processes it, adds the binding agent and lays it at 10 feet a minute. This is a true recycled process. This project will be going out to bid. The machinery and process has been around but has not been used to this scale until recently.
- Councilman Shepherd asked about the cost. Director Snyder stated that the preliminary numbers are approximately 30% less than the typical resurfacing. This will be bid simultaneously to get a true evaluation of what it would be for a mill chip seal asphalt overlay and this process at the same time to compare costs. The machinery is also propane based so there is a significant reduction in carbon emissions with the process.
- The Mayor asked if the reclamite process will still be applicable on this surface. Mr. Snyder said yes, this will be the same final product as an asphalt overlay.
- Mr. Sindelar asked for the rankings of the streets for resurfacing. The Mayor said that the 2022 Projects, the leftover projects from 2021 at Christensen Estates and the rankings will be sent to all of council. East Shoreland is on for this year or next. This street needs a significant amount of in-depth repair along with curb work. Mr. Snyder is working on a revised ranking list and will forward that as well to Council.
- President Moran stated that Jim Umerley was one of the key employees who worked hard and always with a smile on his face. President Moran thanked him and wishes him well on his retirement. He led a great example for all of the employees.

LAW DEPARTMENT: Law Director O'Shea reported that cell phone providers are charging municipalities for search warrant requests or subpoenas. Some cities have kicked back on this.

The BCI has completed their investigation into the police shooting at the Linden House last year. The results have been turned in to Special Prosecutor Mike Maloney who is the Law Director for the City of Westlake. Law Director O'Shea expects nothing less than 5 stars for our officers.

Last night there was a police chase around 7:15 p.m. regarding a theft from a beverage store. Mr. O'Shea said the chase was broke off as people were put in danger. The Rocky River Police do a very good job at vetting what merits a car chase and what does not.

Mr. O'Shea updated Council on former Law Director Bemer. Mr. Bemer went through a rough patch following his surgery but is doing much better now. Feel free to reach out.

Mr. O'Shea said there will be some discussion on HB 172 in Ordinance 24-22 regarding fireworks this evening.

- Mr. Sindelar wondered if the police obtain a license plate number at least prior to breaking off a chase. Mr. O'Shea said yes, but in most cases the car is stolen. The Mayor said that other jurisdictions are also called.

COMMITTEE REPORTS: Parks and Recreation Commission: Councilman Furry reported that the Parks and Recreation Commission met on April 14th at the pavilion. The Recreation Department is partnering with the Junior Cavs for basketball and the fees for the youth basketball t-shirts will increase

\$15.00 from the former cost of \$7.00 but will be a reversible Junior Cavs Jersey. This program will have coaching clinics and player clinics. There will be an increase for football equipment for all ages also.

The Safety Town structures are complete, built by the WestShore Career Technical classes at Lakewood High School. Cox Cable volunteers will be priming these structures for Safety Town.

- Mr. Sindelar asked if Parks and Rec handles the Elmwood Baseball fields. Mr. Sindelar said the batting cage at Elmwood needs to be looked at and needs attention. The Mayor and Director Snyder will look at this.

COMMUNICATIONS FROM COUNCIL: Mr. Moran said that Council received a Liquor License Request for a Day Spa going in at the old Tuesday Morning building. Due diligence was performed by Chief Lichman and there are no background problems. Mr. Shepherd said it is a spa but with this license request it has the potential to become a full-time bar. Mr. Shepherd asked about a TREX in regard to this license. The Clerk of Council will contact the Department of Liquor regarding the TREX.

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 71-21

BY: CHRISTINA MORRIS

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 905.03 ENTITLED “DRIVEWAY LOCATION AND WIDTH” AND SECTION 905.04 ENTITLED “DRIVEWAY APRON MATERIAL AND THICKNESS”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
ON HOLD**

Mrs. Morris said this is still referred to the Planning Commission and is still on hold. Building Commissioner Reich is consulting with MacKay Engineering to obtain clarification on the language.

RESOLUTION NO. 16-22

BY: JOHN B. SHEPHERD

**AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITIES OF FAIRVIEW PARK AND ROCKY RIVER REGARDING THE SPENCER ROAD RESURFACING AND SANITARY SEWER IMPROVEMENTS PROJECT, AS FURTHER DESCRIBED IN EXHIBIT “A”
3rd READING**

Mr. Shepherd stated that the sewers and the lateral connections on Spencer Road need to be fixed. This is a major project that will repave Spencer Road. A small portion of the project extends into Fairview Park and the Ohio Public Works wants the City of Rocky River to handle the billing and payments, so this ordinance puts an agreement in place with Fairview Park that they will pay Rocky River for their portion, which is approximately 2.7% of the project. Mr. Shepherd moved for passage of Resolution No. 16-22, seconded by Mr. Furry.

Vote: Hunt – aye

Shepherd – aye

Gallagher – aye

Furry – aye

Morris – aye

Sindelar – aye

Moran - aye

7 ayes

0 nays

PASSED

ORDINANCE NO. 18-22

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH ZENITH ELECTRIC, INC. FOR ADDITIONAL ELECTRICAL WORK AT THE NEW CITY OF ROCKY RIVER POLICE STATION PROJECT

IN AN AMOUNT NOT TO EXCEED \$95,408.54, AS FURTHER DESCRIBED IN EXHIBIT “A”
3rd READING

Mr. Hunt said there was an in-depth discussion on this a few weeks ago with no questions. This ordinance will allow the city to enter into an agreement with Zenith Electric for paying for mistakes made by Bowen in the police station construction. The original contract was for \$1.328 million and this modification resulted in extra modification and payment of \$95,408.54. This will pay for Zenith’s services that were necessary for completion of the building. Bowen has acknowledged these issues and will wave claims for the additional design services that were needed to complete the project. The city is paying the \$95,000 and Bowen is waiving \$94,000 of additional services. These services were rendered by Zenith and they should be paid for their services. Mr. Hunt moved for passage, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – nay
	Morris – aye	Sindelar – aye	Moran - aye	
	6 ayes		1 nay	PASSED

- Mr. Furry said his nay is not for Zenith’s work but the lack of Bowen’s supervisory skills.

ORDINANCE NO. 21-22 **BY: JOHN B. SHEPHERD**
AN ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH SPECIALIZED CONSTRUCTION, INC. FOR THE 2022 CRACK & JOINT SEALING PROGRAM IN AN AMOUNT NOT TO EXCEED \$59,950.00 AS FURTHER DESCRIBED IN EXHIBIT “A”
3rd READING

Mr. Shepherd stated this ordinance is for the crack and joint sealing project on Center Ridge Road between Wooster and Wagar Roads. It was put out to bid and Specialized Construction was the low bidder. References, credentials and the city’s experience with them are all favorable. Mr. Shepherd moved for passage, seconded by Mr. Furry.

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

ORDINANCE NO. 22-22 **BY: CHRISTINA MORRIS**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SUPPLEMENTAL AGREEMENT FOR A CONTRACT MODIFICATION WITH NORTH BAY CONSTRUCTION, INC. FOR ADDITIONAL IMPROVEMENT WORK FOR THE WWTP 2017-2020 CAPITAL IMPROVEMENTS PROJECT AT THE CITY OF ROCKY RIVER WASTEWATER TREATMENT PLANT (RRWWTP) IN AN AMOUNT NOT TO EXCEED \$100,694.03, AS FURTHER DESCRIBED IN EXHIBIT “A”
3rd READING

Mrs. Morris stated this allows for the completion of the 2017 WWTP Project. It is replacing pumps that were ordered incorrectly. It is being paid for by money received in a settlement and all cities involved are on board. There are no additional funds being used for this ordinance and there have been no other questions. Mrs. Morris moved for passage, seconded by Mr. Furry.

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

ORDINANCE NO. 23-22 **BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SMITHGROUP FOR BRADSTREETS LANDING PHASE II DESIGN & ENGINEERING IN AN AMOUNT NOT TO EXCEED \$139,700.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

This agreement covers design and oversight engineering relative to the design and engineering through the construction phase of Phase II at Bradstreet's Landing. Phase II will be for the boardwalk, pedestrian bridge, revetment, parking lot, upland access improvements and assorted items. This has been discussed in depth and is a very exciting project.

NEW BUSINESS:

ORDINANCE NO. 24-22

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE ADDRESSING THE PROVISIONS OF AMENDED SUBSTITUTE HB 172 CONCERNING THE RIGHT OF MUNICIPALITIES TO RETAIN THE REGULATIONS AND PROHIBITIONS ON THE POSSESSION, DISCHARGE, IGNITION AND EXPLODING OF FIREWORKS THAT EXISTED PRIOR TO THE ENACTMENT OF AMENDED SUBSTITUTE HB 172

1st READING

Mr. Hunt said this was discussed a few weeks back. This emergency ordinance is the result of the Governor signing into law HB 172 in November. This fireworks legislation is a reservation of home rule authority to maintain the prohibition of discharge and possession of fireworks that is codified in Chapter 1519. Mr. O'Shea added that Rocky River is different than rural cities as we have a density issue. The current codified ordinances reflect the density issue. This will be discussed more at next week's meeting.

ORDINANCE NO. 25-22

BY: JAMES W. MORAN

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY THE CITY OF CLEVELAND, DIVISION OF WATER THE AMOUNT OF \$33,775.08 FOR WATER METER READINGS NEEDED BY THE CITY OF ROCKY RIVER FOR THE PERIOD FROM MARCH 1, 2021 TO FEBRUARY 28, 2022, AS DESCRIBED IN THE ATTACHED EXHIBIT "A"

1st READING

Mr. Moran said this is payment to the City of Cleveland for the annual cost of the water meter readings for the consumption data needed to generate the sanitary sewer bills in the amount of \$33,775.08. This will be discussed more at next week's meeting.

ORDINANCE NO. 26-22

BY: DAVID W. FURRY

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO PURCHASE PLAYGROUND EQUIPMENT FOR MORLEY PARK FROM SNIDER RECREATION INC. AT A COST NOT TO EXCEED \$64,760.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

This ordinance is for the purchase of playground equipment for Morley Park which is a little north of the world headquarters of Northern Title. Late last week I shared the latest colored renderings of the project. From a distance, the current playground equipment looks fine, closer inspection, not so much.

Six proposals were vetted by the Parks and Rec Commission, the Parks and Rec Foundation as well as rec dept staff. Several vendors submitted multiple proposals, some of which met the RFP, some of which did not. All in all, it was a very tight grouping. Snider Recreation was the lowest and best bidder meeting all

of the proposals. Let the record show that our esteemed Safety/Service Director spells his name with a “Y”.

ORDINANCE NO. 27-22

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO TO ACCEPT A GRANT UP TO \$35,000.00 FOR THE OPERATION OF THE MARINE PATROL FOR THE YEAR 2022 AS FURTHER DESCRIBED IN EXHIBIT “A”

1st READING

Mr. Shepherd moved for a rules suspension to receive a \$35,000 grant to help fund the patrol boat. A resolution needs to be in place and returned by May 6, 2022. This grant is an additional \$5,000 from last year’s grant. Mr. Shepherd moved for a rules suspension to pass this ordinance with one reading, seconded by Mr. Furry.

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

Mr. Shepherd moved for passage of Ordinance No. 27-22, seconded by Mr. Furry.

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

ORDINANCE NO. 28-22

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO PURCHASE PARTS AS NEEDED FROM BEST EQUIPMENT COMPANY, INC., IN AN AMOUNT NOT TO EXCEED \$45,000.00, AS FURTHER DESCRIBED IN EXHIBIT “A”
1st READING

Mr. Shepherd said the equipment for leaf machines and compactors from Best Equipment. There have been some major repairs needed this year and would like to have money in place for these repairs. This will be discussed further at next week’s meeting.

- Mr. Moran appreciates that this was brought to Council’s attention.

MISCELLANEOUS BUSINESS: Mr. Furry said the late Robert Jensen would be happy today as Mr. Furry saw the street sweeper out today. That was one of Mr. Jensen’s passions.

Mrs. Morris spoke with Prosecutor Dever and he was very complimentary of the City Council meeting he attended and said Council was conscientious and kind. He enjoyed being at the last meeting. Mr. Moran said Mr. Dever had a nice presentation and it worked out well.

Mr. Moran reminded Council of the presentation for Arbor Day on April 29th. President Moran wished a happy birthday to Councilman Hunt and Mayor Bobst this week.

PUBLIC COMMENT: Patrick O’Connor, 19001 East Shoreland Avenue as a Rocky River Green Team Member and an East Shoreland resident. Mr. O’Connor is looking forward to sharing on May 4th at the Green Team meeting, the three exciting developments on the Restoration Grant at Bradstreet, the reclaimed asphalt for resurfacing and the 7,660 pounds of shredding collected. The Green Team will be impressed and happy to learn this information.

As a resident he is interested in the street and curb work coming up for East Shoreland. Mr. O'Connor had a conversation with a neighbor who has an issue with a fire hydrant being very close to their driveway apron and guests have hit it. Mr. O'Connor does not have the address but this house is west of his. Mr. O'Connor said some hydrants have been replaced recently but he is not sure if this hydrant was one of them. He is wondering if this hydrant should be moved during the resurfacing of East Shoreland. The Mayor said to have this resident call her or Director Snyder and they will address it. The Mayor said this is not an easy thing to do, but it needs to be looked at it. If people are hitting it, the fire hydrant needs to be operational. The Mayor is interested in the fact of hydrants being replaced. It was noted at a meeting last week that the Mayor attended that the supply chain for hydrants has slowed considerably.

As there was no further business by members of Council, the meeting was adjourned at 8:08 p.m. The next City Council Meeting will be held on May 2, 2022 in Council Chambers.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council