

CITY OF ROCKY RIVER

February 13, 2023

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

Absent: Mr. Hunt

Absent: Law Director O'Shea

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

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 January 23rd and the Committee-of-the-Whole Meeting of February 6th be waived and that the minutes be accepted as submitted.

Vote: Shepherd – aye	Gallagher – aye	Furry – aye
Morris – aye	Sindelar – aye	Moran - aye
6 ayes		0 nays

PASSED

MAYOR'S REPORT:

The Mayor announced that the Senior Center Volunteer Recognition Luncheon will be held this Friday at 12:00 p.m. at the Senior Center. This luncheon will be a time to thank the volunteers for the variety of ways they contribute to the life of the seniors in the community and the theme will be "A Sock Hop".

The Mayor also announced that tomorrow will be a Grand Opening of a State Farm Insurance Office on Smith Court beginning at 11:30 a.m.

The Mayor announced an apparent low bidder for the boiler at City Hall. It was estimated to cost about \$150,000 and the bid came in at \$97,000. The city will also use NOPEC Energy Efficiency money to pay for a portion of the new boiler. The city is awarded money from NOPEC each year that is banked for a large project such as the new boiler.

The Mayor mentioned that the city received three bids for the CEPT and Final Clarifier Project for the WWTP. The administration met last week with the WWTP Management Committee and they approved the contract for the amount of \$23,729,000 from Shook Construction. The Engineer's estimate was close to \$30,000,000. Legislation will be come to City Council as soon as possible for this project.

Monday is President's Day and City Hall will be closed in observance. The Rec Department will be open with special programming for residents including an Open Skate from 2:30 – 5:00 p.m. plus other programming opportunities for families and school age children.

- Mr. Sindelar asked the age of the current boiler. Director Snyder will get the answer and the Mayor added that there is some asbestos abatement which is included in the bid. Mr. Sindelar is hopeful that the former boiler can be scrapped.

LAW DEPARTMENT: Mr. O'Shea complimented the EMS and Police Department as on Sunday they were called to his mother's home on South Hampton. Mrs. O'Shea was having an event and they were super courteous and one of the police officers called Mr. O'Shea from the field to let him know they were with his mother. Mrs. O'Shea said that all of the Firemen were extremely handsome. Mr. O'Shea was very proud of how both EMS and the Police Department handled this delicate situation.

COMMITTEE REPORTS: Parks, Recreation and Health Commission: Mr. Furry stated that the Parks and Rec Commission met on the 9th at 7:45 a.m. Fees for approval were for Day Camp and Elmwood Fun Camp which were basically cost of living increases based on staffing. Also discussed was a Rocky River Business Rate for membership, with proof of employment in the City of Rocky and the fee is split between a Resident Rate and a Non-Resident Rate. The Mayor added that the Rocky River Business Rate is a pilot program that will be evaluated and then ultimately those fees will come to City Council if the program works out.

COMMUNICATIONS FROM COUNCIL: Mrs. Gallagher commented that she attended a Mayor's Forum in South Euclid with all women mayors and she wants to say what a great job Mayor Bobst does. This forum of women mayors have many challenges and she wanted to applaud our Mayor on what a great job she does.

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 85-22 **BY: JEANNE GALLAGHER**
AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1123.02 OF THE DEVELOPMENT CODE ENTITLED "DEFINITIONS", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
ON HOLD

This ordinance has been referred to the Planning Commission and will be discussed at their next meeting on February 21, 2023.

ORDINANCE NO. 3-23 **BY: JEANNE GALLAGHER**
AN ORDINANCE AMENDING ROCKY RIVER CODIFIED ORDINANCES SECTION 1181.13 ENTITLED "LIGHTING REGULATIONS", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
3rd READING

Mrs. Gallagher said this was approved as written by the Planning Commission. City Council received an electronic draft of the Planning Commission minutes and a hard copy at their seats this evening. Mrs. Gallagher moved Ordinance No. 3-23 for passage, seconded by Mr. Furry.

Vote: Shepherd – aye	Gallagher – aye	Furry – aye
Morris – aye	Sindelar – aye	Moran - aye
6 ayes		0 nays

PASSED

ORDINANCE NO. 5-23**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO EXTEND A CONTRACT FOR ONE (1) YEAR FOR FULL-SERVICE VENDING WITH METROPOLITAN VENDING COMPANY FOR THE CITY OF ROCKY RIVER RECREATION DEPARTMENT, AS FURTHER DESCRIBED IN EXHIBIT "A"
2nd READING

Mr. Shepherd said this was discussed in detail several meetings ago. There have not been any issues as this allows the vending company the city currently utilizes to continue providing vending services in the Umerley Civic Center. The city receives a revenue stream between 28-30% of gross sales from these services.

ORDINANCE NO. 6-23**BY: THOMAS J. HUNT**

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 2023 AS FURTHER DESCRIBED IN EXHIBIT "A"
2nd READING

Mr. Moran said that the good news is the city continues to receive these grants. This ordinance authorizes the Mayor to enter into an agreement with the State of Ohio to accept a grant up to \$35,000 for the operation, maintenance, marine equipment, education, materials and salaries of the Marine Patrol for 2023. 80% of the hours will be on boat patrol and the remainder will do safety inspections on the docks and the mouth of the river. The Marine Patrol does a great job especially during holiday times making sure things are safe for everyone.

NEW BUSINESS:**ORDINANCE NO. 7-23****BY: CHRISTINA MORRIS**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND THE CITY OF ROCKY RIVER REGARDING STORM WATER POLLUTION EDUCATION FOR A TWELVE (12) MONTH TERM, ATTACHED HERETO AS EXHIBIT A
1st READING

Mrs. Morris said this is a MOU that allows for the city to have a liaison with the Cuyahoga Soil and Water Conservation District and set up pollution education and storm water pollution prevention and technical assistance. This is an ordinance that is passed annually.

ORDINANCE NO. 8-23**BY: CHRISTINA MORRIS**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND THE CITY OF ROCKY RIVER REGARDING STORM WATER POLLUTION PREVENTION TECHNICAL ASSISTANCE FOR A TWELVE (12) MONTH TERM, ATTACHED HERETO AS EXHIBIT A
1st READING

Mrs. Morris said that along with the liaison and education which costs about \$6,000, the city also use the Soil and Water Conservation District to monitor storm water control measures in the city. The Soil and Water Conservation District will come out for anything more than an acre disturbed and also fire retention basins at Rocky River Park, the Hamlets and McDonalds routinely along with any construction projects. They make sure all the water control measures are followed per the NPDES.

ORDINANCE NO. 9-23**BY: THOMAS J. HUNT**

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE ONE (1) FORD EXPLORER FROM STATEWIDE FORD LINCOLN/STATEWIDE EMERGENCY PRODUCTS FOR THE FIRE DIVISION AT A COST NOT TO EXCEED \$55,878.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Moran said this vehicle is slated for the Fire Chief. The current vehicle is a 2017 and will move to the Fire Prevention Officer. The current Fire Prevention vehicle is a 1997 with 170,000 miles on it and will be added to the open bid and sold off. This is the first read and this vehicle is slated for deliver in June or July 2023.

- Mr. Furry asked if this will need a build-out for the Fire Chief. Director Snyder said yes but it is included in this quote. Mr. Moran added that the Chief will be able to move to any facility that needs his expertise with the traveling gear. The Fire Prevention Officer will have the same ability using the Chief's current vehicle to respond to calls with the radio and everything in there.
- Mrs. Gallagher asked why the engines were changed. Director Snyder responded in part availability, additionally there have been some hiccups with some of the hybrids in the police division. Director Snyder is currently working with Ford to make sure some of those are ironed out before anymore are brought into the fleet.

RESOLUTION NO. 10-23**BY: JOHN B. SHEPHERD**

A RESOLUTION AUTHORIZING THE MAYOR TO RENEW OUR AGREEMENT WITH NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) FOR THE NOPEC 2023 ENERGIZED COMMUNITY GRANT AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Shepherd said to be clear, this is not the time that the city chooses NOPEC to be the provider, but is simply an agreement that allows the city to receive the grants that they provide through their program. In 2022, the city was reimbursed for the Civic Center generator in the amount of \$193,918 and also for the upcoming installations of EV Charging Stations at the Civic Center which will be \$25,966. This year, the city expects to submit reimbursement requests for an EV Charging Station at City Hall and the City Hall boiler replacement. This needs to be passed prior to receiving these reimbursements so it has been requested that this is passed in an expedited timeline. Mr. Shepherd stated that this is a formality as this has been done every year in the past so he would be in favor of passage this evening. All of Council was in agreement. Mr. Shepherd added that the Energized Community Grant Program is primarily for energy efficiency and energy infrastructure. Mr. Shepherd moved for a rule suspension for Resolution No. 10-23, seconded by Mr. Furry.

Vote: Shepherd – aye	Gallagher – aye	Furry – aye
Morris – aye	Sindelar – aye	Moran - aye
6 ayes		0 nays

PASSED

Mr. Shepherd then moved for passage of Resolution 10-23, seconded by Mr. Furry.

Vote: Shepherd – aye	Gallagher – aye	Furry – aye
Morris – aye	Sindelar – aye	Moran - aye
6 ayes		0 nays

PASSED

ORDINANCE NO. 11-23**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SOFTWARE SUPPLY, IMPLEMENTATION AND SUPPORT CONTRACT WITH CIVICA NORTH AMERICA, INC. TO PROVIDE SOFTWARE FOR BILLING, ACCOUNT AND RATE ADMINISTRATIONS OF THE SEWER USER UNIT CHARGE FOR SANITARY AND STORM SEWER USE IN A PROPOSED COST NOT TO EXCEED \$93,900.00 AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

1st READING

Mr. Shepherd stated that the city has been working with Civica on the billing data base and have done some upgrades with Civica. This project is an important one, if it passes, as it will allow for online payments of sewer bills and email billing if it is requested. The Finance Director has determined that this is the most efficient way to go. If Rocky River were to have the Cleveland Water Department bill, the cost would be \$3.33 per account per month. These funds have been set aside in the 2023 Budget under the Sanitary Sewer Fund. This provider has an institutional knowledge of the city's system and the city is happy with their work. This will have three full reads. Mr. Shepherd will discuss this further at the next meeting. There will be additional hardware needed in the amount of \$12,000 as part of this migration.

- Mr. Furry asked if this will interface easier with the City of Cleveland with the annual catch up and what will the annual maintenance fee be. The maintenance fee is included in the exhibit and it totals about \$11,800. The City of Avon uses Civica. Mr. Furry commented that if they are negotiating in good faith with a 19-page contract for a \$93,000 contract.
- Mr. Moran spoke with Director Thomas and this could not have been put on the old system so is being transitioned with the new system. There will be advantages working with the new system.

CONSENT AGENDA:**AMENDED ORDINANCE NO. 86-22****BY: JEANNE GALLAGHER**

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER SECTION 1153.15(d) ENTITLED "DETACHED GARAGES", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

3rd READING

Mrs. Gallagher said this was referred to the Planning Commission where they approved the new language with their modifications. The new language will read "A Garage attached by a porch, breezeway or other similar means of connecting a dwelling to the garage shall not for the purposes of this Code be considered to constitute an attached garage."

ORDINANCE NO. 1-23**BY: JAMES W. MORAN**

AN ORDINANCE AUTHORIZING THE ADJUSTMENT OF SEWER RATES PAID TO THE CITY OF LAKEWOOD FOR WASTEWATER TREATMENT SERVICES FOR THE VALLEYVIEW SEWER DISTRICT

3rd READING

Mr. Moran said this has been discussed several times and has to do with the Valleyview District where the sewer flows into the City of Lakewood. The cost would be exuberant and cost millions of dollars to reverse the flow back into the City of Rocky River. Instead, the city pays the City of Lakewood for approximately 102 homes at the rate of \$113.37 which includes \$15.70 along with a \$98.28 mcf millage. The residents pay the same as other Rocky River residents of \$38.00 mcf, and the City of Rocky River picks up the balance.

ORDINANCE NO. 2-23**BY: CHRISTINA MORRIS****AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO APPROPRIATE FUNDING FOR SYSTEMS GROUP TECHNOLOGY, LLC, IN AN AMOUNT NOT TO EXCEED \$40,000.00, AS FURTHER DESCRIBED IN EXHIBIT “A”****3rd READING**

Mrs. Morris said the WWTP has been upgrading their supervisory control and data acquisition software which enables the plant to be controlled from any computer in the network on the property. Currently they are using obsolete software that works but is not as effective as the new software would be in collecting data and is very expensive to maintain. The software has been transitioning since 2018 with the same company, SG Tech, but will need to accelerate the final push to finish before the capital project begins. This needs to be upgraded due to new EPA regulations. This has been approved by the WWTP Management Committee.

ORDINANCE NO. 4-23**BY: JEANNE GALLAGHER****AN ORDINANCE AMENDING VARIOUS SECTIONS OF ROCKY RIVER CODIFIED ORDINANCES CHAPTER 1351 ENTITLED “ARTIFICIAL LIGHTING DEVICES”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”****3rd READING**

Mrs. Gallagher said that Ordinance No. 3-23 is in regard to light shield required section of the Code. The light trespass code is enforced by using a light brightness measurement to prevent future misunderstandings.

Mr. Moran moved to approve the four items on the Consent Agenda including Amended Ordinance No. 86-22, Ordinance Nos. 1-23, 2-23 and 4-23 seconded by Mr. Furry and Mrs. Gallagher.

Vote:	Shepherd – aye	Gallagher – aye	Furry – aye
	Morris – aye	Sindelar – aye	Moran - aye
	6 ayes		0 nays

PASSED**PUBLIC COMMENT: NONE**

MISCELLANEOUS BUSINESS: Mr. Moran said that next Monday is President’s Day and City Hall will be closed. City Council’s next meeting will be Monday, February 27th at 7:00 p.m.

The meeting was adjourned at 7:38 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council