

CITY OF ROCKY RIVER

April 24, 2023

The Regular Legislative Meeting of Council was called to order by Mr. Moran, President of Council in the David J. Cook Council Chambers.

Council Members Present: Mr. Hunt, Mr. Shepherd, Mrs. Gallagher,
Mr. Furry, Mr. Sindelar, Mr. Moran

Council Members Absent: Mrs. Morris

Law Director: Mr. 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 April 10th be waived and that the minutes be accepted as submitted.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	
	Furry – aye	Sindelar – aye	Moran - aye	
	6 ayes		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 17th be waived and that the minutes be accepted as submitted.

Vote:	Hunt – abstain	Shepherd – aye	Gallagher – aye	
	Furry – aye	Sindelar – aye	Moran - aye	
	5 ayes	1 abstain	0 nays	PASSED

MAYOR'S REPORT:

The Mayor received a phone call from Congressman Miller regarding the Wooster/Rockcliff Project, a \$4.7 million project, which the city requested \$3.25 million from the Federal Government. This project was selected by Congressman Miller and will be forwarded for funding. The remainder of the project will be paid for with Cleveland Water money and TLCI. A big congratulations to Director Snyder who met with Congressman Miller in the Mayor's office and shared with the Congressman how important that project is to the city. A big thank you to everyone involved in this funding.

Director Thomas, the Mayor and a couple of Councilmembers have asked about sewer rate increases. The city's rate has not increased in eleven years so the city is looking to increase the sewer rate. The sewer rate is currently at \$38.00 per mcf. In comparison, the Northeast Regional Sewer District charges about \$115.00 per mcf. The residents should be pleased at the stewardship of these dollars that are earmarked to run the city's portion of the WWTP as well as the collection system, any preventative maintenance that is done and Capital Investment, etc. The administration will be communicating more with Council. Some of the needs include increased costs because of the increased cost of construction and the city is also launching an Inflow & Infiltration Project as the city works on the public side the

residents will need to do work on the private side. On the private side, that would include downspouts, footer drains and driveway drains. If those are connected into the sanitary system, they must be removed. As of 1972, those are considered illegal connections through the Clean Air and Water Act. The city is doing their part as mandated by the US EPA through the findings and orders. Director Snyder has been doing pilot projects and will have to ramp that up again. These are done parallel with the large sewer construction projects.

The Mayor discussed the Land Use Commissions and their process. Last week there was a well attended Planning Commission Meeting regarding one of the potential developments on Lake Road. Since that time, all matters on the agendas include links to all the paperwork. Anything submitted in terms of plans will be on a link. Those agendas and that information will be on the homepage of the city website. In addition, the city has started the process of installing monitors in Council Chambers. There will be 2-5 monitors so as the plans are discussed and pointed to, the audience will be able to see the plan. The city wants to provide detailed instruction about the process that any development goes through with the city. Council is aware that the zoning for this particular project allows this permitted use for that office building. If they require any variances, the city can address those specific issues. The city listens to all voices to help manage a large project like that. There will also be a traffic study. The city is working with the City of Lakewood on the Clifton/Lake Bridge and they will be doing a traffic study. There is also a Transportation for Livable Communities Initiative Study that was done on Detroit, Linda and Lake several years ago, but still has very valuable information that the city will be looking at closely. The city wants residents to continue providing feedback about the development. The Mayor shares with everyone that it is a permitted use in that zoning classification. The city will manage the concerns to the best of their ability with the developer who is also a resident and wants to make sure that this development is successful. Comments and concerns can be forwarded to the Building Department at any time.

The Mayor announced that trees are being planted on Fairhill and Nelson Park this week.

The city's Arbor Day Tree Planting celebration is this Friday, April 28th at 11:00 a.m. at Linden Park, just beyond the parking lot.

The Mayor shared that there will be a new overlook constructed off of Beachcliff. This was part of the Rocky River Parks and Recreation Foundation's Master Plan several years ago. This will allow residents to listen to the summer concerts, see the lake or watch the children play on the playground. There was a very generous contribution to the city that covers the entire cost for this overlook. The ad will be in the newspapers, looking for contractors and hopefully bids will be in within the next few weeks.

The Mayor just received notice that the Rocky River Watershed Council Meeting will be held tomorrow at the Watershed Stewardship Center in Parma from 5:00-7:00 p.m. It will be a potluck dinner with the theme being Organic Lawn Care. There will also be rain barrel workshops that the Mayor will share information, as it is received.

Recreation Fall Registration is open as of today including football, cheerleading, skills and drills for the summer along with basketball and volleyball.

Handel's Ice Cream had a grand opening last Thursday. Thank you to all the Councilmembers who attended. It was very meaningful to the store to have the city and Chamber's presence at the opening. This is the 100th store for Handel's Ice Cream.

The Mayor respectfully requests an Executive Session under Article X, Section VI, Subsection I of the City Charter to discuss a personnel matter.

- Mr. Sindelar asked if this is just the City of Rocky River's decision regarding the sewer price

increase or will it go to the WWTP Board and all the stakeholders. The Mayor said it is just the City of Rocky River. The sewer fee is the City of Rocky River's alone. Mr. Sindelar asked if it is a result or a direct correlation with Director Barille's discussion of the increase in costs for the WWTP chemicals. The Mayor said absolutely, that it has impacted over the last ten years. The city has managed that money effectively, leveraging the money to secure grants and zero interest loans, thanks to the Superintendent and the Safety Service Director.

- Mr. Furry asked if the overlook at Rocky River Park will be by the bathrooms or sledding hill. The Mayor said it is off of Beachcliff next to the stairs off Beachcliff and it will be handicap accessible. Mr. Furry added that he is glad that monitors are being installed in Council Chambers, in order to share things better.
- Mr. Shepherd thanked the administration for taking quick action on the Land Use meetings to make them more transparent and inclusive. Mr. Shepherd added that Handel's was tremendous but there is also a new business called Pita Way next to Handel's that is a really good place too.

The Mayor added that for the Planning Commission and for all the Land Use Commission meetings, the city participates in these week in and week out. These meetings are every month and the administration understands the process. The city always has to recognize that this may be the first-time residents are ever at a Planning Commission Meeting or have received the first notice about a project close to their home. The city needs to be mindful that residents will want to see the plans during the meetings. Residents thought this was moving quickly but it has not moved quickly as there are so many details to this project that have required pre-preliminary and preliminary meetings as the project was not finalized enough for the city's code to have it available for public comment. There is always opportunity for feedback at any time that will be forwarded to the Boards and Commission members.

LAW DEPARTMENT: NONE

COMMITTEE REPORTS: NONE

Mr. Moran announced that twice during the Legislative Meeting, there is an opportunity for comments with the first time concerning existing legislation on the agenda. At the end of the legislation, there is a time for comment regarding anything that is not a legislative matter.

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 34-23

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH RMH CONCRETE & FOUNDATIONS, FOR THE SAFETY TOWN PROJECT AT A COST NOT TO EXCEED \$269,610.00, AS FURTHER DESCRIBED IN EXHIBIT "A" (2nd READ)

Mr. Hunt thanked President Moran for addressing this ordinance during his absence last week. This was read for the first time two weeks ago and discussed last week. This is for the authorization of the city to enter into a contract with RMH Concrete and Foundations for the much-anticipated Safety Town Project. Based upon the agenda and residents here to speak, he will discuss this further at next week's Committee-of-the-Whole Meeting.

NEW BUSINESS:

ORDINANCE NO. 36-23**BY: BRIAN J. SINDELAR**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2024 REFUSE SEMI TRACTOR CHASSIS FOR THE SERVICE DIVISION UNDER THE STATE COOPERATIVE PURCHASING ACT FROM RUSH TRUCK CENTERS OF OHIO, INC., AT A COST NOT TO EXCEED \$141,993.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READ

Mr. Sindelar said this was introduced at last week's meeting. Mr. Sindelar stated that the city highly relies on the recommendations of the city's mechanics and throughout the years the mechanics have proven, even in tough economic times, by keeping the fleet of vehicles in good working condition. The lead mechanic, Frank Sinito stated that the truck this ordinance will replace has reached the end of its useful life. It has hard driven miles for the Transfer Station. This is a clear need and Mr. Sindelar takes the mechanics word when they say it is time to put this one to rest. The city will utilize Gov.deals to salvage parts of this vehicle.

- Mr. Furry asked if this truck needs to be picked up in Cincinnati. Mr. Snyder said that there is a Rush Truck Office in the area, but the delivery is included in the overall cost.

ORDINANCE NO. 37-23**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH CHAGRIN VALLEY PAVING, INC., FOR THE HILLIARD BOULEVARD RESURFACING PROJECT FROM GASSER BOULEVARD TO WOOSTER ROAD AT A COST NOT TO EXCEED \$442,347.20, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READ

Mr. Shepherd stated that this was covered in depth at the last meeting. There are a few highlights he would like to add. This contract was put out to bid and a healthy response was received with six bids. Chagrin was the low bid by \$19,577 and well underneath the engineer's estimate of \$516,000. Their references and qualifications have been reviewed and they all look good. Mr. Shepherd said this project is 50% funded by Cuyahoga County and the city funds 50%.

ORDINANCE NO. 38-23**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH C. A. AGRESTA CONSTRUCTION COMPANY, FOR THE CENTER RIDGE ROAD RESURFACING PROJECT IN AN AMOUNT NOT TO EXCEED \$1,307,467.40, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READ

Mr. Shepherd said there are time considerations with ODOT funding and their procedures and Director Snyder has requested a Special Meeting for next Monday for a second read with the third read the following week. This was put out to bid with three responsive bids. This contractor, C.A. Agresta Construction Company was the low bidder by \$58,960 with a bid of \$1.307 million. They are slightly above the engineer's estimate but are well within the 10% rule for rebidding. It appears to be a competitive price in today's market. They have favorable references from South Euclid, the Cuyahoga County Department of Public Works and Mayfield Heights. This company is ODOT pre-qualified and have no unresolved findings in the state's auditor's data base and Sam.gov, which is a federal database for federal aid projects. Mr. Shepherd said this project is for paving on Center Ridge from Spencer to the Westlake border. The paving portion of this project is 85% funded by ODOT and the city pays 15%. There is other work beyond the paving portion including curb improvements, sidewalks maybe ADA, etc.

- Mr. Furry asked for clarification regarding Sam.gov. Director Snyder said the exhibit needs to be corrected to delete RMH and add C.A. Agresta. Sam.gov has some federal funding tied into it through ODOT so Sam.gov is a database that can be checked and if there are contractors that have not met satisfactory requirements for federal projects, they would be included on the Sam.gov database. By C.A. Agresta, not being listed in the database, they are good to go.
- Mr. Moran mentioned that there have been comments from residents regarding the entire area from Spencer to the Westlake line needing to be repaved. Mr. Snyder stated that this is a state route and ODOT had it scheduled to be resurfaced in 2027. Through petitioning ODOT, the city was able to get this section moved up to the next fiscal year and the remainder will be moved up to fiscal year 2024-2025. The city is well ahead of that 2027 schedule. There will be a Special Meeting next week so this can be read three times prior to passage.

CONSENT AGENDA:

ORDINANCE 31-23

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH QUALITY CONTROL INSPECTION, INC., FOR THE CENTER RIDGE ROAD RESURFACING PROJECT CONSTRUCTION ADMINISTRATION SERVICES IN AN AMOUNT NOT TO EXCEED \$122,687.36, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READ

Mr. Shepherd said that this ordinance is for the same Center Ridge Road Project just discussed. This is for construction management, inspection and quality testing. The city received three proposals that were reviewed and determined that this was the best proposal. Their price came in about 9% over the estimated cost for the project. Normal range for these types of contracts is 10-14%.

RESOLUTION 32-23

BY: JOHN B. SHEPHERD

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY OF ROCKY RIVER TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACTS TO BE AWARDED IN 2023

3rd READ

Mr. Shepherd said this is an annual resolution. This authorizes the state to use the city as part of the pool of cities they use to get the best price possible for road salt. When the city commits to this program, the city sets an amount and under their terms the city needs to order at least 90% of that amount and can order up to 110% more of that amount if needed. The amount this year is lower as it was a mild winter. The amount being ordered will put the city at 4,000 tons for next season.

ORDINANCE 33-23

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO REIMBURSE ZENITH SYSTEMS FOR ELECTRIC UTILITY SERVICE CHARGES DURING THE CONSTRUCTION OF THE POLICE STATION IN AN AMOUNT NOT TO EXCEED \$45,659.50, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

3rd READ

Mr. Hunt said that passage of this ordinance will be the end of the monies owed to the electrical contractor for the police station work. During construction of the police station, Zenith paid for all the electrical site charges. After the electric service was installed and the city took over possession of the building, the electrical service charges were never transferred to the city. The city incurred these charges and under the

contract the city is responsible for paying these charges. This will pay the last invoice for the electrical.

Mr. Moran moved for passage of the Consent Agenda regarding Ordinance Nos. 31-23, 33-23 and Resolution No. 32-23, seconded by Mr. Furry.

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

MISCELLANEOUS BUSINESS: Mrs. Gallagher forwarded Council information regarding the TREX application request along with the results from Chief Lichman’s local records check for the owners of TAZA. Mrs. Gallagher asked if there were any objections regarding signing this application for TAZA. Mr. Moran said there are no objections and this TREX can be sent through.

MOTION:

President Moran said the Mayor respectfully requested Council to move into Executive Session under Article X, Section VI, Subsection I of the City Charter to discuss a personnel matter before the end of this meeting, seconded by Mr. Furry.

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

PUBLIC COMMENT: Anne Douglas, 22160 Detroit Road, spoke concerning the public scandal regarding Police Chief George Lichman. According to reports, he has violated department policy on multiple occasions, demonstrated consistently poor leadership and contributed substantially to low morale on the police force. He has also taken sides on divisive political issues while in uniform. It is also alleged that for reasons unknown, he has posted on social media, a photo of his nude reflection in a window. In light of all this, is it wise for the city to permit Chief Lichman to continue holding a leadership position, particularly while this investigation of these serious charges is ongoing. Likewise, should we not also respect the dedicated police officers by taking seriously the concerns they have raised about the Chief’s behavior and leadership. We expect law enforcement officials to exercise good judgement. The Chief has not done so. The Office of Police Chief is one of profound weight and responsibility. Decisions are made daily regarding liberty, property and often even life or death. The Police Chief makes the call to send officers into harms way. Given the immense gravity of this role, we need a leader our officers and community can trust. Our school resource officers teach our children to obey the law and to the eighth graders that if they use their phones to take nude pictures, they will be held accountability for breaking the law. Does this controversy surrounding Chief Lichman support or undermine this message? Ms. Douglas sincerely and respectfully asks that the administration respect the concerns of the citizens and the police officers who put themselves in harm’s way to protect us. Please remove Chief Lichman from his role or at the bare minimum put him on leave of office without further delay and give the officers a leader they can respect and trust.

Steve Kirshner, 3344 Wooster Road, stated he has a concern of the police department. Just the idea that there are these allegations going on and it is out on social media and newsprint. He has lived his whole life in Rocky River and has always recalled no real controversies regarding a Police Chief. With the current chief it is the attitude today of the civilization of our society, it is eroding and he is worried that the city is going that route. He thinks the city needs integrity above all at the police station. He has his concerns and he is worried about the future of the police and the fire departments. He hopes Council puts some serious consideration in this decision.

Anne Robins, 20662 Avalon Drive, is a long-term resident and tax payer and loves this community. She is concerned and echo's Steve's comments about civility and the direction the city is going in. It is not good. There is a small group of us here, who just found out about a lot of these things within the last 24-48 hours. Believe me, people are starting to talk. Her message is this: we want accountability and want this investigated. There needs to be a public investigation. Whatever happens, the residents need to know what the administration and City Council is going to do. If this is shuffled off and do something that it is going to go to some committee or some body and talk about it for months and months, that is not going to bode well at all for any of you. Please do something right away, deal with it. The school had a problem not long ago and five or six teachers were let go pretty quick and didn't shuffle it off to committees. Mrs. Robins is not a lawyer so does not know the legal procedures, but you know what she is talking about here. You all have the power to do something. There were some very big violations. She is worried about the community, the young people, the children 18 and under. If this is true that there was a nude picture posted in social media, that's it. We are done. That is unacceptable. It is not good for kids, young adults and she does not want to see it. She is offended as a woman. She doesn't need to see that and it really breaks her heart that it is coming from her community. This is going to get around and impact the reputation of Rocky River, it already has. Please be accountable, keep in touch, let us know what you are doing and please whatever you do, do it quickly. You are smart people and she knows you can. Let's save our city and get back together and be the great community we have been. We are going down a slippery slope. Thank you.

Laurie Rauser, has a different angle on this. She loves the city and is coming at this from a police officer's daughter's view. Her dad was 35 years on the force and her brother was 35 years on the force. Both retired, her father since passed. She knows that if the rank and file were strong enough to come forward and do something about this, it is real. They are a team and they have unity and to stand up wasn't easy. She know this because she grew up a kid in a cop's home. They care. Something must be really wrong, so look at this as deep and as respectfully as you can and know that as residents we respect the police and fire and we would want to respect the Chief. What she read is not ok and there is probably even more to it that we don't know that we didn't read. The whole story doesn't always come out. Knowing how the officers feel, this had to be really hard for them. Please take it seriously. The police have always done right by us. Unfortunately, she has had some incidents that she has had to count on the police as she was basically attacked in her home not long ago and Mr. O'Shea has always been there for her. She does not come up here lightly but wanted to say it from a police officer's view that she feels because this couldn't have been easy. Thank you.

President Moran stated that Council appreciates the comments and this City Council and Administration does not take this lightly. President Moran stated that these are very serious allegations and is something that is being investigated. Every one of you know that what you hear and read in the newspaper or social media, might have some bits and pieces that are correct, but maybe not the whole story. We appreciate your comments, for coming this evening and sharing your information with Council. The Mayor added that we do that for all of you.

President Moran wished Mr. Hunt and Mayor Bobst a happy birthday this week.

Council moved into Executive Session at 7:50 p.m.

As there was no further business by members of Council, the meeting was adjourned at 8:20 p.m.

The next meeting of City Council will be May 1, 2023 at 7:00 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council