

CITY OF ROCKY RIVER

September 25, 2023

The Regular Legislative Meeting of Council was called to order by Mr. Moran, President of Council in the David J. Cook Council Chambers at 7:00 p.m.

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

Law Director: Mr. O'Shea

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

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 September 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

Moved by Mr. Moran seconded by Mr. Furry that the reading of the minutes of the Special Meeting and the Committee of the Whole of September 18th, 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:

- Mayor Bobst followed up on last week's mention of Gov Deals relating to the ordinance passed by Council approximately a year ago. The Mayor provided an update because the work Safety Service Coordinator Nakonek, the Service Department, and Director Snyder have done is notable. Toward the end of 2022 the City started using the auction site Gov Deals to sell equipment and other city property that was no longer needed. In 2022 the total revenues received through City auctions on Gov Deals was \$2,021. To date in 2023 the total revenues received are nearly \$70,000 in the disposal of equipment. It is important to note that in Gov Deals the legislative requirement is that once every five years there must be a posting of an advertisement; whereas, when the City was holding Police auctions, there had to be two ads, costing \$400-500 each for a total close to \$1,000 every time an auction was held. In 2019 and 2020 the proceeds from the Police auctions held did not even pay for the advertising. The Administration is very pleased to report the successful use of Gov Deals. The Mayor will forward the spreadsheet of what equipment was sold. The Mayor thanked Maureen Nakonek who led the effort, as well as Mark Filipic and Rich Snyder. Director Snyder is very enthusiastic about this new process for auctions.
- New landscaping has been installed at Bradstreet's Landing; much of the boardwalk has been placed; the pedestrian bridge is being built off site, however, the abutments are in place; concrete in the circle was poured today; and the base course of asphalt will be installed this week. The project is coming together well.
- Center Ridge west is complete, as well as Erie Road, only punch list items remain.

- Hilliard Blvd construction near the post office continues with the maintenance of traffic; there have been full depth repairs, as well as a water repair. Director Snyder reported the full depth repairs were being done on the westbound lanes today.
- Federal Engineering is the firm selected by the West Shore Council of Governments to complete the Consolidated Dispatch Operational Plan. Cuyahoga County Council provided a grant of \$225,000 to fund the operational plan, so each municipality can make a decision about consolidation. The WCOG will be meeting with Federal and the Mayor will provide Council with the timeline once it is established.
- The Aerozone Alliance has reached out to some of the City's top employers and interesting employers, Dependable Chemical, Comsat Architects, etc. We are going to be at Ernest Machine and World Shipping in the next week or so, talking to them about what their needs are and any expansions. The Aerozone Alliance started out as a geographic footprint that is in proximity to the airport and to NASA, and it has evolved today with companies looking to find space in surrounding communities for office space, light manufacturing. It has been a productive interaction and they have put a lot of resources together for our businesses. Mayor Bobst is happy to be working with them and if there is more to report, the Mayor will report back to Council.
- Budgets are due from each of the Department Directors on Friday. Meetings are scheduled for each of the Directors to meet with the Mayor to discuss their departmental budget requests. An interesting thing to note is that there is a Recreation survey on the City's website under the Recreation drop down. The Mayor encouraged residents and users to complete the survey, as the results could impact the budget for the Recreation Department.
- RRHS Homecoming parade and game are on Friday, September 29. A Ready Notify will be sent to subscribers this week.
- Coffee with a Cop is October 4 from 9-11 at McDonald's on Center Ridge Road. It is being hosted by the Citizens Police Academy Alumni Association. The Mayor thanked them for organizing the event.
- The next Community Shredding event is Saturday, October 7 from 9-11 a.m. on the City Hall campus.
- Holiday plans are underway this week with the Detroit Road Merchant's Association and the Recreation Department.

Mayor Bobst respectfully requested an Executive Session under RR Charter Article 10, Section 6, Subsection 1 to discuss a personnel matter, as well as Article 10, Section 6, Subsection 3 for a conference with an attorney regarding a legal matter.

Council President Moran pointed out a pothole on Hilliard in the construction zone and also noted this past weekend the high number of planes flying over Rocky River. Mayor Bobst indicated she will reach out to the airport to inquire if there is construction or if it was just weather related.

LAW DEPARTMENT: Director O'Shea complimented Mayor Bobst on her response time this morning to a transformer malfunction in his neighborhood, noting her arrival was prior to the electric company crew. Additionally, Mr. O'Shea reported about the out of state apprehension by the US Marshals Service of an individual who previously was harassing the Police Department through excessive emails, having sent close to 5,000 in a three-week period. In addition to our Police Department, this individual was also harassing judges downtown. There are multiple indictments for harassing judges, threatening them, menacing by stalking, etc. The County Prosecutor's Office engaged the US Marshals Service to apprehend him.

Council President Moran made a motion to enter Executive Session near the end of this meeting under Article 10, Section 6, Subsections 1 and Subsection 3 for personnel matters and some legal counsel

matters. Mr. Furry seconded.

Vote: Hunt – aye

Morris – aye

7 ayes

Shepherd – aye

Sindelar – aye

Gallagher – aye

Moran - aye

0 nays

Furry - aye

PASSED

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: NONE

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 51-23

BY: JEANNE GALLAGHER

AN EMERGENCY ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTIES KNOWN AS AUDITOR'S PERMANENT PARCEL NOS. 301-17-082, 301-17-083, 301-17-048, AND 301-17-084, FROM THEIR PRESENT CLASSIFICATION OF SM-SERVICE MANUFACTURING TO OB-2-OFFICE, AS FURTHER DESCRIBED IN EXHIBIT "A"

ON HOLD

This was referred to the Planning Commission which holds a meeting tomorrow evening, so there will be more information following that meeting. This ordinance remains on hold.

AMENDED ORDINANCE NO. 63-23

BY: JEANNE GALLAGHER

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1167.03 ENTITLED USE REGULATIONS, REGARDING BUSINESS DISTRICT REGULATIONS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

REFERRED TO PLANNING

This was also referred to the Planning Commission, so there will be more information following tomorrow's meeting.

AMENDED ORDINANCE NO. 64-23

BY: JEANNE GALLAGHER

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1183.09 ENTITLED CONDITIONAL USES IN THE BUSINESS DISTRICTS, REGARDING BUSINESS DISTRICT REGULATIONS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

REFERRED TO PLANNING

This was also referred to the Planning Commission, so there will be more information following tomorrow's meeting.

AMENDED ORDINANCE NO. 65-23

BY: JEANNE GALLAGHER

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1187.23 ENTITLED OFF-STREET WAITING/QUEUING SPACES FOR DRIVE-THRU FACILITIES, REGARDING

**BUSINESS DISTRICT REGULATIONS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
REFERRED TO PLANNING**

This was also referred to the Planning Commission, so there will be more information following tomorrow’s meeting.

AMENDED ORDINANCE NO. 66-23 **BY: JEANNE GALLAGHER**
**AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1183.11 ENTITLED SUPPLEMENTAL REGULATIONS FOR CERTAIN USES, REGARDING BUSINESS DISTRICT REGULATIONS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
REFERRED TO PLANNING**

This was also referred to the Planning Commission, so there will be more information following tomorrow’s meeting.

Mr. Moran made a motion to amend Ordinance 75-23 by an addition, seconded by Furry.

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

AMENDED ORDINANCE NO. 75-23 **BY: JAMES W. MORAN**
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, 2023 AND TO AMEND AMENDED ORDINANCE NOS. 77-22; 17-23 AND 54-23
3rd READING

Mr. Moran indicated the amendment to the ordinance is an addition that is a zero impact, as it moves funds from the Fringe Benefits to an Overtime Salary category. The other items have been reviewed previously and include the \$15,000 for computer stations and the \$100,000 refundable deposit that needs to be given back to 700 Lake. Mr. Moran made a motion for passage of Ordinance 75-23, Mr. Furry seconded.

Mr. Moran made a motion to amend Ordinance 75-23 by an addition, seconded by Furry.

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

ORDINANCE NO. 78-23 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE AUTHORIZING THE RATIFICATION OF THE PAYMENTS TO SHELLY MATERIALS, INC., IN THE AMOUNT OF FIFTEEN THOUSAND EIGHT HUNDRED SIXTY SIX DOLLARS AND 00/100 (\$15,866.00) FOR THE COST OF STONE AND

**CEMENT FOR THE SERVICE DEPARTMENT AS FURTHER DESCRIBED IN THE
ATTACHED EXHIBIT “A”
2nd READING**

Mr. Moran indicated this ordinance pays for stone received from Shelly Materials. This ordinance will be read for the third time at the next legislative meeting.

NEW ORDINANCES AND RESOLUTIONS:

ORDINANCE NO. 79-23 **BY: BRIAN J. SINDELAR**
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE SAFETY-
SERVICE DIRECTOR TO PURCHASE A CATERPILLAR MINI EXCAVATOR FOR
THE SERVICE DIVISION UNDER THE SOURCEWELL COOPERATIVE
PURCHASING CONTRACT FROM OHIO CAT EQUIPMENT DIVISION AT A COST
NOT TO EXCEED \$152,526.48, AS FURTHER DESCRIBED IN EXHIBIT “A”
1st READING**

Mr. Sindelar said that this replaces equipment that was totaled for insurance purposes after a rollover accident. The purchase is made under the Sourcewell Cooperative. This equipment will be primarily used by the Sewer Department. He will discuss this ordinance further at next week’s Committee of the Whole.

CONSENT AGENDA:

ORDINANCE NO. 67-23 **BY: CHRISTINA MORRIS**
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT BETWEEN THE CITY OF ROCKY RIVER AND BROWN AND CALDWELL
FOR PROFESSIONAL ENGINEERING SERVICES BIOGAS FEASIBILITY STUDY FOR THE
ROCKY RIVER WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED
\$150,320.00
3rd READING**

Mrs. Morris indicated this is a planning study and will evaluate the return on investment for putting in a combined heat and power unit to make our own electricity by capturing methane and to also improve the quality of the biosolids to save on disposal costs, and creating a Class A biosolids that can be used for community fertilizer. She previously reported it would be for sale, but at this time it will just be for the City’s use. This will also take advantage of the Inflation Reduction Act (IRA) Funding which is time sensitive. If a project is started in 2024, there will be a 40% credit. Council received information about the study and who the City accepted the bid from. She urges everyone to review it, as it is very interesting.

RESOLUTION NO. 68-23 **BY: JAMES W. MORAN**
**A RESOLUTION ACCEPTING AMOUNTS AND RATES AS DETERMINED BY THE
CUYAHOGA COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY
TAX LEVIES AND CERTIFYING THEM TO THE CUYAHOGA COUNTY FISCAL OFFICER
3rd READING**

Mr. Moran said that this is the tax rate resolution that is a first step in the 2024 budget process each year. The total city millage will be set at 10.55 mills including:

- Senior Center 0.50
- Refuse & Recycling 1.00

- Recreation Center 0.50
- Bond Retirement 0.65
- Fire Pension 0.30
- Police Pension 0.30
- Capital Improvement 1.00

The debt millage has been reduced over time from 1.0 mills to 0.65 mills.

RESOLUTION NO. 69-23

BY: JAMES W. MORAN

A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAXES FROM THE PROCEEDS OF ALL TAX LEVIES FOR THE TAX YEAR 2023 PURSUANT TO THE OHIO REVISED CODE

3rd READING

The city requests the Cuyahoga County Fiscal Officer to advance pay property taxes collected from the various city levies to the city prior to the final reconciliation settlement and disbursement. By making this request, the city will receive the 2023 property taxes.

AMENDED ORDINANCE NO. 70-23

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE TWO (2) FORD F350 TRUCKS FROM MIKE BASS FORD FOR THE SERVICE DEPARTMENT AT A COST NOT TO EXCEED \$102,148.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Sindelar indicated this has been discussed a number of time before. There are no unresolved questions. He noted that this purchase is from Mike Bass Ford as opposed to the State Cooperative Purchasing as there is leeway to save money by purchasing from Mike Bass Ford and are ready now for delivery. These replace old trucks, one example is a 20 year old truck with 145,000 miles on it and various damages to the vehicle.

ORDINANCE NO. 71-23

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO A CONTRACT WITH SONA CONSTRUCTION, LLC. FOR GENERAL CONSTRUCTION OF THE ROCKY RIVER POLICE FIRING RANGE PROJECT AT A COST NOT TO EXCEED \$814,500.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Shepherd indicated Ordinance 71-23 is for the buildout of the firing range in the new Police Station. As discussed over multiple meetings, this is partially funded by a grant that the City received from the Cuyahoga County Council in the amount of \$1.217 million of ARPA funds that will help defray the cost of this ordinance and Ordinance 74-23. This ordinance is building out the interior, physical structure of the range. This was put out to bid with only one qualifying bid response. The other bid did not meet our bidding requirements. SONA was \$85,000 less than the engineer's estimate. We have experience with SONA, as they were the prime plumbing contractor in the Police Station and they did good work for us then. Bowen has checked out the references for the subcontractors for this bid.

ORDINANCE NO. 72-23

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE ONE (1) REFUSE SEMI TRAILER FOR THE SERVICE DIVISION FROM REFUSE EQUIPMENT & TRUCK SERVICES, INC., AT A COST NOT TO EXCEED \$141,000.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Sindelar said this has been discussed at previous meetings. The justification for this ordinance has been proven again. With increasing yard waste and fall leaf pick up, we rely heavily on the transfer station. This will be used for not only garbage, but potentially yard waste. It is a unique product that we need and only a few manufacturers. We have used this manufacture previously. The trailer now has substantial rust damage and cracking of welds put in place to fix old cracks that are also starting to fail. Referencing the Mayor's reporting on Gov Deals, Mr. Sindelar indicated all the vehicles being replaced will be listed in "as is" condition on Gov Deals to sell.

ORDINANCE NO. 73-23

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE ONE (1) EMERGENCY MEDICAL AMBULANCE FROM PFUND SUPERIOR SALES FOR THE FIRE DIVISION AT A COST NOT TO EXCEED \$420,536.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Hunt said last week there was discussion regarding the importance of having redundancy in our fleet of EMS vehicles. This ordinance authorizes the purchase of a new EMS vehicle that will replace Medic vehicle number 67 which had an in-service date of October 2005, so it is near the end of its useful life. Engine hours are significant and lots of road miles. These are the work horse of emergency response vehicles in the City, so we want to make sure we have a new vehicle to replace #67. This ordinance authorizes the purchase. There is a two-year build and delivery time, with receipt of the new vehicle some time in 2025.

ORDINANCE NO. 74-23

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO A CONTRACT WITH INVERIS TRAINING SOLUTIONS, INC., FOR THE ROCKY RIVER POLICE FIRING RANGE SYSTEMS AND EQUIPMENT PROJECT AT A COST NOT TO EXCEED \$1,050,902.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Shepherd said as discussed in multiple meetings before tonight, this is for the fittings for the shooting range and HVAC filtration system. The city advertised this bid and received two acceptable bids. The lowest was InVeris. This bid was \$154,000 under the other bid and \$153,000 under the engineer's estimate. References were check with other cities.

AMENDED ORDINANCE NO. 76-23

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE ONE (1) 2024 FORD E450 BOX TRUCK FOR THE SERVICE DEPARTMENT UNDER THE STATE COOPERATIVE PURCHASING ACT FROM VALLEY TRUCK CENTERS, AT A COST NOT TO EXCEED \$73,003.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Sindelar said this has been discussed in previous weeks. The van being replaced is a 2003 and is over 20 years ago with 76,000 miles on it and is beyond its useful life. This vehicle has a lot of hard miles and general wear and tear from heavy use. The vehicle being replaced will be sold on gov. deals.

ORDINANCE NO. 77-23**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH FABRIZI TRUCKING & PAVING COMPANY, INC. FOR THE EMERGENCY REPAIR OF STREETS AND STORM AND SANITARY SEWERS WITHIN THE CITY OF ROCKY RIVER AND THE WASTE WATER TREATMENT PLANT AT A COST NOT TO EXCEED \$325,000.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Summarizing what has been discussed at previous meetings, Mr. Shepherd said this year there were 5 emergency repairs which have been itemized in Council's packets. The one on Center Ridge, in particular, was very expensive. Adding to this was the fact that costs have risen drastically. Fabrizi had held the rate at the same level from 2011 through 2022, but materials and labor costs have gone up significantly. Consequently, the City needs to move funding around. \$225,000 will be transferred from the Capital Improvement Fund over to the Emergency Repair fund, and then allocate an additional \$100,000 for these repairs. As Director Snyder indicated at the last meeting, the City is going to do some market research or put it out to bid and make sure that this pricing is in line.

MOTION:

Mr. Moran moved for passage on the consent agenda for Ordinance Nos. 67-23, 68-23, 69-23, 70-23, 71-23, 72-23, 73-23, 74-23, 76-23 and 77-23, 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: NONE

ANNOUNCEMENT: Council President Moran wished Law Director O'Shea a very happy birthday! All present joined in the well wishes.

PUBLIC COMMENT:

- Michael Tehen, 2680 Westmoor Road, expressed his concerns and frustrations regarding a property on his street that is very overgrown and a mess. He would like the City to have an ordinances that allows the City to come in and do the work that is required to clean up properties. Mayor Bobst indicates that does happen in Rocky River. Director Snyder indicated the Building Department is currently with this particular home and he will follow up with the Building Department to determine the status and then reach out to Mr. Tehen with further information.
- Anne Douglas, 22160 Detroit Road, thanked all of Council for their service to the community. She expressed her concern about the Heath Horton police investigation and the due process shown to Dr. Horton, questioning the release of the report and the protocol. Law Director O'Shea addressed her concerns and briefly reviewed Ohio Public Records law. He also welcomed her to reach out to him if she has further questions or concerns.

After Public Comment Council President convened the Executive Session at 7:53 p.m. Following the Executive Session, as there was no further business by members of Council, Mr. Moran adjourned the meeting at 8:25 p.m. The next meeting will be a Committee of the Whole Meeting on October 2nd.

James W. Moran
President of Council

Mary Ellen Umerley
Acting Clerk of Council