

CITY OF ROCKY RIVER

June 26, 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 June 12th be waived and that the minutes be accepted as submitted.

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

MAYOR'S REPORT:

Last evening was a great “Pie in the Park” which was actually “Pie in the Rink” due to the weather. Thank you to the members of Council who were there helping to serve pie along with a special thank you to Mary Ellen Umerley and her husband Jim. Mary Ellen secures all the pies from the donors, picks them up and slices all of them for easy work on Sunday evening. Thank you to all the businesses that donated pies including the Welsh Home, Normandy, Heinen's, Giant Eagle and Joe's Deli. A big thank you to the recreation staff, Director Bob Holub and the remainder of the rec staff. It was a great evening.

The St. Demetrius Greek Festival was a success even with the construction happening on Center Ridge Road.

The “Taste of River” was an incredible event. The Mayor spoke with Jim Riedl, one of the organizers who wants to open up more streets for the next “Taste of River”. It is great to see the community gather. This is becoming one of those traditions everyone looks forward to. Thank you to the Chamber of Commerce and Director Mike Thomas who worked hard on this event as well.

Tomorrow evening is the Clifton/Lake Public meeting that will be held at Memorial Hall beginning at 6:00 p.m. until 7:30 p.m. The presentation will be similar to the meeting held in Lakewood with the focus on Rocky River's portion. There will be an opportunity for questions and answers and concerns to be expressed to the engineer's and the County.

The Mayor has begun the mid-year budget reviews. The Mayor will report that to Council in September along with starting the 2024 budget. These meetings are important as they are the beginning of budgeting for the following year, making assessments about we are at in terms of revenue as well as expenditures and prioritize again mid-year.

The Erie Road Waterline Project punctuates the importance and the significance of the city's relationship with Cleveland Water. There have been 54 tie-ins with about 20 more to go. Of these 54, 20 were lead lines that were all replaced all the way to the house. Having the relationship that we have with Cleveland Water and their commitment to eliminating lead lines is so meaningful in a community like Rocky River that could potentially have a fair amount of lead lines. There are 20 more to go. Director Snyder is on top of these projects along with Cleveland Water, they are getting done.

Dye testing begins this Thursday and Friday on Oak and Culver. Residents are aware that the dye testing is starting on the private side. The city has been doing the work in the street on the public side so hopefully residents will have all their questions answered leading up to it. The administration is happy to answer any questions of residents that may contact Council.

The Mayor turned her report over to Director Snyder to discuss the Sidewalk Program. Director Snyder said this is the third year of the comprehensive sidewalk replacement program within the City of Rocky River. This year the sidewalk program is concentrating on the southside of Detroit Road to the north side of Hilliard Blvd. Up to this point, everything has been inspected to determine what the city is replacing on their side and what residents will replace on the private side. Inspection is nearly complete. The city is looking for sidewalks that show spalling or checked surfaces, cracks or joint separation, or a differential in elevation of an inch per our city code. The city is taking care of any sidewalk issue that is related to a tree lawn tree or a public utility. The inspector will go out to a given property, look at all the adjacent sidewalks and anything out of that specification will be marked with either a white dot meaning it is the city's responsibility, or a pink/red dot meaning it is the property owner's responsibility. All of this is based on City Code 904.01 for Public Sidewalks. Any house that has a sidewalk block with a deficiency, received a hang tag on their door. Residents will then receive a follow up warning letter from the Building Department. The inspectors have taken a picture of the blocks which have been entered into GIS. The follow up letters will have the photographs of the deficient sidewalk blocks included. The legislation that is before Council this evening was bid once already in May and came back greater than 10% over the engineer's estimate. The cost of replacing sidewalks has increased from \$10.00 a square foot to \$14.49 a square foot for the City, within the last couple of years. To make things easier for property owners, the city specified that the contractor provide a unit cost per square foot that will be guaranteed until September 30th. This contract is strictly between the property owner and the contractor. The city is not involved with this in any way. This information, the unit cost and the contractor will be included in the letter to each property owner with the photograph, once the new legislation is approved by Council. One of the key questions received is regarding a crack with no elevation difference. It is possible to be fixed by grouting, grinding it and sealing it. This is an acceptable repair, however the reason this is not recommended is it does not fix an underlying issue under the sidewalk block, so it may need to be corrected again next year. Please have residents call the Safety Service office with any questions. The warning letter residents receive from the Building Department has 45 days to comply, but a formal extension can be requested, if needed. F. P. Allega who is the apparent low bidder this time, was the contractor last year and did a great job. Property owners however do not have to use this contractor. Any contractor can be used as long as the repair is made properly and the contractor is registered with the Building Department. The Mayor requested that Director Snyder send Council a copy of the letter and the door hangar. Residents can also choose to level the sidewalk instead of replacing if the issue is a gap or an uneven sidewalk. Mr. Snyder said that again, that may not fix the underlying issue but it is absolutely a possibility.

- Mr. Furry asked if there were issues last year with F. P. Allega being too busy and could not do the work. Mr. Snyder said that Allega has confirmed that they are willing to take this on at this rate for any contract lined up before September 30th. If the contract is lined up, this is where the city would potentially allow an extension knowing it will be corrected with a contract made.
- Mr. Shepherd asked if the contract with the city or what is used with residents has any type of

limited time period where there is a guarantee against spalding or cracking. Director Snyder said that the city has with all contracts has a two-year maintenance bond on it for workmanship. He is not sure about a private contract.

- Mr. Hunt is happy to hear of the continuous improvement in the process over the last three years. Mr. Hunt is asking how the city is doing with residents that are in arrears fixing their sidewalks. Mr. Snyder said there has been significant strides. The 2021 repairs are almost all wrapped up. The 2022 repairs are happening now. There is a three-notification process with the Building Department. Mark Filipic and the Building Department have been working together on the notification process. Mr. Snyder will get Council the number for sidewalk repair not completed for 2022.
- Mr. Moran said last year residents received quotes that were substantially higher. Is there a way the city can let residents know that this is the right time to do this as the cost will only increase. The Mayor pointed out that this bid was competitively bid. Mr. Snyder sent out information in May on social media regarding the Sidewalk Program. The cost to residents will be \$13.00 a square foot for a 4-inch sidewalk and \$14.00 a square foot for a sidewalk block that crosses a driveway. Residents are getting a better rate than the city because the contractor does not have to charge residents prevailing wages.

The Mayor reported that the city receives a portion of the 3% R.I.T.A. withholds. The total distribution from City Income Tax totals \$632,000. After reconciliation and the audit of actual costs, the city's actual cost was \$248,260. The retainer refund amount that the city received totaled \$383,830. The actual cost of collections was 1.17%. The total collections in 2022 totaled a little more than \$21 million. The city appreciates the work of R.I.T.A. Director Thomas has a very important voice on their Board as the city's representative. R.I.T.A. just had their annual meeting and the city is very pleased at their ability to collect income taxes in such an efficient way. They also provide a tremendous amount of advocacy in the State Budget and State initiated legislation.

The jail is opened and two full time jailers have been hired.

County Council recently approved a grant for five new AEDs for the police department. One will be on the Marine Patrol boat and the rest in police cars. The Firing Range bid open is tentatively scheduled for August 4th.

The permanent installation of the cornhole games at Elmwood Park has been completed. There will be bags available for check out at the Rec Department along with some at Elmwood Cabin.

Asphalt will be placed tomorrow on the Pickleball Courts. The Recreation Directors from Fairview, Westlake and Director Holub are meeting to draft rules for Pickleball to help with the impact of the surrounding neighborhoods.

The Bradstreet's Landing Shade Sail is up and looks beautiful while providing shade on the Pier. The city did not change anything on the far portion of the pier but expanded the near shore portion by several feet. The rest that did not have to be rebuilt, is the same width with a new railing that is comfortable to fish on. There was no narrowing of the pier, in fact there was an expansion of the near shore portion.

The "Tour de Rocky River" will be meeting at Elmwood Park tomorrow evening and biking to Tommy's at 6:00 p.m.

There is a concert this Sunday showcasing "Funkology" at Rocky River Park at 7:00 p.m. on Sunday, July 2nd.

LAW DEPARTMENT: NONE

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: President Moran said he and Councilman Shepherd had the opportunity to present a proclamation from the Mayor at the Mountain of the Lord Grand Opening on Sunday. It was a wonderful event. It was one of the most colorful, lively grand openings of a Church and it is located on Wooster Road. The group of people there are very excited to be in Rocky River. This is a small Church that was started about 20 years ago. Pastor Karr is an unbelievable person. Mr. Shepherd seconded Mr. Moran's sentiments and said he enjoyed it immensely. They are great people. He passes this structure six times a day and he has seen them working very hard trying to improve the property. He also added that he and Jim both participated in the Congo Line during the service. The refurbishing is beautiful and there are plans for more. The Mayor added that they are engaging with other clergy in the City of Rocky River. The Mayor thanked President Moran for presenting the proclamation.

President Moran also discussed the TREX Application for TAZA, located at 19310 Detroit Road. They are requesting a liquor permit. This was presented to the Police Department with only a few infractions. Mr. Shepherd noted last week that the Disclosure Statement has the applicant as the manager of the LLC, but for the owners an LTD is listed which is probably a corporation or an LLC. A list of owners was presented to Chief Lichman and he responded with only a few minor infractions. Mr. Shepherd along with the rest of Council approved this application.

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

RESOLUTION NO. 44-23 **BY: JAMES W. MORAN**
A RESOLUTION AUTHORIZING THE CERTIFICATION OF UNPAID PROPERTY
MAINTENANCE COSTS TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR
COLLECTION IN ACCORDANCE WITH THE LAWS OF THE STATE OF OHIO AND AS
FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
3rd READING

Mr. Moran said this has been discussed for several weeks. This gives the city the opportunity to make sure the maintenance costs for two pieces of property that have not been paid can be added to the resident's tax bill. Mr. Moran confirmed that the exhibit has not been updated and moved to pass this legislation and forward the list to the County to be placed on the resident's tax bill, seconded by Mr. Furry.

- Mr. Shepherd said there is one listed at 3168 Goldengate and he thinks that house was raised and sold by a Sheriff's Sale. He is not sure you can lien it since the owner does not have title. The Mayor said it can be submitted and the County will let us know if it cannot be collected. Liens are always indexed by name. Mr. Thomas added that there is the opportunity to administratively ask the County to forgo the certification that was given to them on a particular parcel.

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

ORDINANCE NO. 45-23 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE SAFETY-
SERVICE DIRECTOR TO PURCHASE TWO (2) PLOW AND BODY PACKAGES FOR

PREVIOUSLY PURCHASED 2023 INTERNATIONAL HV507 SINGLE-AXEL TRUCK CHASSIS FOR THE SERVICE DIVISION UNDER THE SOURCEWELL COOPERATIVE PURCHASING CONTRACT FROM HENDERSON PRODUCTS, INC., AT A COST NOT TO EXCEED \$259,484.00, AS FURTHER DESCRIBED IN EXHIBIT “A”

3rd READING

Mr. Sindelar said there has been discussed for a number of weeks. The administration purchases things separately and then puts them together to construct the truck. It seems to be serving the city the best and the most cost-effective way thus far. Mr. Sindelar 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. 46-23

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO EXTEND A CONTRACT FOR ONE (1) YEAR FOR THE PURCHASE OF PRINTING SERVICES FOR THE CITY OF ROCKY RIVER FROM ADMIRAL PRODUCTS, INC., AS FURTHER DESCRIBED IN EXHIBIT “A”

2nd READING

Mr. Shepherd said that city’s printing needs have been greatly reduced over the last 10 years with the advent of the internet. However, some printing is still needed. This was put out to bid in 2020 and Admiral was the low bidder and have held their same prices for two years. They are agreeing to a one-year extension at the same prices bid in 2020. The details of the contract have all been discussed.

RESOLUTION NO. 47-23

BY: JAMES W. MORAN

A RESOLUTION ACCEPTING THE ALTERNATIVE TAX BUDGET INFORMATION OF THE CITY OF ROCKY RIVER, OHIO FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2024 AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

2nd READING

Mr. Moran said this is the second read on this resolution. This is a projection for debt payments and possible wages and other projects going on like Bradstreet’s Landing. This is a first rough draft. Thank you to Director Thomas for making sure this is done. This will be read for the third time in a couple of weeks.

ORDINANCE NO. 48-23

BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE AMENDING AMENDED ORDINANCE 76-22, FOR 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

2nd READING

Ordinance No. 76-22 was passed on December 19th, 2022 fixing all these salaries for 2023. The city has determined that the increase is necessary for the jailers and dispatchers. There is also a readjustment to the part-time dispatcher’s hourly wage. This was necessary to reflect the proposed increase for the full-time position. The police secretary position has been renamed to Administrator Coordinator with an adjustment in salary. This will be discussed further in two weeks.

NEW ORDINANCES AND RESOLUTIONS:

RESOLUTION NO. 49-23

BY: ALL COUNCIL MEMBERS

A RESOLUTION ESTABLISHING THAT ROCKY RIVER CITY COUNCIL SHALL RECESS DURING THE MONTH OF AUGUST IN 2023
1st READING

Mr. Moran said that for the last 20-40 years, Council has recessed during the month of August. The Mayor has already let the Directors know to have all legislation to Council to be passed before August. This will give City Council the opportunity to recess and not have meetings during the month of August. There could be a situation where a meeting is necessary, but no meetings will be scheduled.

RESOLUTION NO. 50-23 **BY: JAMES W. MORAN**
A RESOLUTION AUTHORIZING THE CERTIFICATION OF DELINQUENT SANITARY SEWER ACCOUNTS TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION, IN ACCORDANCE WITH THE LAWS OF THE STATE OF OHIO AND AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
1st READING

This is a resolution giving the city the opportunity to take these delinquent sewer bills and send them to the County Fiscal Officer to add to resident's tax bill, if not paid. The city hopes that the 576 accounts that are overdue, totaling \$154,196.00 will be paid in the next four weeks so these do not need to be added to their tax bills. Amounts overdue on the exhibit range between \$5.00 to over \$1,100.00.

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"
1st READING

Mrs. Gallagher is referring this to the Planning Commission for further information. The Planning Commission will meet on July 18th.

- Mr. Furry noted that Northern Title did the transfer of this, but it was seller directed. Law Director O'Shea said Mr. Furry has disclosed this but does not need to be recused.

ORINANCE NO. 52-23 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH F. P. ALLEGA CONCRETE CONSTRUCTION CORPORATION FOR THE 2023 SIDEWALK PROGRAM IN AN AMOUNT NOT TO EXCEED \$250,800.00, AS FURTHER DESCRIBED IN EXHIBIT "A"
1st READING

Mr. Shepherd thanked Director Snyder for his explanation regarding this ordinance. This is the second time this was put out to bid. The first time the city did not receive a bid in compliance with the 10% rule. This time the city received two bids and the low bid by Allega was \$7,500 below the next bid and was less than the engineer's estimate by \$4,200. Allega has done a lot of work for the City of Rocky River on sidewalks and have done a decent job. Recommendations were also received by the City of Parma and the City of Lakewood. They have no unresolved findings in the Database for the State Auditor. If residents elect to go with Allega, they would be charged \$13.00 per square foot for 4-foot sidewalk and \$14.00 for a 6-foot sidewalk.

Mr. Shepherd added that he anticipates a rules suspension so as to pass this on the second read in two

weeks.

ORDINANCE NO. 53-23

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH NORTHEAST OHIO TRENCHING SERVICES, INC., FOR THE ROCKY RIVER PARK OVERLOOK DECK IN AN AMOUNT NOT TO EXCEED \$237,000.00, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

1st READING

Mr. Shepherd emailed Council this afternoon a picture of the overlook for Rocky River Park. It is an overlook that will be at street level for residents who have trouble negotiating stairs can be part of the park and see the view of the lake. This was put to bid twice. The first time the bid came in outside the 10% rule and the second time came in over the engineer's estimate by 4.2% but is within the 10% threshold. There was only one bid that came in and was Northeast Ohio Trenching Services, Inc. The city has received favorable references from Fairview Park regarding a restroom facility at Bain Park and also did work for the City of Tallmadge. They have no unresolved findings in the State Auditor's Database. Mr. Shepherd said there is a private donor contributing a substantial portion of this price.

- Mr. Furry asked how many bids were received the first time. Mr. Snyder responded one and it was the same contractor. Mr. Furry asked if the administration is comfortable with this contractor. Mr. Snyder sent out the bid package to other contractors and they are all busy. Kim Kerber, from MacKay Engineering has worked with this contractor specifically on the Fairview project. She reports there was great communication, worked with them and they will do a good job and get it done.
- Mrs. Morris asked what the material is that is being used. Mr. Snyder said the city will use composite material so it will last a long time. This is set to be completed by the end of September. Mrs. Morris asked about the railings. They will look like the stairs with galvanized fence panel. Mrs. Morris asked if it would be helpful to pass this on two reads. The Mayor responded yes.
- Mr. Sindelar asked if the donor is anonymous. The Mayor said the donor is donating in honor of his wife and is a former Councilman, Bob Frost, Sr. The park was a favorite place of Jody Frost. The overlook deck is part of the Parks and Recreation Foundation Master Plan for the park. When Councilman Frost reached out he said this is what he would like to do. The city may have another partner in a civic organization that Mrs. Frost was active in. This bid includes landscaping.

Mr. Shepherd added that he anticipates a rules suspension so as to pass this on the second read in two weeks.

ORDINANCE NO. 54-23

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 NO. 77-22 AND AMENDED ORDINANCE NO. 17-23

1st READING

Mr. Moran said that Ordinance No. 77-22 was the budget for last year and there are some changes to make. Exhibit A shows that a couple of part time positions are becoming full time positions in the police

division. An additional \$50,000 for the Law Department for some issues that have come about and also \$1.6 million dollars from the Finance Department to support the Senior Center addition, an early defeasance of debt and to add to the Budget Stabilization Fund.

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: NONE

There will not be a meeting next Monday as it is the day before the Fourth of July. The next Legislative Meeting will be held on July 10th.

As there was no further business by members of Council, the meeting was adjourned at 8:05 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council