

CITY OF ROCKY RIVER

May 8, 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,
Mrs. Morris, Mr. Sindelar, Mr. Moran

Law Director: Mr. O'Shea

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

The meeting was opened with President Moran welcoming Daisy Troop #70265 who led the Pledge of Allegiance at this evening's meeting.

MOTION:

Moved by Mr. Moran seconded by Mr. Furry that the reading of the minutes of the Legislative Meeting and Executive Session of April 24th be waived and that the minutes be accepted as submitted.

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

Moved by Mr. Moran seconded by Mr. Furry that the reading of the minutes of the Committee-of-the-Whole Meeting and Executive Session of May 1st 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 ayes	PASSED

Moved by Mr. Moran seconded by Mr. Furry that the reading of the minutes of the Special Meeting of May 1st 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 ayes	PASSED

MAYOR'S REPORT:

The Mayor said that she met with the greatest Daisy Troop this evening. The Mayor said that the future is bright if this community is filled with first graders and young people like these young ladies. Thank you to their leaders as it takes a lot of time and energy and the Mayor can tell from the Troops knowledgeable answers that the leaders have spent a lot of time with the Troop. They did learn a bit about the three branches of government so they know about Council's role and of course the Judges in the Judicial Branch and the Executive Branch. The Mayor thanked Daisy Troop #70265 for visiting the Mayor's Office. They are welcome at any time and the Mayor looks forward to responses to the question "If you were Mayor for the day, what would you want to improve in the community". Each voice is important

and one voice is important. The Mayor asked them how many bosses she has. The Mayor told them she has 21,755 bosses and they understood that that was the population of the city. The Mayor is expecting to get a lot of direction from the Daisy Scout Troop. Thank you once again for joining the Mayor in her office and she hopes they come back often. The Troop asked the Mayor what the best part of her job is and the Mayor responded that meeting with them and groups like them is the best part.

A big thank you to everyone who was involved with Little League Opening Day including the parade and festivities at the ball field. Thank you to Council members in attendance. It was a great event. Everybody was safe processing down Hilliard Blvd. which involved the fire, police and the Recreation Department, etc.

The Mayor mentioned that Director Snyder submitted the CMAQ Grant to NOACA. CMAQ stands for Congested Mitigation and Air Quality Grant. This is for the project on Center Ridge Road. There are three sources of funding already for this project and if this is granted, it will be the fourth. It is for the signalization upgrades from Pease Drive to Spencer. The total request was \$450,000 and the total project cost for that portion is \$755,000.

The Mayor said that Spencer paving is wrapping up.

The Mayor said the administration talks a lot about trees and their importance and planting more trees. Director Snyder is working on the Healthy Urban Tree Canopy Grant with a focus on Tree Management and looking to having a city tree plan. The city already has somewhat of a plan with an inventory of available spaces, but there are a number of other things to add to that plan. Good luck to Director Snyder in securing this grant. The City of Rocky River won the first Urban Canopy Tree Grant and the first grant on private property. Director Snyder has done a tremendous job and has a great relationship with the Cuyahoga County Planning Commission that disperses these funds.

This Friday the legal ad for the Consolidated Dispatch Operational Plan for the WestShore will run for two weeks in the local newspaper. There are ten consultants that will be receiving the RFP directly. By the first part of June, the city will have all of these returned and they will be reviewed and scored. The Mayor will inform Council what the outcome of that process is.

Dominion Gas will be replacing gas lines on Shoreland, Telbir and Riverview. This will be in late June and sidewalk work will be completed along with this project. This will run from Hampton to Wooster including a small section on Wooster Road. The city will be sure the residents are aware of this work during this time. The city secures email addresses and cell phone numbers to assure good communication with individuals impacted by the construction.

The Mayor reported that the police entrance exam, given by a National Testing Service, has doubled the number of applicants compared to what the city had for the last test. This number will grow along with the outreach being done by the police department by attending job fairs. The Secret Service is also having an outreach meeting.

The Senior Center Art Show is opening this Saturday from 10:00 a.m. to 1:00 p.m. There are seventy-one artists with 172 pieces of artwork that represent artists from all over the WestShore.

The Arbor Day Planting was postponed and rescheduled for this Friday at Linden Park beginning at 11:00 a.m.

Safety Town registration has opened. Residents are very excited about this project.

The Mayor announced that the outdoor pool will open on June 10th.

The Mayor announced that the Historical Society will be holding a presentation on Wednesday, May 10th at Rocky River Presbyterian Church on the Rocky River/WestShore Meals on Wheels Program beginning at 7:00 p.m. The Mayor said this is their 50th anniversary of serving the community of Rocky River along with several other cities. The Mayor noted how helpful Meals on Wheels is regarding the isolation of individuals and those that need support beyond a meal. Their partnership has been invaluable to the residents of these communities.

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 what the total number of officers are currently. Director Snyder said there are 34 including the Chief.

LAW DEPARTMENT: NONE

COMMITTEE REPORTS: Parks, Recreation and Health Committee: Mr. Furry announced that there will be a Parks and Recreation Meeting this Thursday. He has not received an agenda as of yet.

COMMUNICATIONS FROM COUNCIL: Mrs. Morris has noticed signs on Lake Road regarding a Public Meeting for the Lake Road/Clifton Bridge Project. The Mayor said those signs were put up but this meeting is regarding the Lakewood side of the project. Eventually, Rocky River will have another meeting. The signs were placed in Rocky River but it is primarily for the work that is being proposed in Lakewood.

Mr. Moran announced that twice during the Legislative Meeting, there is an opportunity for comments from the public, 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:

AMENDED 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"

3rd READING

Mr. Shepherd said this is for the Center Ridge Road Project from Spencer Road to the Westlake border. This is the third read and is not on the consent agenda due to large sum of money. This was put out for bid and C.A. Agresta was the lowest bidder by \$58,000. Their references have been checked and discussed along with background checks. There has not been any real problems with this ordinance. The paving portion of this project is 85% funded by ODOT, curb to curb. Mr. Shepherd moved for passage of Amended Ordinance No. 38-23, seconded by Mr. Furry.

Vote: Hunt – aye
Morris – aye
7 ayes

Shepherd – aye
Sindelar – aye

Gallagher – aye
Moran - aye
0 ayes

Furry – aye

PASSED

NEW ORDINANCES AND RESOLUTIONS:

ORDINANCE NO. 39-23**BY: JAMES W. MORAN**

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY THE CITY OF CLEVELAND, DIVISION OF WATER IN THE AMOUNT OF \$33,433.20, FOR WATER METER READINGS, FOR THE PERIOD FROM MARCH 1, 2022 TO FEBRUARY 28, 2023, NEEDED BY THE CITY OF ROCKY RIVER, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Moran said this ordinance is in regard to water meter readings from March 1st, 2022 to February, 2023. There are 7,530 meters to read at the cost of \$4.44 per meter. This is much cheaper than if the city did it ourselves. This has been discussed in the past and this is the best and most efficient way to have this done. There will be a small increase to \$4.65 from March 1, 2023 to 2024. This ordinance totals \$33,433.20. This will be discussed further at next week's Committee-of-the-Whole Meeting.

RESOLUTION NO. 40-23**BY: JOHN B. SHEPHERD**

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROCKY RIVER, LOCAL PUBLIC AGENCY (LPA), TO SUBMIT AND ADMINISTER AN APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA), FOR THE CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM, TO FUND IMPROVEMENTS FOR THE CENTER RIDGE ROAD GATEWAY IMPROVEMENT PROJECT

1st READING

Mr. Shepherd said this resolution is to apply for help for this project. This is similar to the improvements done in 2020-2021 between Linda Road and Glenbar Drive. The application was submitted last Friday. The project will make the lights work better and the traffic flow better. Mr. Shepherd has noticed a noticeable improvement on Center Ridge Road Phase 1. It provides for interconnectivity and communication between the signals. Preemption will be added that will preempt when emergency vehicles need to come through. There are pedestrian improvements, crossing improvements and aesthetic improvements. Council will have five meetings to discuss this. It is a request for a project, estimated to cost \$755,500 and the city is requesting \$450,000 from NOACA.

- Mrs. Morris asked if the grant that was applied for today is also part of this. The Mayor said it was applied for last Friday and this is the resolution for that application. Director Snyder added that is why it states apply for and administer the grant.

Mr. Shepherd said that at Council's places is a revised resolution from what was in their packets. There is no need to amend as it was not read yet. If Council looks at the attachment on the revised copy, Council can see the specific items of this project spelled out along with the cost for each.

ORDINANCE NO. 41-23**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO UTILIZE THE SERVICES OF THE SMITHGROUP FOR ADDITIONAL ENGINEERING AND DESIGN REVIEW FOR THE BRADSTREET'S LANDING WATERFRONT IMPROVEMENTS PHASE II, IN AN AMOUNT NOT TO EXCEED \$25,000.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Shepherd said that SmithGroup has given the city expertise and engineering consulting for Phase I of this project and also helped with the bidding for Phase II of this project. This would add another sum of

money as the project proceeds, if needed. These funds come from the Capital Improvement Fund, Engineering Services Account. This is not a request for additional appropriations, but is asking for the authorization to use these funds for this particular company, if needed.

- Mr. Furry asked how is it not additional appropriations if they are asking for \$25,000. Director Snyder said the city is already using appropriate funds that were appropriated within the Engineering Services Account. The justification behind this is in the instance the city may exceed the vendor limit, this will provide authorization to potentially use this. The Mayor said they are not overspending the budget.

CONSENT AGENDA:

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"

3rd READING

Mr. Sindelar said this has been discussed for a number of weeks with little or no discussion. Mr. Sindelar reiterated how well the garage, mechanics and Director Snyder have the foresight to keep the fleet running.

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"

3rd READING

Mr. Shepherd stated that this project was put out to bid with six responsive bids. Chagrin Valley was the low bid by \$19,500 and well underneath the engineer's estimate of \$516,000. Their references and qualifications have been reviewed along with background check. Mr. Shepherd said this project is 50% funded by Cuyahoga County up to a cap of \$239,000 and the city funds 50%.

Mr. Moran moved for passage of the Consent Agenda regarding Ordinance Nos. 36-23 and 37-23, seconded by Mr. Furry.

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

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
	Morris – aye	Sindelar – aye	Moran - aye	
	7 ayes		0 nays	PASSED

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: Anne Douglas, 22160 Detroit Road, thanked Council and the Administration for their service to the city. There are issues that residents get worked up about and she wants to express her thanks for Council and the Administration's service to the city. Last week she had the opportunity to speak person to person after the meeting, regarding her continued concerns of the Police Chief. She did put in a document request and received them about 5:00 p.m. tonight and has not had a chance to process all that information yet. She wanted to reiterate publicly the main question they all feel the need to understand. If there is an ongoing investigation, why is the police chief not put on leave. When there are allegations and scandals it is common practice to go on administrative leave during an ongoing investigation.

- Law Director O'Shea responded that often situations involve a balancing act. They have to balance the rights of the person at whom the accusations are made as well as the accusations themselves. Both sides have rights and the administration has to be very careful and stick to that balance. Right now, in connection with that balance, the city is continuing pursuing facts before taking action. Mr. O'Shea assures her that an overwhelming amount of time has been spent by the Mayor, people on Council, the Mayor's staff and the Law Department to be sure they do a thorough, fair and a constitutionally just investigation.

Tim Stanton, 1160 Wagar Road, spoke about the proposed office building on Lake Road. He is concerned about the high amount of traffic this will contribute to in the morning and late afternoon business hours. That is his main objective to attending this evening's meeting. He only knows about this project because of Facebook. He does look at the Planning Commission and Building Department's agendas routinely to see what is going on in the city, but if it weren't for Facebook, he would not know about this project. He understands that only people need to be informed in the proximity of the construction. He feels the whole city should be taken into consideration. He understands there is a traffic study taking place. He thinks the city owes it to the citizens to more broadly communicate the opportunity for concerns that people have about this. This is a large building in addition to the other office building being proposed next to Bearden's. He would like to request that a broader communication goes out to have more people aware of it to understand the impact it will have with their objections and concerns.

- President Moran said that if Mr. Stanton has the opportunity to attend one of the Planning or BZA Meetings to see how these meetings are run and the work being done might be helpful to him. It is very educational to attend a meeting.

Mr. Stanton added that he had a situation with the Planning Commission concerning a neighbor's addition next to his. He looked at the plans and he was ok with them. After looking at the plans, windows were added to house on his side. When he inquired about it at the time, Mr. Berner responded that this has never happened before, but there was a major change made in the design of the home. At that point, it should have been re-opened for review by the people impacted, and it was not. His confidence in processes and procedures have been shaken. This is what motivates him to come here. He is concerned.

Kelly Lavelle, said she spoke with a few members of Council after last week's meeting regarding Chief Lichman. Her question is, is the investigation still ongoing? She is unclear as to what was just said. Mr. O'Shea asked if she has reviewed the Public Records requested. She said she received them at 5:00 today. The Mayor said to review the documents and she will see what has been accomplished this far. Mr. O'Shea said that the Chief had complete clearance and there was no criminality. There is also some administrative items that the administration is still working on that will take another couple of weeks to complete thoroughly. Ms. Lavelle said that from what she heard, there is no criminal accusations against him, there was no criminal investigation. Mr. O'Shea said they had to do both and they had to be in

separate lanes and separate time frames. She still wants to know why he wasn't placed on administrative leave.

President Moran said this portion is just for Public Comment. Mr. O'Shea said he can talk with her after the meeting. The Mayor suggested that she review the documents and then call with questions.

Council moved into Executive Session at 7:46 p.m.

MOTION:

Moved by Mr. Moran, seconded by Mr. Furry that the Executive Session be closed at 8:18 p.m.

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

As there was no further business by members of Council, the meeting was adjourned at 8:19 p.m.

The next meeting of City Council will be May 15, 2023 at 7:00 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council