

CITY OF ROCKY RIVER

December 20, 2021

The Special Meeting of Council was called to order by Mr. Moran, President of Council, immediately following the Committee-of-the-Whole Meeting in the David J. Cook Council Chambers.

Council Members Present: Mr. Hunt, Mr. Shepherd, Mr. O'Donnell, Mr. Furry,
Mrs. Morris, Mr. Klym, Mr. Moran

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

Assistant Law Director: Mr. O'Shea

The Special Meeting this evening is in regards to the reading of Ordinance Nos. 71-21, 88-21, 96-21, 97-21, 98-21, 100-21, 103-21, 104-21, 105-21, 106-21, 107-21, 108-21 and Resolution Nos. 99-21 and 102-21.

MOTION:

Moved by Mr. Moran, seconded by Mr. O'Donnell, that the 72-hour rule be waived and that Ordinance No. 107-21 and Ordinance No. 108-21 be added to this evening's Special Meeting Agenda.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
	Morris – aye	Klym – aye	Moran – aye	
	7 ayes		0 nays	PASSED

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 71-21

BY: CHRISTINA MORRIS

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 905.03 ENTITLED “DRIVEWAY LOCATION AND WIDTH” AND SECTION 905.04 ENTITLED “DRIVEWAY APRON MATERIAL AND THICKNESS”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
ON HOLD**

Mrs. Morris said this was referred to the Planning Commission and is still on hold.

ORDINANCE NO. 88-21

BY: MICHAEL P. O'DONNELL

AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2022

3rd READING

Mr. O'Donnell stated that Council received a revised Exhibit A in their packet last week. Mr. O'Donnell moved to amend Ordinance No. 88-21 by substitution for Exhibit A, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
	Morris – aye	Klym – aye	Moran – aye	
	7 ayes		0 nays	PASSED

AMENDED ORDINANCE NO. 88-21**BY: MICHAEL P. O'DONNELL****AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2022****3rd READING**

Mr. O'Donnell stated that this is the Budget Ordinance and thanked everyone for their hard work on the 2022 Budget. Mr. O'Donnell moved for passage of Amended Ordinance No. 88-21, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
	Morris – aye	Klym – aye	Moran – aye	
	7 ayes		0 nays	PASSED

ORDINANCE NO. 103-21**BY: CHRISTINA MORRIS****AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY CHAPTER 1101 GENERAL PROVISIONS, REGARDING ARTICLE III, SECTION 13, ENTITLED ENACTMENT OF ZONING ORDINANCES, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”****2nd READING**

Mrs. Morris said this is a change in mailing in the revised code. This is to make the language in Chapter 1101 in the Code consistent with the language change in the Charter. Mrs. Morris moved to suspend the three read rule to pass this ordinance tonight, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
	Morris – aye	Klym – aye	Moran – aye	
	7 ayes		0 nays	PASSED

Mrs. Morris moved to pass Ordinance No. 103-21, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
	Morris – aye	Klym – aye	Moran – aye	
	7 ayes		0 nays	PASSED

ORDINANCE NO. 104-21**BY: CHRISTINA MORRIS****AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 1135.13 ENTITLED PUBLIC HEARING AND NOTICE BY CITY COUNCIL, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”****2nd READING**

Mrs. Morris said that this updates a different part of the Codified Ordinances that updates Section 1135.13 with the same language as Ordinance No. 103-21 in Article III, Section 13 to reflect the change in the Charter Amendment. The Mayor clarified that in 2014, a Charter Review Commission was seated, and this was put on the ballot and passed, but never changed in these two locations. Mrs. Morris moved to suspend the three read rule to pass this ordinance tonight, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
	Morris – aye	Klym – aye	Moran – aye	
	7 ayes		0 nays	PASSED

Mrs. Morris moved to pass Ordinance No. 104-21, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
	Morris – aye	Klym – aye	Moran – aye	

7 ayes

0 nays

PASSED

ORDINANCE NO. 105-21

BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTIES KNOWN AS AUDITOR'S PERMANENT PARCEL NO. 301-33-003, FROM ITS PRESENT CLASSIFICATION OF R-6 MULTI-FAMILY RESIDENTIAL, AND PERMANENT PARCEL NOS. 301-33-002, 301-33-004, 301-33-005, AND 301-33-006 FROM THEIR PRESENT CLASSIFICATION OF R-4 MULTI-FAMILY RESIDENTIAL, TO R-5 MULTI-FAMILY RESIDENTIAL, AS FURTHER DESCRIBED IN EXHIBIT "A"
ON HOLD

Mr. Moran stated that this has been referred to the Planning Commission. This is a zoning change from an R-6 to an R-5 for the facility on Hilliard Blvd.

ORDINANCE NO. 106-21

BY: MICHAEL P. O'DONNELL

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO PURCHASE VEHICLE MAINTENANCE PARTS FOR THE CITY OF ROCKY RIVER FOR A TWO (2) YEAR PERIOD FROM CAR PARTS WAREHOUSE WITH AN OPTION TO RENEW AT A COST NOT TO EXCEED \$55,000 PER ANNUM, AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. O'Donnell moved to suspend the three read rule on Ordinance No. 106-21, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
	Morris – aye	Klym – aye	Moran – aye	
	7 ayes		0 nays	PASSED

Mr. O'Donnell said that if there were no questions, he would move for passage of Ordinance No. 106-21, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
	Morris – aye	Klym – aye	Moran – aye	
	7 ayes		0 nays	PASSED

ORDINANCE NO. 107-21

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION SERGEANTS, LIEUTENANTS AND CAPTAIN ROCKY RIVER POLICE DIVISION, AND AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Hunt said that as discussed previously, in particular the details in the Collective Bargaining Agreement, to incorporate the pay for the Patrolmen's Sergeants, Lieutenants and Captain into the budget. The bargaining unit has ratified the contract and there is limited time to complete this. Because of this, Mr. Hunt moved for a suspension of the three read rule, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
	Morris – aye	Klym – aye	Moran – aye	
	7 ayes		0 nays	PASSED

Mr. Hunt stated that based upon the discussion earlier regarding the particulars of the contract as proposed and attached to the ordinance this evening, Mr. Hunt moved for passage of Ordinance No. 107-21, seconded by Mr. Furry. Mr. Shepherd stated that he would like to commend the administration and

the collective bargaining units in bargaining in good faith and putting the time in to come up with this very fair result for the city and the employees.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
	Morris – aye	Klym – aye	Moran – aye	
	7 ayes		0 nays	PASSED

ORDINANCE NO. 108-21 **BY: THOMAS J. HUNT**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION PATROLMEN OF THE ROCKY RIVER POLICE DIVISION, AND AS FURTHER DESCRIBED IN EXHIBIT "A"
1st READING

Mr. Hunt said that based upon the Mayor's comments this evening, the timing of this ordinance is such that ratification has occurred by the bargaining unit for the patrolmen with regard to their contract for 2022, 2023, 2024 and based upon that timing, Mr. Hunt moved for a suspension of the three read rule, seconded by Mr. O'Donnell.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
	Morris – aye	Klym – aye	Moran – aye	
	7 ayes		0 nays	PASSED

Mr. Hunt said that again, this is a companion piece to Ordinance No. 107-21, this ordinance would authorize the Mayor to enter into that CBA with the Patrolmen's Association for the Police Division for 2022, 2023, 2024 based upon the detail provided by the Mayor this evening and echoing Mr. Shepherd's comments of Ordinance No. 107-21, that the contract is in order and is acceptable terms and fair for both sides. Mr. O'Donnell stated that Council does not often suspend the rules, but due to the timing of when the negotiations ended and the timelines laid out in the statute and the year-end, it makes sense to suspend the rules. Mr. Hunt moved for passage, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
	Morris – aye	Klym – aye	Moran – aye	
	7 ayes		0 nays	PASSED

CONSENT AGENDA:

ORDINANCE NO. 96-21 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MACKAY ENGINEERING AND SURVEYING COMPANY A DIVISION OF WALLACE & PANCHER, INC. FOR PROFESSIONAL CONSULTING AND ENGINEERING SERVICES FOR 2022 AND 2023 AS FURTHER DESCRIBED IN EXHIBIT "A"
3rd READING

Mr. Shepherd stated that this ordinance authorizes the city to enter a two-year agreement with MacKay Engineering, a Division of Wallace and Pancher, Inc. There is a pay increase that corresponds to what some on Council look at as a cost of living increase. It is terminable on 30 days prior notice. The city has been very happy with the services provided by Mr. MacKay.

ORDINANCE NO. 97-21 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO PURCHASE THREE (3) 2021 FORD HYBRID EXPLORER INTERCEPTORS, TWO (2) FOR THE POLICE DEPARTMENT AND ONE (1) FOR THE DIRECTOR OF PUBLIC

SAFETY SERVICE UNDER THE OHIO COOPERATIVE PURCHASING ACT FROM VALLEY FORD TRUCK, INC., AT A COST NOT TO EXCEED \$37,000.00 PER VEHICLE, AS DESCRIBED IN EXHIBIT “A”

3rd READING

Mr. Moran said the city has the opportunity to purchase these three vehicles from the State Cooperative Purchasing Plan in the amount of \$37,000 each. These vehicles will be available at the end of December instead of purchasing in 2022 for a savings of \$9,000 for each vehicle. They were tested out by the service department and as a hybrid vehicle will save money and produce less fumes. Two vehicles are for the police department and one for the Safety-Service Director.

ORDINANCE NO. 98-21 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE DIRECTING THE MAYOR TO EXECUTE AN EASEMENT TO THE CITY OF CLEVELAND BY THE CITY OF ROCKY RIVER, AS FURTHER DESCRIBED IN EXHIBIT “A”

3rd READING

Mr. Shepherd said the City of Cleveland wants this easement to replace water mains underneath Beaconsfield Blvd. The waterlines will be replaced as the fire hydrants do not meet the minimum recommended flow volume of 500 gallons per minute. The City of Cleveland will repair and do the waterline work to bring these fire hydrants into compliance and up to safe levels.

RESOLUTION NO. 99-21 **BY: ALL MEMBERS OF COUNCIL**
AN EMERGENCY RESOLUTION TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT

3rd READING

Mr. Moran said that this provides the opportunity to receive the funds from the settlement against Johnson and Johnson from the State of Ohio. With this resolution, the city can receive funds from the National Opioid Settlement Agreement.

ORDINANCE NO. 100-21 **BY: CHRISTOPHER J. KLYM**
AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 951.01 ENTITLED FEES, PERTAINING TO THE MUNICIPAL SWIMMING POOL, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

3rd READING

Mr. Klym said this has been discussed in length the past several weeks. Mr. Klym said this is an increase about every two years, but the costs continue to go up with chemicals for the pool and wages for the employees for the pool.

RESOLUTION NO. 102-21 **BY: JOHN B. SHEPHERD**
AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND HER DESIGNEE TO SUBMIT A PROGRAM PARTNER AGREEMENT TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA), FOR THE INSTALLATION OF AN ELECTRIC VEHICLE CHARGING STATION AT THE DON UMERLEY CIVIC CENTER, AS FURTHER DESCRIBED IN EXHIBIT “A”

3rd READING

Mr. Shepherd said this is a nice resolution to close out the 2021 Council year. NOACA will provide for the installation of an electric charging station on the eastside of the Don Umerley Civic Center. The installation and construction will be covered by NOACA at no cost to the city. It is nice to see that the city is moving in a progressive direction and embracing alternative energy sources.

Mr. Moran moved for passage of Ordinance Nos. 96-21, 97-21, 98-21, 100-21 and Resolution Nos. 99-21 and 102-21 on the Consent Agenda, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
	Morris – aye	Klym – aye	Moran – aye	
	7 ayes		0 nay	PASSED

ANNOUNCEMENT FROM PRESIDENT MORAN

President Moran stated that he would like to say a few words to Councilman Klym, Councilman O'Donnell and Law Director Bemer. Mr. Moran is sorry that Mr. Bemer was unable to attend this evening's meeting but would like to share these thoughts on Mr. Bemer.

Mr. Bemer, you started on as a law director in January of 2006, 16 years ago. Your involvement with the boards and commission was helpful and thank you for the representation as Rocky River's Law Director for the last 8 terms. Best of luck to you and please stay out of Kathy's hair at home.

Mr. Klym, you are completing your 5th term and 10 years as councilman-at-large which has been a great advantage for the residents of Rocky River. You have represented all residents reviewing all ordinances in GREAT DETAIL with your legal eye and we all appreciated the time and effort you put in. Besides your chair responsibility of the Recreation Department, your extra attendance at those meetings with the last two directors has been extremely valuable to everyone. The extra meetings and events that you participated, dog days, pie in the park, Christmas tree lightings, and holiday events was valuable to the city and to city council. Thank you for all your time. We know that you will be involved in making the city of Rocky River the best community around. We know that your role as President of the Chamber of Commerce for Rocky River will keep you involved in making Rocky River the great community that is. Thank you from all of us on Council and from the entire city of Rocky River. We will see you continuing to help Rocky River be the number one community that it is.

Mr. Klym said this has been a wonderful ten years. He was appointed following the death of Dr. Shieda. He has tremendously enjoyed this opportunity and he will always cherish it. It is a fantastic city and to be part of a legacy of service to the city has been wonderful. The city remains in very good hands, of all of your hands. People enjoy this city and want to give. Mr. Klym said that he is very pleased with the electric vehicle focus in the ordinances past tonight. He hopes that the sustainability and energy focus continues with Leads Certification. The one thing he regrets is never being able to second an ordinance. Mr. Furry and Mr. O'Donnell always beat him to it. Thank you to everyone. It has been a great ten years and everyone has been great to work with.

Mr. O'Donnell, 10 years on council and 5 terms in office representing Ward 3 and all the citizens of the entire city. Six years chairing Building and Equipment and four years as our Chair of Finance. Working with the courts in the past and now as chair of the most valuable Finance Committee you represented the city and your community with distinction. You were involved with giving of your time not only in councilmatic responsibilities but also helping out in dog days, pie in the park, holiday events along with your involvement as a Charter Review participant in the past and a key guy in the Marooners, the group that supports Rocky River High School sports and students. You give back to this community as a lifetime member, not only as growing

up here but now giving back to the entire community still with your coaching our youth in basketball and football. I know we will continue to see you as a resident and we thank you from city council and as residents of this fine city for helping make this city the number one Community that is. Thank you for all you have done. I know we will be in touch as we continue to see you around the city. Thanks for your legal eyes and input at our meetings. Thank you Michael. The best to you and Whitney and your entire family.

Mr. O'Donnell thanked President Moran for the kind words. Mr. O'Donnell echoes many of Mr. Klym's thoughts and now it is time to pass the torch on. He knows that under the watchful eye of the Mayor and this body, Rocky River will continue to be one of the premier communities in Cuyahoga County if not the entire State of Ohio and if he has played a small role in that over the last ten years, he would be happy and proud about that. He will watch the city continue to achieve the success that it has. Thank you to each of you that he has had the opportunity to work with and all of those that came before us. It is hard to believe it has been ten years. He looks forward to staying in touch.

Mr. O'Shea apologized for Mr. Bemer's absence this evening due to the rise in COVID numbers. He is devoted to his Law Director position but he follows the La Guardia rule in City Hall, which is: there is no democratic or republican way to pave a street, put out a fire, pass legislation, pick up the garbage, plow the streets, you just do it. Mr. Bemer loves Council and loves this city. Mr. O'Shea speaks for himself and Andy to Chris and Michael that it has been an honor and a privilege to work with you and stand by you. Anyone who is part of municipal government is not in it for the money but for the commitment and devotion to their community. Stay involved. Thank you for your decade here.

The Mayor echoed all the wonderful things that have been said. In local government, this is where it really matters. Everyday there is the opportunity to make a difference in someone's life and the two of you have done it ten-fold. Your responsiveness to residents is unparalleled. Your impact will be felt for a very long time. Mr. Klym, the things you have done are now traditions in the community. Your work with the Chamber of Commerce has been so important and the Mayor personally thanks you for that. Michael, you put the fun in legislation. We became family, we care about everyone and we become bonded to one another. We make this look easy, but it takes many phone calls and many meetings and we come together as professionals to serve the community. You both will be missed. The Mayor will miss Andy. Andy and the Mayor made a pact early on that they both need to succeed together and he honored that many times over. The Mayor wishes you well; your service has been exemplary and thank you for what you have done for our residents.

President Moran said this will be the last meeting of 2021. Mr. Moran wished everyone a great holiday, a blessed Christmas and a Happy New Year. As there was no further business by members of Council, the meeting was adjourned at 7:53 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council