

**CITY OF ROCKY RIVER**

**June 10, 2019**

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

Council Members Present: Mr. Hunt, Mr. Shepherd, Mr. O’Donnell, Mr. Furry,  
Mr. Sindelar, Mr. Klym, Mr. Moran

Administration: Mrs. Costello, Mr. Thomas

Law Director: Mr. Bemer

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 Committee-of-the-Whole Meeting of June 3<sup>rd</sup> be waived and that the minutes be accepted as submitted.

Vote: Hunt – aye	Shepherd – aye	O’Donnell – aye	Furry – aye
Sindelar – aye	Klym – aye	Moran – aye	
7 ayes		0 nays	<b>PASSED</b>

Moved by Mr. Moran, seconded by Mr. O’Donnell that the reading of the minutes of the Legislative Meeting of May 28<sup>th</sup> be waived and that the minutes be accepted as submitted.

Vote: Hunt – aye	Shepherd – aye	O’Donnell – aye	Furry – aye
Sindelar – abstain	Klym - aye	Moran – aye	
6 ayes	1 abstain	0 nays	<b>PASSED</b>

**MAYOR’S REPORT:** The Mayor was not in attendance this evening due to a dinner she attended. Director Costello reported that the new ladder truck is scheduled for a final inspection next week. June 19, 20, and 21<sup>st</sup> there will be instructions for the various shifts of the firefighters.

Director Costello also stated that the Hilliard Blvd. paving is on Council’s agenda and that the Wooster Road paving is going along very well. Traffic patterns will be changing this week on Wooster to start the last northbound lane. The weather has delayed things slightly, but the project is still on schedule.

**LAW DIRECTOR’S REPORT:** Law Director Bemer has spoken individually to Council regarding the Court of Common Pleas reversal of the Board of Zoning Appeals on the Saganich matter. There are a couple of Codified Ordinances Mr. Bemer would like Council to consider in view of some of the things he has learned from this process. Changes will be forthcoming soon, but possibly after the August break.

Another piece of litigation that has recently ensued is that the Nantucket Row Homeowner’s Association on Center Ridge Road, concerning the maintenance and repair of the retaining wall, is suing the city. The retaining wall is in the city’s right of way and the right of way extends a few feet past the retaining wall. The city has a Codified Ordinance pursuant to Ohio Revised Code that indicates any gutters or sidewalks that are on the right of way are the responsibility of the contiguous property owners. The city is not sure who built the retaining wall or when it was built. Mr. Bemer will keep Council informed as this law suit proceeds.

- Mr. O'Donnell asked if the wall could be removed. Mr. Bemer stated that that might be one of the options.
- Mr. Moran stated that this is the retaining wall on Center Ridge and has been there many years. Mr. Bemer stated that there are two distinct sections. One section was possibly built by ODOT sometime in the 2000-2003 range when Center Ridge was expanded. There is another section further west that is not of the same build and that is what the Homeowner's Association is complaining about.
- Mr. Shepherd asked what the wall retains. Mr. Bemer said it is three feet tall adjacent to the sidewalk with a mound with overgrowth, trees and scrub. Mr. Shepherd asked if there is a sidewalk on the street side of the wall. Mr. Bemer said yes. The wall is moderately pushing out and it is not in any threat of imminent fall over. There is a gap of a couple inches along one of the sections. This is in Councilman Moran's ward.
- Mr. O'Donnell asked how much it would cost for the city to repair it. Mr. Bemer had a conversation with City Engineer Michael MacKay and he is currently working out some figures.

**COMMITTEE REPORTS: Planning, Zoning and Economic Development Committee:** Mr. Moran said that the Board of Zoning and Building Appeals would be meeting this Thursday. There are five items on the agenda with additional expansion in the city. Four items concerning Ward 1 and one item concerning Ward 3.

**COMMUNICATIONS AND ANNOUNCEMENTS: NONE**

**PUBLIC COMMENT: NONE**

**UNFINISHED BUSINESS:**

**ORDINANCE NO. 32-19**

**BY: JOHN B. SHEPHERD**

Mr. Shepherd moved to amend Ordinance 32-19, seconded by Mr. O'Donnell. The amendments are the addition of Section 2 on the cover ordinance placing a cap on the amount paid at \$69,000. On the exhibit there is additional language added stating: Right of entry is subject to the need for maintaining security consistent with Police Department operations. The back sheet of the exhibit has been removed as it was not part of the lease and the dates will not be filled in so the exhibit will be passed in format only.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry – aye
	Sindelar – aye	Klym – aye	Moran – aye	
	7 ayes		0 nays	<b>PASSED</b>

**AMENDED ORDINANCE NO. 32-19**

**BY: JOHN B. SHEPHERD**

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO A LEASE AGREEMENT WITH BAYVIEW FINANCIAL GROUP, LLC FOR TEMPORARY HOUSING OF THE ADMINISTRATIVE OFFICES OF THE ROCKY RIVER POLICE DEPARTMENT AT THE WESTGATE PLAZA BUILDING**  
**3<sup>rd</sup> READING**

Mr. Shepherd stated that the lease has been reviewed. The rental term is reasonable and financially better for the city compared to other options including temporary offices. Mr. Shepherd said there would not be any prisoners taken there as it is for administrative support only. Prisoners will go to the neighboring cities of Fairview and Bay Village. Mr. Shepherd moved for passage of Amended Ordinance No. 32-19, seconded by Mr. Furry and Mr. O'Donnell.

Vote: Hunt – aye	Shepherd – aye	O’Donnell – aye	Furry – aye
Sindelar – aye	Klym – aye	Moran – aye	
7 ayes		0 nays	<b>PASSED</b>

**ORDINANCE NO. 36-19** **BY: JAMES W. MORAN**  
**AN EMERGENCY ORDINANCE PROVIDING FOR THE COMPENSATION OF**  
**COUNCILMEMBERS OF THE CITY OF ROCKY RIVER FOR THE YEARS COMMENCING**  
**JANUARY 1, 2020 AND ENDING DECEMBER 31, 2021**  
**3<sup>rd</sup> READING**

This ordinance is for the next term for the position of Council for compensation. The compensation moves from \$12,000 to \$12,500 beginning January 1, 2020 and ending December 31, 2021. This is a \$500.00 increase and the first increase in six years.

- Mr. Klym personally thinks that \$12,000 a year, which qualifies Council for P.E.R.S. Benefits, is sufficient and appropriate for this city and what our Council does. Mr. Klym will be voting no on this because he feels that \$12,000 is an appropriate amount.
- Mr. Shepherd respects Councilman Klym’s position. Mr. Shepherd thinks that increasing the salary more frequently so there is not a large increase in the future, is a better way to handle it. Looking at the survey of neighboring cities, Rocky River is still in the low range. Historically, going back quite a few years, Rocky River was in the high range but currently the city is in the low range with only one city’s council pay surveyed that is lower.
- Mr. Moran stated that to try to justify what the position is worth and what the time is worth, the key is a balance in making sure that the position is compensated for what it should be. There were times when money was tight and there were no increases.
- Mr. Furry personally thought a lot about this. Some months Council is overpaid and some months Council is underpaid. Mr. Furry said it is commensurate with cost of living adjustments and what various CBA’s and non-union employees have received.

Mr. Moran moved for passage of Ordinance No. 36-19, seconded by Mr. Furry.

Vote: Hunt – aye	Shepherd – aye	O’Donnell – aye	Furry – aye
Sindelar – nay	Klym – nay	Moran – aye	
5 ayes		2 nays	<b>PASSED</b>

**ORDINANCE NO. 37-19** **BY: JAMES W. MORAN**  
**AN EMERGENCY ORDINANCE PROVIDING FOR THE COMPENSATION OF THE PRESIDENT OF**  
**COUNCIL OF THE CITY OF ROCKY RIVER FOR THE YEARS COMMENCING JANUARY 1, 2020**  
**AND ENDING DECEMBER 31, 2021**  
**3<sup>rd</sup> READING**

This ordinance is for the elected Council President’s compensation. The compensation moves from \$13,500 to \$14,000, an increase of \$500 beginning January 1, 2020 and ending December 31, 2021. Mr. Moran moved for passage of Ordinance No. 37-19, seconded by Mr. O’Donnell.

Vote: Hunt – aye	Shepherd – aye	O’Donnell – aye	Furry – aye
Sindelar – nay	Klym – nay	Moran – aye	
5 ayes		2 nays	<b>PASSED</b>

**ORDINANCE NO. 38-19** **BY: JAMES W. MORAN**  
**AN EMERGENCY ORDINANCE PROVIDING FOR THE COMPENSATION OF THE DIRECTOR OF**  
**LAW FOR THE YEARS COMMENCING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2021**  
**3<sup>rd</sup> READING**

This ordinance is for the elected Law Director's compensation. The compensation increases \$1,500 beginning January 1, 2020 and ending December 31, 2021. Mr. Moran moved for passage of Ordinance No. 38-19, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry – aye
	Sindelar – aye	Klym – aye	Moran – aye	
	7 ayes		0 nays	<b>PASSED</b>

**ORDINANCE NO. 39-19** **BY: JAMES W. MORAN**  
**AN EMERGENCY ORDINANCE PROVIDING FOR THE COMPENSATION OF THE MAYOR OF**  
**THE CITY OF ROCKY RIVER FOR THE YEARS COMMENCING JANUARY 1, 2020 AND ENDING**  
**DECEMBER 31, 2021**  
**3<sup>rd</sup> READING**

This ordinance is for the elected Mayor's compensation. The compensation increases by \$4,525 beginning January 1, 2020 and ending December 31, 2021. This keeps in line with compensation comparisons with other cities and keeps the position slightly above some of the Director's compensation. Mr. Moran moved for passage of Ordinance No. 39-19, seconded by Mr. O'Donnell.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry – aye
	Sindelar – aye	Klym – aye	Moran – aye	
	7 ayes		0 nays	<b>PASSED</b>

**ORDINANCE NO. 40-19** **BY: JOHN B. SHEPHERD**  
**AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW 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”**  
**2<sup>nd</sup> READING**

Mr. Shepherd stated that Admiral Products has been a very efficient and good vendor for the City of Rocky River. Their prices have held since 2014. Mr. Shepherd reminded Director Costello to be sure this goes out to bid next year.

**ORDINANCE NO. 41-19** **BY: BRIAN J. SINDELAR**  
**AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO**  
**PURCHASE ONE (1) 2019 CHEVROLET MALIBU VEHICLE FOR THE SENIOR CENTER UNDER**  
**THE STATE COOPERATIVE PURCHASING ACT FROM GANLEY CHEVROLET OF AURORA**  
**LLC, AT A COST NOT TO EXCEED \$18,007.74**  
**2<sup>nd</sup> READING**

This is for the replacement of a 2006 Impala, which will be put out for bid for sale. The purchase of a 2019 Chevy Malibu at \$18,077.14 for the Senior Center, from the State Cooperative Purchasing Contract, will be used for senior transportation. The seniors prefer the four-door sedan for their transport needs.

**ORDINANCE NO. 42-19** **BY: BRIAN J. SINDELAR**  
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR**  
**TO ENTER INTO A CONTRACT WITH LOGICALIS FOR THE CITY OF ROCKY RIVER**

**NETWORK UPGRADE OF FIREWALL, SWITCHES, WIRELESS ACCESS POINTS AND SECURITY CAMERAS, IN AN AMOUNT NOT TO EXCEED \$159,943.06**  
**2<sup>nd</sup> READING**

Mr. Sindelar stated that there were two points that Mr. Grau stated during his presentation last week that stuck in his mind. The city will be replacing an average security system with a commercial grade security system. This new system will also work well with the Munis software.

**ORDINANCE NO. 43-19** **BY: JOHN B. SHEPHERD**  
**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO A SERVICE AGREEMENT WITH WESTLAND HEATING AND AIR CONDITIONING FOR MAINTENANCE OF THE DECTRON POOL DEHUMIDIFICATION SYSTEM AT A COST NOT TO EXCEED \$20,000**  
**2<sup>nd</sup> READING**

Mr. Shepherd said that this ordinance authorizes this company to do repairs to the Dectron Pool Dehumidification and HVAC Unit. The quote does not mandate any particular repairs but sets an hourly rate for work of \$86.00 per hour along with a cap of \$20,000.

**ORDINANCE NO. 44-19** **BY: MICHAEL P. O'DONNELL**  
**AN EMERGENCY ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A PRINCIPAL AMOUNT NOT TO EXCEED \$6,000,000 OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY OR REIMBURSE THE CITY FOR ALL OR A PORTION THE COSTS OF CONSTRUCTING, EQUIPPING, FURNISHING AND OTHERWISE IMPROVING A NEW POLICE FACILITY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO**  
**2<sup>nd</sup> READING**

This is the second reading. This will permit the city to use bond financing not to exceed \$6,000,000 to help pay for the new police facility. The city and the administration is comfortable with this amount. The balance of this will be paid out of the Budget Stabilization Fund or the Capital Income Tax Fund.

- Mr. Furry asked if these bonds will be callable. Mr. Thomas responded that these are Bond Anticipation Notes and will have a one-year life. It depends on what the market demands are and it also depends on what the rates are at that time.
- Mr. Klym recalls that Council received statements and opinions from Huntington National Bank and now this is through Fifth Third. Mr. Thomas said the talent went from Huntington to Fifth Third and we are continuing to work with that individual.

**ORDINANCE NO. 45-19** **BY: MICHAEL P. O'DONNELL**  
**AN EMERGENCY ORDINANCE TO PROVIDE FOR THE ISSUANCE OF A PRINCIPAL AMOUNT NOT TO EXCEED \$750,000 OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF GENERAL OBLIGATION BONDS TO PAY OR REIMBURSE THE CITY, TOGETHER WITH OTHER AVAILABLE FUNDS, FOR A PORTION OF THE COSTS OF ACQUIRING AND EQUIPPING A NEW LADDER FIRE TRUCK, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO**  
**2<sup>nd</sup> READING**

Much like the last ordinance, this permits the city to obtain bond financing to help pay for the new Ladder Truck in an amount not to exceed \$750,000. The administration is comfortable with this amount and will pay the

balance out of the city's current budget. The city also looks forward to receiving insurance proceeds when litigation ends. Mr. O'Donnell anticipates seeking passage on these last two ordinances in two weeks.

- Mr. Furry stated that he does not feel the city needs to finance a truck for over ten years. What is the general game plan? Mr. Thomas said this has not been firmed up. The city will be in a position after litigation is complete to determine that and Council will have input on what is appropriate.

**NEW BUSINESS:**

**ORDINANCE NO. 46-19** **BY: MICHAEL P. O'DONNELL**  
**A RESOLUTION ACCEPTING THE ALTERNATIVE TAX BUDGET INFORMATION OF THE CITY OF ROCKY RIVER, OHIO FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2020 AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"**  
**1<sup>st</sup> READING**

Mr. O'Donnell said this is a yearly ordinance required by the Ohio Revised Code to submit to the County. This is a very loose budget with many assumptions made without input from the directors, other than the wage increases that were negotiated with the unions.

**ORDINANCE NO. 47-19** **BY: JOHN B. SHEPHERD**  
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH CROSSROAD ASPHALT RECYCLING, INC. FOR THE 2019/2020 HILLIARD BOULEVARD RESURFACING PROJECT IN AN AMOUNT NOT TO EXCEED \$1,975,960.75**  
**1<sup>st</sup> READING**

Mr. Shepherd said this was put out to bid with six responsive bids and Crossroad Asphalt Recycling, Inc. was the low bidder. Crossroads has been doing paving work for Rocky River for the last four years with good results. They have also worked for Oberlin and Fairview with good references. They have no unresolved findings in the state auditor's database. The bid also came in underneath the engineer's estimate. This is a two-year project. The first portion is from Lakeview to River Oaks. Representative Baker has been a good ally and the County has made a determination that there was a failure in the surface asphalt. The County agreed to pay 80% up to a cost of \$1.452 million for the paving and 60% up to \$100,000 for engineer inspecting costs. The city will pick up the balance to take the paving all the way to the Westlake line. The project's total cost is \$1.975 million.

This will include the concrete work on curbs and stamped concrete crosswalks at Wagar along with the crosswalk by the pool on Hilliard Blvd. Stamped concrete crosswalks will also be matched on Center Ridge Road when that is repaved. Director Costello said that with the stamped concrete, vehicles will feel the difference in the pavement and along with new signage will make it safer for pedestrians. This will have three full reads.

Director Costello respectfully requested a Special Meeting for this ordinance next week. This is a large-scale project, however the project needed to be sent back to the County for review, which set the project back a few weeks. Council concurred that a Special Meeting will be called for next Monday prior to the Committee-of-the-Whole Meeting.

**CONSENT AGENDA:**

**ORDINANCE NO. 31-19** **BY: MICHAEL P. O'DONNELL**  
**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, 2019 AND TO AMEND AMENDED ORDINANCE NO. 75-18**

**3<sup>rd</sup> READING**

Mr. O'Donnell said that this ordinance has been discussed for a number of weeks. The change relates to overtime in the Fire Department, the change in the contribution to the Pension Fund and the third police car being purchased out of POPAS Funds.

**ORDINANCE NO. 33-19** **BY: BRIAN J. SINDELAR**  
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2020 INTERNATIONAL SINGLE & TANDEM AXLE CAB AND CHASSIS FOR THE SERVICE DIVISION UNDER THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING CONTRACT NO. 18 FROM VALLEY FREIGHTLINER, INC., AT A COST NOT TO EXCEED \$128,726.00**

**3<sup>rd</sup> READING**

Mr. Sindelar said this vehicle will be replacing a 1998 semi-truck vehicle. This truck will handle delivering the solid waste to the landfill with a more efficient use with the regulated disc breaks.

**ORDINANCE NO. 34-19** **BY: DAVID W. FURRY**  
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA COUNTY BOARD OF HEALTH AND THE CITY OF ROCKY RIVER FOR PHASE II STORMWATER SERVICES FOR 2019, 2020, AND 2021, ATTACHED HERETO AS EXHIBIT "A"**

**3<sup>rd</sup> READING**

Mr. Furry said that this allows the Mayor to enter into a Memorandum of Understanding with the Cuyahoga County Board of Health and the City of Rocky River. This is separate from the main agreement and is a proposed three-year term at the cost of \$2,612.00 annually.

**ORDINANCE NO. 35-19** **BY: THOMAS J. HUNT**  
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN CUYAHOGA COUNTY'S MASS NOTIFICATION SYSTEM AND THE CITY OF ROCKY RIVER REGARDING THE "READY NOTIFY" MASS NOTIFICATION SYSTEM, ATTACHED HERETO AS EXHIBIT "A"**

**3<sup>rd</sup> READING**

Mr. Hunt said that this ordinance has been discussed a number of times and would authorize the Mayor to enter into a Memorandum of Understanding with Cuyahoga County's Mass Notification System and the City of Rocky River regarding the Ready Notify Mass Notification System. The County assumes all costs for instituting the program and implementation, training and maintenance of the system and all technical assistance as well.

Moved by Mr. Moran, seconded by Mr. O'Donnell that Ordinance Nos. 31-19, 33-19, 34-19 and 35-19 of the Consent Agenda be passed as read.

Vote: Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry – aye
Sindelar - aye	Klym – aye	Moran – aye	
7 ayes		0 nays	<b>PASSED</b>

**MISCELLANEOUS BUSINESS: NONE**

**PUBLIC COMMENT: NONE**

As there was no further business by members of Council, the meeting was adjourned at 7:45 p.m.

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James W. Moran  
President of Council

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Susan G. Pease  
Clerk of Council