

## CITY OF ROCKY RIVER

September 14, 2020

The Regular Legislative Meeting of Council was called to order by Mr. Moran, President of Council, at 7:02 p.m. via Zoom

The meeting was opened with the Pledge of Allegiance.

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

Law Director: Mr. Bemer

### MOTION:

Moved by Mr. Moran, seconded by Mr. Furry, that the reading of the minutes of the Special Meetings of August 3<sup>rd</sup> and September 8<sup>th</sup>, the Committee-of-the-Whole Meeting of September 8<sup>th</sup>, and the Legislative Meeting of July 27<sup>th</sup> be waived, and that the minutes be accepted as submitted

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

### MAYOR'S REPORT:

Mayor Bobst announced that Police Chief Kelly Stillman is retiring from his position with the City of Rocky River effective September 28. Chief Stillman has accepted a position with the City of Beachwood, Ohio, as their Chief of Police. The administration is excited for Chief Stillman. He would have been retiring from the City at the end of January, so this accelerates the process a little. The administration is working with an assessment center on a chief's promotional exam. A meeting is scheduled for tomorrow to discuss the focus of the assessment, which will be scheduled for some time in October. Mayor Bobst will appoint an Interim Chief to serve until which time she appoints a new Chief. The Administration wishes Chief Kelly Stillman continued success. He has been in law enforcement for 36 years, serving in Cleveland for a time and then coming to his hometown to serve.

Today a swearing in ceremony was held to administer the oath of office to a new patrol officer, Katherina Cukelj. She is a great addition to the police force, having scored very well and is a former student from Lutheran West, so she knows the community well. We welcome her. When there is an opportunity for everyone to be together again, Mayor will make sure she is introduced to all of Council.

Also with regard to the Police Department, they continue to work with other Westshore law enforcement partners on the car entries and attempted break-ins, etc. Mayor is happy to note that over this past weekend there were no reports of cars having been gone through. One report from a resident who suspected an individual lurking near a car, but when the police arrived there was no one to be found. The Department continues to work on this issue as it is a top priority for them.

Mayor Bobst requested Finance Director Michael Thomas speak with regard to the note sale from last week, as he has very good news to share.

Director Thomas thanked Council for the passage of the ordinance which enabled quick movement. Pricing occurred on September 10<sup>th</sup> and the closing exchanging funds will occur on September 23<sup>rd</sup>, which is a typical time frame. The Wednesday before there was a pre-pricing call when the coupon rate was .625 which is a coupon rate of five-eighth's percent was proposed. The actual yield achieved is .28. On the pre-marketing call information was received from the sales representative that there would likely not be institutional buyers because of the gap between the municipal rate and the one year treasury was so small that the institutional buyers would not be interested, which proved to be true. However, our issue was fully subscribed by mainly Ohio municipal buyers (other cities including the cities of Bay Village and Avon, a regional transit authority, an investment advisor, and other municipalities across the state, as well as a school district). The observation from the underwriter was that our .28 yield was among the lowest achieved by any Ohio municipality in recent years. In terms of a yield curve, it seems like we were at the trough in the timing of getting this to market. He also added that the notes were unrated, the note holders will look to our underlying rating of Aa2, so he thinks that as an unrated issue in Ohio municipalities in recent years that is the lowest rate that was achieved. He stated there were other recent ones done, an unrated by Newark in earlier September at .43, unrated Aa2 Union County at .3, Westlake's issue in August was unrated (their underlying is AAA) at .3 for \$4 million. Our timing for fortuitous! Director Thomas appreciated the help from City Council.

Mayor Bobst thanked Director Thomas and asked if Council had any questions. Mr. Furry inquired since that went so well and the mature is a year away, does the City have to wait until the September 23, 2021 or can we to issue the bonds now at such favorable rates? Mr. Thomas indicated the notes are non-callable. Mr. Thomas indicated there is consideration be given to structuring something to do a bond issue next year on all or it, or a portion. They are looking at what amortization might look like for the front end of a bond issue. We would certainly want it rated so we would need to go to the market. Without having COVID, he would issue this year, he would be a proponent of requesting an upgrade of our rating, but he is not sure we will be in a position to be able to do that, but it would certainly be on the table. Could we get there if we do some notes next year, it is possible. We could also structure it so that a portion of this is bonded out next year and we maintain a portion of a note. Still a lot of flexibility on the horizon with what has been done on this project.

Mr. Furry inquired on a side note, in looking at the month to date bank report from August, he noted a negative balance on the PNC account, or is that some kind of a sweep account with a pool cash fund or something? Mr. Thomas indicated that account is in the system and is part of

the line item above it which is called pooled cash, so the total in the account that we reconcile to is the combination of those two accounts. The way it is running through the system it is showing as a negative but the line item above it “pooled cash/fund cash” is part of the PNC dollars. We have to do an account merge and combine those two and that is what it will look like going forward.

Mayor Bobst continued with her report, stating the City received a distribution which arrives tomorrow totaling \$223,000. This is through the Local Government Fund and is about half of the distribution we received some months ago from the CARES Act. Mayor also mentioned the per capita distribution that is going through the legislative process. It was passed unanimously by the Ohio Senate and now resides in the House, and things look favorable. If it passes the way it was written, we would receive an additional \$720,000.

Mayor Bobst shared Building Department statistics: Just under 1,100 permits have been issued with total valuation of \$32 million; commercial is up about about 6 or 7 million dollars at \$17 million; residential is down slightly. Investment continues in Rocky River and that is a good benchmark.

Mayor Bobst extended congratulations to Recreation Director Bob Holub and Aquatics Manager Michelle Eibel. They were selected to present in the spring at the Ohio Parks and Recreation Association (OPRA) convention. Their topic is about planning for the unexpected. This should be a great presentation professionally for both of them. They are the leaders among leaders in their profession.

The September 11 remembrance ceremony was held on Friday. Thank you to everyone who participated. Both Fire and Police Chiefs, Mike Balla, our safety forces, and a special thank you to Pastor Dan Bogre from the Rocky River United Methodist Church who provided a moment of remembrance.

Junk in the Trunk was this weekend at the Senior Center parking lot and was extremely successful.

Coming up this week, on Saturday the Chamber of Commerce will be planting at the City Hall Gazebo. This week the Service Department removed bushes and prepared the area for the new plantings of the new landscape design. In that same park area, this fall we hope to build the Elle’s Enchanted Forest, however, we are waiting to finalize the surface material that will go under the playground equipment. We had hoped to do a community build, but with COVID we will have to do it with our own staff members.

Also on Saturday evening, beginning at 8:30 p.m., there is a drive-in movie featuring Sonic the Hedgehog at the Recreation Center parking lot on the City Hall campus.

Mayor Bobst made a special acknowledgement to thank community member Bella Mediate for her work on landscape designs for the median on Hilliard Boulevard. Bella’s brother Paul worked on a project for the rain garden at Rocky River Park which enhances the area near the new pavilion. Bella worked closely with Director Snyder. She came up with three landscape

treatments for the medians, along with special ones for Magnificat and City Hall. We thank her for all of those efforts. Director Snyder and Commissioner Arendec will review and work to implement some of those plans next year. She did an amazing job planning, choosing specimens, etc. The community will enjoy her efforts for years to come once we are able to plant. Thank you, Bella!

### **LAW DIRECTOR REPORT:**

Received in today's mail was a certificate from Attorney General David Yost certifying Director Bemer, as well as all the City's elected officials, as having secured the necessary understanding of the Ohio Open Meetings Laws and Public Records.

Additionally, Director Bemer highlighted an interesting case regarding open meetings law pertaining to consent agendas. The case is out of the 11<sup>th</sup> Appellate District of Portage County dealing with the Board of Commissioners was obligated to pass resolutions for a solid waste management district, which they did as part of a consent agenda, which was opposed causing the matter to go through the courts to the appellate bench. In the analysis the court of appeals reviewed the open meetings law and decided that if a law provides a responsibility on a public body but without identifying how to perform that responsibility, then the presumption any reasonable measures can be used. Director Bemer was curious to see what the RR Charter said regarding consent agenda, finding that it is silent on the topic. However, Article III, Section 15(g) which is councilmanic authority, provides City Council the authority to adopt rules and regulations to manage its own proceedings that are not inconsistent with the Charter. Director Bemer reviewed the Administrative Code and found 121.01(14)(d) contains a whole section on consent agenda. The surprising thing is the appellate opinion seemed to indicate that consent agendas are used, but there's no legal authority for it. Director Bemer was more than pleasantly surprised that someone in the distant past had enough sense in how to provide the necessary administrative rules and regulations for managing City Council meetings.

### **COMMITTEE REPORTS:**

Councilman Klym reported that the Parks and Recreation Commission had its meeting this past Thursday. He will send everyone Director Holub's report.

Mr. Klym also provided comment regarding the Chamber of Commerce planting day at the gazebo. The start time is 8:00 a.m. on Saturday, with another shift beginning at 9:30 a.m. If you wish to volunteer, let him know or Angela Barth at the Chamber know. Mrs. Morris is hoping to bringing the Green Team in to help and Mr. Klym will be talking to the Parks & Recreation Foundation as well. Looking forward to working on the area around the gazebo this Saturday. Coffee & donuts will be provided, approximately wrapped and distanced.

### **COMMUNICATIONS FROM COUNCIL:**

Mr. Moran indicated an item not included on the agenda, Ordinance 73-20, has been submitted to Council for consideration. A copy has been sent to everyone via email.

Mr. Moran made a motion to suspend the 72-hour notification rule and place Ordinance 73-20 on the evening's agenda to be read. Mr. O'Donnell second.

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

**PUBLIC COMMENT: NONE**

**UNFINISHED BUSINESS:**

**RESOLUTION NO. 66-20**

**BY: MICHAEL P. O'DONNELL**

**A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAXES FROM THE PROCEEDS OF ALL TAX LEVIES FOR THE TAX YEAR 2020 PURSUANT TO THE OHIO REVISED CODE  
2<sup>nd</sup> READING**

Mr. O'Donnell stated that this is an annual resolution that Council sees in order to receive money faster from the County by making this request. In making this request, the city will receive the 2020 property taxes for the first half collection cycle in January and February instead of waiting until the final reconciliation in late March or early April. The request is for the entire year so it also speeds up the second half of the collection cycle receiving a disbursement in July as opposed to August.

**RESOLUTION NO. 67-20**

**BY: MICHAEL P. O'DONNELL**

**A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAXES HELD FROM THE PROCEEDS OF SPECIAL ASSESSMENTS FOR THE TAX YEAR 2020 PURSUANT TO THE OHIO REVISED CODE  
2<sup>nd</sup> READING**

Mr. O'Donnell stated that this is similar to Resolution No. 66-20. By making this request to the County, the city receives the 2020 special assessments for things like delinquent sewer accounts, erosion control and break wall projects. By making this request, the city will receive the money sooner based on the same time periods discussed in Resolution No. 66-20.

**RESOLUTION NO. 68-20**

**BY: MICHAEL P. O'DONNELL**

**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 AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"  
2<sup>nd</sup> READING**

Mr. O'Donnell said that this is an annual resolution also. This is the next step in the 2020-2021 budget process. The County Budget Commission has completed its analysis of the city's

alternative tax budget information that was accepted by City Council pursuant to Resolution No. 64-20. The Budget Commission has determined that for 2021 the City of Rocky River needs to levy 10.68 mills. There is millage for the Senior Center, refuse and recycling, the Recreation Center, bond retirements, the fire and police pension funds and for capital improvement fund. When that millage is totaled, it comes to what the city has determine should be 10.68 mills. This will have three full reads.

**RESOLUTION NO. 69-20**

**BY: CHRISTOPHER KLYM**

**A RESOLUTION SUPPORTING THE ODOT STATE AND U.S. BICYCLE ROUTE SYSTEM**

**2<sup>nd</sup> READING**

Mr. Klym stated this is in support of the designation of two state bicycle routes through Rocky River, some on Detroit, primarily on Hilliard and Lake, and a couple on side streets. Mr. Klym provided links to Council with extensive materials. He is available to answer any questions.

**ORDINANCE NO. 70-20**

**BY: DAVID FURRY**

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT BETWEEN THE CITY OF ROCKY RIVER AND BURCH HYDRO INC. FOR THE 2020 WASTEWATER TREATMENT PLANT #1 PRIMARY DIGESTER CLEANING PROJECT AT A COST NOT TO EXCEED \$261,400.00**

**2<sup>nd</sup> READING**

Mr. Furry stated this is to enter into a contract to clean the #1 primary digester which has not been done in approximately 21 years. The bids were varied. The engineer's estimate was \$386,000. Plant Superintendent McConnell hoping this goes well and that the second primary digester in the future. Mrs. McConnell indicated there could be some odor complaints, but hopefully will be minimal.

**ORDINANCE NO. 71-20**

**BY: JOHN B. SHEPHERD**

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL PLANNING SERVICES AGREEMENT BETWEEN THE CUYAHOGA COUNTY PLANNING COMMISSION AND THE CITY OF ROCKY RIVER REGARDING PLANNING AND ZONING CODE REVISIONS, ATTACHED HERETO AS EXHIBIT A**

**2<sup>nd</sup> READING**

Mr. Shepherd stated he reviewed the contract and believes it is a very fair contract. It is a cooperative type agreement, in that if either side is unhappy they can back out of the agreement. The cost of these services is \$37,000, which is a cap. The Cuyahoga County Planning Commission is to pass on their own costs, whether its labor they have the ability to put some overhead, but they will account for what they put into it and bill us. Also the agreement notes the \$20,000 grant that the Mayor mentioned at the last meeting. This is to update the Development Code, Zoning Map and create an online Zoning Map.

**ORDINANCE NO. 72-20**

**BY: JAMES W. MORAN**

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH FRANCISCUS, INC. FOR THE SENIOR CENTER SHINGLE ROOF REPLACEMENT AT A COST NOT TO EXCEED \$67,871.00**

**2<sup>nd</sup> READING**

Mr. Moran discussed this with Mr. Snyder. Earlier, Council approved the replacement of the flat roof on the Senior Center and Warren Roofing completed the work in 2015, Ordinance 25-15. This is a different portion of the Senior Center roof, for the shingles only. There were four bids received. This is the best and lowest bid and Franciscus, Inc. has received good reviews from other communities. The warranty and background information from Franciscus has been positive. This is the second read. There will be three reads.

**ORDINANCE NO. 73-20**

**BY: CHRISTOPHER KLYM**

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH DRS ENTERPRISES FOR THE BRADSTREET'S LANDING WATERFRONT IMPROVEMENTS AT A COST NOT TO EXCEED \$2,999,746.00 INCLUDING ALTERNATE 1, ALTERNATE 2 ALONG WITH CONTINGENCY COSTS**

**1<sup>st</sup> READING**

Mr. Klym indicated this ordinance was just received by Council late this afternoon. Director Snyder sent him a lengthy email and a number of attachments with regard to the project that Mr. Klym will forward to all of Council for their review of the detailed analysis, drawings, and bid tabulations. This is a project that the City has been working on and discussing for quite some time. Of the six bids that came in, the lowest bidder, DRS Enterprises, came in \$214,000 less than the engineer's estimate, which is terrific news. The total amount of the ordinance, \$2,999,746, includes the base bid of \$2,591,896, along with an Alternate 1 bid of \$131,000 for stainless steel railings instead of the galvanized steel which was in the original drawings, it also includes another \$1,600 for an Alternate 2 which involves a medallion in the middle of the pier. We did not remove a maintenance bond from this bid under the direction of Law Director Bemer. This also includes a \$275,000 contingency included within the ordinance because we just don't know what we will run into when we start opening things up there. This is a large project, it's a lot of money. A Special Meeting has been requested for next week, September 21<sup>st</sup>, so we can read it a second time and potentially pass this on September 28<sup>th</sup>. The reason for pushing this forward is that the contractors would like to get into the lake as soon as they can and assess the current condition of the pier and the lake bed. Studies were previously done a number of years ago and things can change very quickly in the lake and they want to make sure they can get in there to assess the situation so they can start moving the project forward as soon as possible. The intent would be to finish the project towards the end of next year. There are periods of time when they cannot work in the lake due to fish migration and other issues, so to

get this done expeditiously, we need to move quickly on this. There are a lot of materials that he will send along to everyone. Mr. Klym anticipates everyone's questions next week. This is a large expenditure and he wishes to talk with Mayor Bobst and Director Thomas about how it will be paid for and will report back to Council next week. There is money in the budget for this project; however, there is also a recent loss of income tax monies from COVID. He believes having a thorough discussion of the funding of this project is very important. There is \$1.1 million of casino funds coming in, so that leaves another \$1.8 million to fund this year and next year for this project. This is a very large and a very expensive project, but it is also one that is extremely visible with our community. We hear many questions about Bradstreet's Landing from the community and the county. Mr. Klym believes in the end once this project is done the access to the lake for our residents and the residents of Cuyahoga County is going to be even greater than it is now. This is a very exciting and wonderful project, but also a very expensive project that deserves due diligence and attention.

**MISCELLANEOUS BUSINESS: NONE**

**PUBLIC COMMENT: NONE**

The Meeting was adjourned at 7:49 p.m.

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James W. Moran  
President of Council

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Mary Ellen Umerley  
Acting Clerk of Council