

CITY OF ROCKY RIVER

DECEMBER 16, 2019

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,
Mr. Sindelar, Mr. Klym, Mr. Moran

Administration: Mayor Bobst, Director Costello, Director Thomas

Law Director: Mr. Bemer

MOTION:

Moved by Mr. Moran, seconded by Mr. O'Donnell that the reading of the minutes of the Legislative Meeting of December 9th 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	PASSED

Moved by Mr. Moran, seconded by Mr. Furry that the reading of the minutes of the Committee-of-the-Whole Meeting of December 2nd 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	PASSED

Moved by Mr. Moran, seconded by Mr. O'Donnell that the reading of the minutes of the Finance Committee Meeting of December 6th 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	PASSED

The Special Meeting this evening is in regards to Ordinance Nos. 90-19, 92-19, 94-19, 95-19, 97-19, 98-19, 100-19, 101-19, 102-19, 103-19, 104-19, 105-19, 106-19, 108-19, 109-19 and Resolution Nos. 96-19, 99-19, 107-19.

MAYOR'S REPORT: Director Thomas provided the Mayor the year-end total and December distribution for income taxes. The total income tax revenue for 2019 was \$16,360,000. The five-year average is \$13,303,000. Mr. Moran asked what was anticipated for next year. Director Thomas said the budget revenue is at \$15,750,000. The Mayor said that there has been great stability in employers in the city, the economy is booming, higher aggregate payrolls and resident income tax. In 2014-2015 the revenue was under \$10,000,000.

LAW DIRECTOR BEMER: Mr. Bemer noted, as a follow-up to the Senior Center accolades, that he participated in the Trivia Contest at the Senior Center last Friday afternoon and his team came in second.

AUDIENCE PARTICIPATION: Mr. Robert McCrae, 19313 Shoreland Avenue, Rocky River, asked to briefly discuss Ordinance No. 94-19, specifically the Opioid Crisis and programs being participated in neighboring communities. Mr. McCrae spoke about "Safe Passages" which has 16 police

departments in the County participating in with 250 success stories where people’s lives have been improved for the better. This program initiated in Massachusetts. People can self-identify and report during posted hours to the police station where they can triage and be brought in touch with available resources. Mr. McCrae left documents regarding this program. The second program is Quick Response Teams, which helps people who overdose with meaningful follow-up in person at the individual’s home to give them options for recovery. Mr. McCrae said this would be minimal funding as there are many grants available to adopt these programs as well as state funding in light of the recent judgment obtained by Governor DeWine against opioid drug manufacturers.

UNFINISHED BUSINESS:

MOTION:

Mr. Moran moved to amend this ordinance by substitution, seconded by Mr. Furry.

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

AMENDED ORDINANCE NO. 90-19 **BY: JAMES W. MORAN**
AN ORDINANCE AMENDING THE BUILDING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY CHAPTER 1321, ENTITLED PERMIT, INSPECTION AND LICENSE FEES, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

3rd READING

Mr. Moran said this amends the Building Code of the Codified Ordinances, Chapter 1321 entitled permits, inspections and license fees. Mr. Moran thanked Councilman Klym and Mr. Bemer for their work tightening up the language in this ordinance. Mr. Moran moved for passage, seconded by Mr. Furry.

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

MOTION:

Mr. Moran moved to amend this ordinance by substitution, 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	PASSED

AMENDED ORDINANCE NO. 92-19 **BY: JAMES W. MORAN**
AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 1141.11, ENTITLED PERMIT, FAILURE TO OBTAIN CERTIFICATES AND ORDERS, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

3rd READING

This is amending the Development Code for specific section 1141.11, permits, failures to obtain certificates and orders. Mr. Moran moved for passage, seconded by Mr. Furry.

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

MOTION:

Mr. O'Donnell moved to amend this ordinance by substitution of Exhibit A, seconded by Mr. Furry.

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

AMENDED ORDINANCE NO. 94-19 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, 2020
3rd READING

Mr. O'Donnell stated that Council should have received an email from Director Thomas outlining eleven points related to the budget and changes on the updated Exhibit A. This process began in October/November with a first reading on November 12th. This has been discussed at Committee-of-the-Whole Meetings, a Public Hearing, a Finance Committee Hearing on December 6th, hearing from all Directors and Judges etc. Mr. O'Donnell moved for passage, seconded by Mr. Furry. Mr. Moran thanked Mr. O'Donnell for putting the Finance Meeting together. It was a great educational process.

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

ORDINANCE NO. 95-19 BY: DAVID W. FURRY
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE FERRIC CHLORIDE FOR THE WASTEWATER TREATMENT PLAN FROM PVS TECHNOLOGIES, INC., AT \$558.00 PER DRY TON FOR 2019
3rd READING

This was discussed earlier at the Committee-of-the-Whole Meeting. Mr. Furry has not received any questions, so moved for passage of Ordinance No. 95-19, 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	PASSED

RESOLUTION NO. 96-19 BY: CHRISTOPHER J. KLYM
AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND HER DESIGNEE TO SUBMIT AN APPLICATION FOR A \$100,000.00 GRANT FOR A COASTAL MANAGEMENT ASSISTANCE GRANT (CMAG) UNDER THE OHIO DEPARTMENT OF NATURAL RESOURCES OHIO COASTAL MANAGEMENT PROGRAM, AND IF GRANTED, TO ACCEPT SAID GRANT
3rd READING

Mr. Klym stated this was submitted on December 12th. This is the ratification of this application. This has been discussed a number of times. The grant is for \$100,000 and the city will need to match the balance although Mr. Klym is sure the city will seek additional grants to help with the rest of that cost. The total cost will be about \$500,000. The Mayor added thanks and congratulations to Safety Service

Director Costello for her great job on this application. This document is about an inch thick much detail included. What is significant is our partners, the Cuyahoga County Planning Commission, the MetroParks, the Soil and Water Conservation District and the Historical Society that helped to secure these dollars. It was an excellent submission. Mr. Klym moved for passage, seconded by Mr. Furry.

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

ORDINANCE NO. 97-19 **BY: THOMAS J. HUNT**
AN EMERGENCY ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 331.38 ENTITLED STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
2nd READING

Mr. Hunt thanked his colleagues for their earlier comments at the Committee-of-the-Whole Meeting this evening. Mr. Hunt looks forward to being in contact with Mr. Bemer to work on new language.

ORDINANCE NO. 98-19 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MACKAY ENGINEERING AND SURVEYING COMPANY FOR PROFESSIONAL CONSULTING AND ENGINEERING SERVICES FOR 2020 AND 2021 AS FURTHER DESCRIBED IN EXHIBIT “A”
3rd READING

Mr. Shepherd said this was just discussed at the earlier meeting and moved for passage, seconded by Mr. Furry.

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

RESOLUTION NO. 99-19 **BY: JAMES W. MORAN**
A RESOLUTION SUPPORTING THE PLACEMENT OF A PROPOSED SHORE STRUCTURE AND APPROVAL OF A LAKE ERIE SUBMERGED LAND LEASE FROM OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) ADJACENT TO PERMANENT PARCEL NO. 302-09-006 AT 21508 AVALON DR., ROCKY RIVER, OHIO
3rd READING

The support of this resolution will be present to ODNR for their final approval. This is for the supporting shore structure to shore up the shoreline. Mr. Moran moved for passage, 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	PASSED

ORDINANCE NO. 100-19 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW A CONTRACT FOR VARIOUS INSURANCE COVERAGES FOR THE ROCKY RIVER MUNICIPAL COURT WITH JACKSON DIEKEN & ASSOCIATES FOR THE YEAR 2020 AT A TOTAL COST OF \$9,840.00
3rd READING

Mr. Shepherd stated that this was discussed at the earlier meeting and moved for passage, seconded by Mr. O'Donnell and Mr. Furry.

- Mr. Klym reiterated that next year he would like the administration to hire a consultant to look at all insurance coverages. This was discussed at the Finance Meeting on December 6th, and Mr. Klym would like to echo that again.

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

ORDINANCE NO. 101-19 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT FOR VARIOUS INSURANCE COVERAGES FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT WITH MCGOWAN & COMPANY, INC. FOR THE YEAR 2020 AT A TOTAL COST OF \$84,991.00
3rd READING

Mr. Shepherd said this is an annual ordinance for the WWTP Insurance. This was fully discussed at the earlier meeting. Mr., Shepherd concurs with Councilman Klym's comments about hiring consultants to look at all the city's insurances. Mr. Shepherd moved for passage, 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	PASSED

ORDINANCE NO. 102-19 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT FOR VARIOUS INSURANCE COVERAGES FOR THE CITY OF ROCKY RIVER WITH MCGOWAN & COMPANY, INC. FOR THE YEAR 2020 AT A TOTAL COST OF \$280,000.00
3rd READING

Mr. Shepherd said that this was discussed at the earlier meeting and moved for passage, 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	PASSED

ORDINANCE NO. 103-19 **BY: DAVID W. FURRY**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND THE CITY OF ROCKY RIVER REGARDING STORM WATER POLLUTION PREVENTION TECHNICAL ASSISTANCE, ATTACHED HERETO AS EXHIBIT A
2nd READING

This was discussed earlier and Mr. Furry will defer discussion until next year.

ORDINANCE NO. 104-19

BY: DAVID W. FURRY

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND THE CITY OF ROCKY RIVER REGARDING STORM WATER POLLUTION EDUCATION, ATTACHED HERETO AS EXHIBIT A

2nd READING

This was discussed earlier and Mr. Furry will defer discussion until next year.

ORDINANCE NO. 105-19

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE ROCKY RIVER FIRE FIGHTERS ASSOCIATION, LOCAL #659, REPRESENTING THE EMPLOYEES OF THE ROCKY RIVER FIRE DIVISION, AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Shepherd stated that Council is under time constraints under state law and the administration would like these contracts in place by the first of the year. Mr. Shepherd moved for a rule suspension on the three read rule on Ordinance No. 105-19, 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		PASSED

Mr. Shepherd stated that before moving for passage Ordinance No. 105-19, he would like to commend the administration and Local 659. From his perspective, this appears to be one of the smoother negotiations and have come up with a fair deal. Mr. Shepherd moved for passage, seconded by Mr. Furry.

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

ORDINANCE NO. 106-19

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE TEAMSTERS LOCAL UNION 436 REPRESENTING CERTAIN EMPLOYEES OF THE ROCKY RIVER WASTEWATER TREATMENT PLANT, AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

For reasons previously discussed tonight, Mr. Shepherd moved for a suspension of the three read rule relative to Ordinance No. 106-19, 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		PASSED

Mr. Shepherd stated that he would like to commend the administration and Teamster's Local Union 436 for the smooth negotiations. Mr. Shepherd moved for passage of Ordinance No. 106-19, 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		PASSED

RESOLUTION NO. 107-19

BY: JOHN B. SHEPHERD

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE NORTHEAST OHIO AREA WIDE COORDINATING AGENCY (NOACA) FOR THE WOOSTER ROAD REHABILITATION PROJET (WESTOVER AVENUE TO CENTER RIDGE ROAD) AS PART OF THE TRANSPORTATION IMPROVEMENT PROGRAM (TIP) AS FURTHER DESCRIBED IN EXHIBIT “A”

1st READING

Mr. Shepherd will defer discussion of this resolution to the next Council meeting.

ORDINANCE NO. 108-19

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE SAFETY SERVICE DIRECTOR TO SELL USED CITY VEHICLES WHICH WERE PUBLICLY BID FOR A TOTAL SUM OF \$15,514.42

1st READING

Mr. Sindelar moved to suspend the three read rule for Ordinance No. 108-19, seconded by Mr. Furry. Mr. Moran commented that very few ordinances are passed on suspended rules but this ordinance should be taken care of.

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

Mr. Sindelar said that this ordinance is authorizing the administration to sell used city vehicles, which were publicly bid. Mr. Sindelar moved to pass Ordinance No. 108-19, seconded by Mr. Furry.

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

ORDINANCE NO. 109-19

BY: BRIAN J. SINDELAR

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 AT A COST NOT TO EXCEED \$55,000 PER ANNUM

1st READING

Mr. Sindelar said this was discussed at the previous meeting. This will be discussed further at the next Council meeting.

MISCELLANEOUS BUSINESS: President Moran presented a proclamation to Councilman Sindelar for his service to the City of Rocky River, as this was his last City Council meeting. President Moran thanked Councilman Sindelar for all that he is done. President Moran presented Mr. Sindelar with a book of Rocky River.

President Moran also presented a proclamation to Safety-Service Director Mary Kay Costello, who has been an integral part of the growth and improvement of the city for many years. Thank you for all that you have done, you will always be a part of our city and we will miss you. Mr. Moran presented Director Costello with a City of Rocky River throw blanket.

Mr. Moran moved to close the Special Meeting at 8:20 p.m., seconded by Mr. Furry.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council