

CITY OF ROCKY RIVER

July 22, 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: Mayor Bobst, Mrs. Costello, Mr. Thomas

Law Director: Mr. Bemer

The meeting was opened with the Pledge of Allegiance.

Presentation of Award to Detective Craig Witalis

The Mayor shared a letter Chief Stillman received from the U.S. Department of Homeland Security, specifically the United States Secret Service, extending appreciation to the Chief's department and Detective Craig Witalis. In 2016, Detective Witalis began assembling twelve local police investigations of credit card fraud in the area into a single case in Rocky River. The Cleveland Secret Service worked with Detective Witalis to obtain federal indictment for five suspects from this case. It then became a nation-wide criminal organization. Detective Witalis' investigation initiated what became a combined nationwide Secret Service and FBI operation. The FBI and Secret Service integrated Detective Witalis' case with thirty other local police department investigations from across the country into a single federal prosecution. Twelve co-conspirators were charged in a twenty-five count indictment for violations of conspiracy, access device fraud and aggravated identity theft in the northern district of Ohio. In a one-day sweep, nine members of this criminal organization were taken into custody across the country. The defendants all pleaded guilty in federal court and at least one is serving one of the longest sentences to date. Detective Witalis' use of DNA forensics also led to the identification of a second criminal organization in Miami of at least 20 additional suspects. This resulted in the federal indictment of six more suspects.

The letter stated that Detective Witalis' tenacity as an investigator and effectiveness with other law enforcement agencies was integral at terminating criminal organization and potentially preventing tens of thousands more victims. His professionalism is exceptional and the Rocky River Police Department's initiation of this national investigation is greatly appreciated.

The Mayor presented Detective Witalis with a framed Certificate of Appreciation in special recognition of his efforts and superior contributions to the law enforcement responsibilities of the United States Secret Service, issued in Washington, D.C. in 2019, signed by Director Alles of the United States Secret Service.

Chief Stillman added that Detective Witalis was hired in January 1997 and spent 15 years on patrol. He was assigned to the Detective Bureau in 2012. Detective Witalis is the most tenacious, dedicated, hard working detective that Chief Stillman has seen in his 37 years of law enforcement. Detective Witalis never stops working and is a valuable asset to the Police Department and the City of Rocky River.

Detective Witalis said he would not be able to do any of this without commanding officers that allow him the time and resources to do his job. Being able to work a case that goes to the FBI or the Secret Service is a tribute

to the fact that the administration is willing to let the Detective Bureau run with these cases and take them all the way to the end.

MOTION:

Moved by Mr. Moran, seconded by Mr. Furry that the reading of the minutes of the Legislative Meeting of July 8th 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	PASSED

Moved by Mr. Moran, seconded by Mr. O’Donnell that the reading of the minutes of the Special Meeting and the Committee-of-the-Whole Meeting of July 15th 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

MAYOR’S REPORT:

The Mayor announced that the Police Department will make their final move next Monday to their new location and demolition to the current building will commence soon after that.

The Mayor stated that Wooster Road is now complete and the roadway is beautiful. Residents may have noted the pavement markings on Old Detroit Road. AT&T is working down by Charles Scott Salon and the Mayor is hopeful that the pavement markings will be removed once AT&T is finished.

The Mayor mentioned new legislation regarding the establishment of the Lake Erie Water Trail on this evening’s agenda. There will be an Open House on Thursday, August 29th from 6:30-8:00 p.m. at the Civic Center to provide information and receive information from the public regarding the Lake Erie Water Trail. This will be an opportunity for Council to learn more about this project and the good work of the Metro Parks.

The Mayor updated Council regarding the permitting processes for Bradstreet’s Landing. The important permitting now is with ODNR and it is about 50% complete with the technical review. There should be a draft ready in a week or so for internal review and feedback. Once that is complete, the city will receive it with some changes. SmithGroup, JJR has been responding to many questions, but this process is time consuming. SmithGroup, JJR is also paying attention to the proposed flood zone changes. At this time, they do not believe these changes will have an impact.

The Mayor expressed her appreciation to Director Thomas for his willingness to attend a series of four classes to obtain an Economic Development Finance Certification. The Mayor felt that this certification is important for the city to have someone with that level of expertise.

The Mayor has been reviewing the mid-year budget reviews. The Directors have been very thoughtful on the next six months and somewhat visionary for the coming year. Director Costello has an aggressive outlook in terms of capital for next year. Superintendent McConnell shared some highlights that the Mayor thought Council would be interested in relating to the utility accounts. The WWTP has treated 153 million gallons more this year as compared to last year. That equates to ten extra days of a normal daily average flow of 15 mgd’s. The WWTP is processing 153 million gallons more yet the utility costs are holding steady or decreasing as shown below:

- Overtime is down by 3%
- Chemical usage is down by at least 3%, due to rainy days and lower temperatures earlier in the season
- Electric use is down due to the LED light installation/replacement projects last year

On Wednesday from 5:00 – 7:00 p.m., the Rocky River Senior Center and Senior’s Council is hosting a “Garden Party” honoring Ed Connelly for providing landscape design, maintenance and installation services to the city and Civic Center. The Mayor will be presenting a Proclamation on behalf of the administration and Council.

The Mayor also announced that “Junk in the Trunk” will be held on August 24th.

- Councilman Shepherd commended the Administration and the Service Department for how the Wooster Road Project progressed. Mr. Shepherd did not receive one complaint from residents, traffic flowed throughout construction and now it is like floating on air, it was done so nicely. Mr. Shepherd did ask about a new sign he noticed listing truck weight limitations by the number of axles the trucks have. Director Costello said those signs are a new indicator for the Hilliard Road Bridge. Because of the recent evaluation made by the County, the truck and vehicle weight has been limited due to structural concerns on the Hilliard Bridge. There are two signs on Wooster and one sign on Hilliard. Wooster is a truck route and the signs are posted for trucks that turn accidentally on Hilliard, which is not a truck route.

LAW DIRECTOR’S REPORT: Mr. Bemer noted that the Land Commission Meetings will be held the first week in August. The Planning Committee Meeting will be held on August 6th and the BZA on August 8th.

COMMITTEE REPORTS: Planning, Zoning and Economic Development Committee: Mr. Moran said that last week the Design Review meeting was held on Monday, Planning Commission on Tuesday followed by a BZA Meeting on Wednesday. Some items were passed, some were put on hold and some residents did not attend their meeting. Mr. Moran complimented the Building Department staff and said everyone is doing a great job. They are very thorough, going over many details and the more meetings President Moran attends, the more he sees how everything works together. President Moran thanked the staff and Committee members.

COMMUNICATIONS AND ANNOUNCEMENTS: NONE

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

RESOLUTION NO. 54-19

BY: MICHAEL P. O’DONNELL

Mr. O’Donnell stated that this resolution has been discussed for several weeks. This is for the collection of delinquent sanitary sewer accounts that will be turned over to the County for collection. Council received an updated exhibit in their packets this weekend showing that about \$32,000 has been collected. Mr. O’Donnell moved to amend this resolution 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 RESOLUTION NO. 54-19

BY: MICHAEL P. O’DONNELL

A RESOLUTION AUTHORIZING THE CERTIFICATION OF DELINQUENT SANITARY SEWER ACCOUNTS TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION, IN ACCORDANCE WITH THE LAWS OF THE STATE OF OHIO AND AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

3rd READING

As discussed, these are charges and fees that are past due for sanitary sewer accounts. This resolution will aide the administration in collecting these amounts by placing these charges on the property tax bill and then remit payment to the city. Mr. O’Donnell 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. 55-19 **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”
ON HOLD

Mr. O’Donnell stated that this has been discussed for the last several weeks and is another annual ordinance for the millage of the city. Mr. O’Donnell said this millage is determined by the County and there may be a chance the millage could change slightly, so this will not be read for a third time this week. This will be held until after Council recess.

ORDINANCE NO. 59-19 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH A.W. FARRELL & SON, INC. FOR THE 2019 ROOF REPLACEMENT OF CITY HALL IN AN AMOUNT NOT TO EXCEED \$356,500.00
2nd READING

Mr. Sindelar said this was discussed at great length last week. This is for the replacement of the 60 plus year old City Hall roof. Mr. Sindelar said that due to getting the process moving before the fall and inclement weather, he moved to suspend the three read rule on Ordinance No. 59-19, 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

Mr. Sindelar stated that no one on Council is in favor of suspending rules on a regular basis. Council and the administration are very fiscally responsible and the administration does a great job as seen with the budget. Mr. Sindelar 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. 60-19 **BY: DAVID W. FURRY**
AN EMERGENCY ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 1175 ENTITLED “FLOOD DAMAGE REDUCTION” OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
2nd READING

Mr. Furry stated that this ordinance was introduced last week and is authorizing amendments to Chapter 1175 titled Flood Damage Reduction and addresses the Department of Homeland Security’s FEMA floodplain requirements/measures/insurance, which are relegated to the City through ODNR. This needs to be in place by August 15th. Council had a Public Hearing on Ordinance No. 60-19 this evening. Council received the Coastal Maps in their packets this weekend.

- President Moran stated that Mr. Furry is always most careful about suspending rules. This is something that Council knows is going to pass. This legislation protects all the citizens. With the feedback received from Commission Reich that the final draft was just received, it is Council’s responsibility to suspend the

rules on this ordinance.

Mr. Furry moved to suspend the three read rule on Ordinance No. 60-19, 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. Furry then seeked passage for Ordinance No. 60-19, 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

NEW BUSINESS:

RESOLUTION NO. 61-19

BY: JOHN B. SHEPHERD

**AN EMERGENCY RESOLUTION SUPPORTING THE ESTABLISHMENT OF THE LAKE ERIE WATER TRAIL AS DESCRIBED IN EXHIBIT A
1ST READING**

Mr. Shepherd said this will allow maps and signage to be developed to make better access of the water trail for kayakers and paddle boarders, etc. Director Costello has been asked to be a stakeholder on this committee. This ordinance states that the city supports the idea and by doing so, Cleveland Metro Parks can apply for funds with the Ohio Department of Natural Resources to pay for the signage and brochures. Mr. Shepherd forwarded information on this to Council. There will be a Public Meeting on August 29th from 6:30-8:00 p.m. at the Civic Center. Notification will be sent residents via ReadyNotify. This will help residents to better use the waterfront. This will have three reads. There is a filing deadline at the end of September.

- Councilman Klym added that Joe Roszak is the COO of the Metro Parks and serves on the Parks and Recreation Commission. He mentioned this a year or more ago and mentioned it in conjunction with the Master Plan for Bradstreet's Landing and also the grant application to the County that the city was successful in obtaining. Mr. Roszak also mentioned federal monies coming out of these types of designations as well. Mr. Klym is in support of this resolution.

ORDINANCE NO. 62-19

BY: BRIAN J. SINDELAR

**AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO AUTHORIZE A CONTRACT FOR ONE (1) YEAR FOR THE PURCHASE OF JANITORIAL SUPPLIES FOR THE CITY OF ROCKY RIVER FROM OHIO VALLEY SUPPLY AND MAINTENANCE CO. AT A COST NOT TO EXCEED \$55,000.00
1ST READING**

Mr. Sindelar stated that this is literally the annual housekeeping ordinance. Prior to this evening's meeting, the bid specs for this ordinance were distributed. Ohio Valley Supply and Maintenance Co. has been the city's preferred supplier for years and are the lowest and best bid. This contract allows the city to shop on the open market for supplies, should they be lower than that at Ohio Valley Supply and Maintenance Co.

CONSENT AGENDA:

ORDINANCE NO. 48-19

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2019 CHEVROLET MALIBU VEHICLE FOR THE BUILDING DEPARTMENT UNDER THE STATE COOPERATIVE PURCHASING ACT FROM GANLEY CHEVROLET OF AURORA LLC, AT A COST NOT TO EXCEED \$18,007.74

3rd READING

Mr. Sindelar said that this same vehicle was purchased for the Senior Center. This is drastically needed for the Building Department as their vehicle has frame and safety issues. Mr. Sindelar will look for passage of this ordinance tonight.

AMENDED RESOLUTION NO. 49-19

BY: JOHN B. SHEPHERD

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITIES OF FAIRVIEW PARK AND ROCKY RIVER REGARDING CENTER RIDGE 2019-2020 "COMPLETE STREETS" PROJECT, ATTACHED HERETO AS EXHIBIT "A"

3rd READING

Mr. Shepherd said that this is an agreement that sets forth the cooperation between Fairview Park and Rocky River for the Center Ridge Road Project. Fairview Park has received a TLCI Grant and Rocky River received a CMAQ Grant, both administered by NOACA.

RESOLUTION NO. 52-19

BY: JAMES W. MORAN

AN EMERGENCY RESOLUTION ESTABLISHING THAT ROCKY RIVER CITY COUNCIL SHALL RECESS DURING THE MONTH OF AUGUST IN 2019

3rd READING

Mr. Moran stated that the month of August has been set for Council break for at least 30 years. Other meetings will be scheduled during the month of August, but Council will be on recess.

ORDINANCE NO. 53-19

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 RUSH TRUCK CENTERS OF OHIO, INC., AT A COST NOT TO EXCEED \$128,726.00

3rd READING

Mr. Sindelar said this is a corrective ordinance making sure the purchase order lists the correct vendor of Rush Truck Centers of Ohio, Inc.

ORDINANCE NO. 56-19

BY: JAMES W. MORAN

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 ZONING UPDATES, ATTACHED HERETO AS EXHIBIT A

3rd READING

This authorizes the Mayor to enter into a Professional Planning Services Agreement between the Cuyahoga County Planning Commission and the City of Rocky River regarding zoning updates. This will update the city's zoning map and review the development code looking at definitions, zoning classifications and making it

consistent with the Master Plan. One of the goals is to make this easier to understand and clarify the updates that need to be done.

RESOLUTION NO. 57-19 **BY: JOHN B. SHEPHERD**
AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED
COMMUNITY GRANT(S)
3rd READING

Rocky River is a member of the Northeast Ohio Public Energy Council (NOPEC) and by virtue of membership, the city is authorized to apply for grants. In 2018, the city applied for a grant. This ordinance will allow the city to extend this grant agreement and the hope is to combine the funds from that grant with funds received in later year grants. The project earmarked for these grants is a diesel generator for the Civic Center, which is a designated Red Cross Facility and is necessary in case of an emergency.

ORDINANCE NO. 58-19 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR
TO ENTER INTO A CONTRACT WITH CROSSROADS ASPHALT RECYCLING, INC., FOR THE
2019 STREET REPAIR PROGRAM IN AN AMOUNT NOT TO EXCEED \$839,446.00
3rd READING

The scope of this project has been thoroughly discussed with the bidding procedures, the due diligence on the contractor and it is an annual ordinance.

President Moran moved for passage of the Consent Agenda, Ordinance No. 48-19, Amended Resolution No. 49-19, Resolution No. 52-19, Ordinance Nos. 53-19, 56-19, Resolution No. 57-19 and Ordinance No. 58-19, 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

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: Mr. Bill Welch, asked if there are any plans to repaint Detroit Road street markings. Director Costello said the contractors will not be paid the retainage fee until it is done. Mr. Welch commented on how nice Wooster Road is to drive on.

There will not be a meeting next Monday, as it is the fifth Monday of July. The next City Council Meeting will be held on Tuesday, September 3rd. As there was no further business by members of Council, the meeting was adjourned at 7:50 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council