

CITY OF ROCKY RIVER

JANUARY 27, 2020

The Legislative 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,
Mrs. Morris, Mr. Klym, Mr. Moran

Administration: Mayor Bobst, Director Snyder, Director Thomas

Law Director: Mr. Bemer

MOTION:

Moved by Mr. Moran, seconded by Mr. Furry that the reading of the minutes of the Legislative Meeting of January 13th 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 nays	PASSED

MAYOR'S REPORT:

The Mayor received notification from Lendedu, a financial website that reviews FBI crime statistics throughout the Country and the City of Rocky River was determined to be the eighth safest community in Ohio and the 35th across the Nation. The Mayor thanked Chief Stillman along with the Police Department for all their good work regarding Community Outreach and Community Policing that forms relationships with the residents.

The Mayor also received notification from the Solid Waste District congratulating the City of Rocky River for the #1 Rating for 2019 by removing 33,178 pounds of hazardous material from the waste stream. Kudos are extended to the Service Department, Rich Snyder and Steve Elek, the Refuse Lead Supervisor.

The Mayor discussed the article in this Sunday's Plain Dealer regarding the Tree Canopy in Cuyahoga County. The Mayor noted a minimal tree canopy loss in the City of Rocky. Through the grant the City received from the County, it was noted that 5,100 potential public spaces or locations plus another 500 more are available for tree planting. 3,100 of those spaces have been identified and planted already at about 55%. That could increase once the next 500 are inventoried. The next phase is to complete the Urban Site Analysis, which will look at the soil and all the details surrounding the tree, which will then be entered into the software. The city of Rocky River has planted over 2,000 trees over the last eight years with 240 trees planted last year.

Site Tech will be beginning on the underground Storm Water Management System in the front of the City Hall, weather permitting.

The administration attended the Yacht Club Dredging Meeting. This is an important annual meeting about safety on the river and ice jams on the river. The Army Corps of Engineers, the Coast Guard, the MetroParks, Congresswoman Kaptur's office, State representatives, representatives from the City of Lakewood and Rocky River, ODNR Watercraft, Safety Forces are all in attendance to discuss the

dredging of the river, river safety, etc. This meeting builds relationships and when there are issues, everyone comes together.

The Plain Dealer also had an article regarding “Our Towns” found in the Metro Section of this Sunday’s paper. There was a photograph of the Rocky River Senior Center Chili Cook-off but also an interesting article about traffic signals being changed from incandescent light bulbs to LEDs citywide. This information was actually regarding Bay Village, however, Rocky River replaced all of the incandescent signalized intersections with LED lights from 2007 through 2016. The city has had cost savings over the years and there is an 85-90% reduction in energy use by the LED lights along with a much longer life span. There are 45 signalized intersections in the City of Rocky River with 32 lights per intersection. The lights originally were \$100.00 each but are now \$30.00 each. Streetlights are handled by First Energy. The program through Gardener changed out all the lights in public spaces with all LED lights as well with considerable cost savings. At the end of the signalized intersection project, ODOT had taken down a number of signals with LED lights and donated those to the city. Thank you to John Delzani for finding that opportunity.

The city will be receiving an additional \$81,546 for energy efficiency projects or energy infrastructure projects from NOPEC. This is the third year the city has received close to this amount of money totaling close to \$250,000 that will be used for a generator for Memorial Hall and the Civic Center.

The city has also received a couple donations from residents for the Senior Transportation Program. One donation was in the amount of \$15,000 and another donation from an estate totaling \$68,291. These are both very generous and meaningful donations to this program as vehicles and other things are purchased from these donations.

Congratulations to Krissie Miller for her promotion at the Civic Center. Krissie was originally hired as the Aquatics Manager, promoted to the Program Manager position and she has now been promoted to replace Dave Ford as the Assistant Recreation Director at the Civic Center. Congratulations to Krissie!

The Mayor respectfully requested an Executive Session this evening under Article X, Section VI, Subsection III to discuss a pending legal matter.

LAW DIRECTOR BEMER: Mr. Bemer said that over the past few days there have been several public record requests regarding a police action that occurred last Tuesday regarding a professional athlete. He was stopped for speeding on I 90. The police clocked the vehicle at 77 miles an hour in a 60 mile per hour zone. The other issue is there was approximately 6 grams of marijuana in three different packets in the car that was confiscated during the stop. When hemp, which is a derivative of cannabis became legal, the law enforcement agencies throughout the state had to make a conscience decision on how to handle these cases of obvious personal use rather than for trafficking and drugs. The hemp has the component of THC and that component is considered less than .3% of THC derivative. The problem is the practical approach to testing for that small amount of THC. It is basically cost prohibitive to do that in the State of Ohio. There are a few pieces of machines that the Bureau of Criminal Investigation has, but it is cost prohibitive to do, and as a result the policy has become to confiscate the marijuana but not to charge in view of the fact that the component of possession constitutes a minor misdemeanor with a maximum of a \$150.00 fine. The cost is believed to be in excess of \$1,000 to test and would take months in which to receive a result. That is why the professional athlete was not charged with possession of marijuana. Due to the status of the individual, it has become a news item around town.

- Mr. Moran asked what amount constitutes personal use. Mr. Bemer said 6 grams was confiscated and the standard is 20,000 grams for resale in trafficking drugs. Assistant Prosecutor O’Shea stated that 28 grams equals 1 ounce. The amount found in this vehicle was slightly under a

quarter of an ounce.

- Mr. O'Donnell asked if there needs to be any changes of the Code due to what Mr. Bemer just discussed. Mr. Bemer said the Code may need to be changed, but it is a little premature at this point. Mr. Bemer is sure there will be activity statewide on how to make a distinction to determine hemp cannabis versus marijuana, two different plants.

HR Director Mike Greco attended a small seminar last week by the State Highway Patrol. He learned that the State Pharmacological Board is looking to certify those entities that are legitimately selling CBD Oil of which is the hemp derivative with the minimum of under .3% of THC. There were samples taken of 60 such samples that are on the market and only 9 of them were legitimately CBD Oil. The rest ranged from olive oil to cooking oil. The interesting thing is there is a lot of controversy about the product itself. The Pharmacological Board is looking to certify these retail establishments that are in effect producing CBD Oil to be sure they are consistent with the marketing efforts. The Mayor added that 40% of those that were not CBD Oil did have THC. They were above the limit for THC. These were all purchased from various stores throughout the state.

COMMITTEE REPORTS: NONE

COMMUNICATIONS AND ANNOUNCEMENTS: NONE

AUDIENCE PARTICIPATION: NONE

UNFINISHED BUSINESS:

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"
3rd READING

Mr. Shepherd stated that this resolution authorizes the Mayor into an agreement with NOACA for the continuation of funding for the paving on Wooster Road from the Wooster Road extension from Center Ridge Road to Westover. This will complete the resurfacing of Wooster Road. It is an 80% sharing and under this agreement, there will be \$1,025,018 available for this project. This resolution is simply to execute a preliminary sponsorship agreement. Mr. Shepherd moved for passage of Resolution No. 107-19, 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. 109-19 BY: JAMES W. MORAN
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

3rd READING

Mr. Moran reviewed this with Mr. Snyder regarding the bid that went out with items used such as oil filters, headlights, bulbs etc. This allows the city to purchase from this supplier at a lower cost but the city can still purchase elsewhere. This was amended as it was originally under Councilman Sindelar’s name. Mr. Moran moved for passage of Amended Ordinance No. 109-19, 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

ORDINANCE NO. 1-20 **BY: MICHAEL P. O’DONNELL**
AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY THE CITY OF CLEVELAND DIVISION OF WATER A REIMBURSEMENT FOR THE HOMELAND DRIVE AND RIVERWOOD AVENUE WATER MAIN IMPROVEMENT PROJECT IN THE AMOUNT OF \$91,771.77

2nd READING

Mr. O’Donnell said this is similar to two ordinances council passed at the end of 2019. This authorizes reimbursement to the City of Cleveland Division of Water for the Homeland Drive and Riverwood Avenue Water Main Improvement Project in the amount of \$91,771.77.

ORDINANCE NO. 2-20 **BY: MICHAEL P. O’DONNELL**
AN ORDINANCE AUTHORIZING THE ADJUSTMENT OF SEWER RATES PAID TO THE CITY OF LAKEWOOD FOR WASTEWATER TREATMENT SERVICES FOR THE VALLEYVIEW SEWER DISTRICT

2nd READING

This is an annual ordinance that residents in the Valleyview neighborhood pay the same amount for wastewater treatment as other residents of Rocky River. This ordinance authorizes payment to the City of Lakewood for the difference in costs charged. It would be a significant capital expense cost to the City of Rocky River to pump the wastewater back to Rocky River’s Wastewater Treatment Plant. This ordinance has been in place for at least the past 10 years or so.

ORDINANCE NO. 3-20 **BY: MICHAEL P. O’DONNELL**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENGAGE JAMES G. ZUPKA, CPA, INC. FOR PROFESSIONAL SERVICES FOR THE FISCAL PERIODS JANUARY 1, 2019 THROUGH DECEMBER 31, 2023 AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

2nd READING

Mr. O’Donnell stated that this ordinance is to engage James G. Zupka, CPA Inc. to provide professional service for the City. This will be a new audit firm for the city and will be in place for the next five years. The last two audits were conducted by the Auditor of State. Previous to that, the city used Ciuni Panichi, Inc. for the audit for a ten-year period. This was publicly bid and James G. Zupka came back as the lowest and best bid. This ordinance will authorize the city to retain their services and is required in the Charter to pass this ordinance so they can be retained.

- Mr. Furry asked what other municipalities James G. Zupka, CPA, Inc. has worked in. Director Thomas knows they were at Lakewood for several years and the Mayor added they are pre-qualified by the state. Director Thomas will gather that information.

ORDINANCE NO. 4-20

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH FABRIZI TRUCKING AND PAVING COMPANY, INC. FOR THE 2020 WATER MAIN REPLACEMENT FOR SHORELAND AVENUE AND STRUHAR DRIVE IN AN AMOUNT NOT TO EXCEED \$895,602.00
2nd READING

Mr. Shepherd said the city handles the bidding and oversees the construction but these funds come from the sewer rehabilitation fund and will be reimbursed by the City of Cleveland's Water Department. Six bids were received and this was the low bid at \$76,000 under the next closest bid. Fabrizi has done satisfactory work in the city in the past and has good references.

NEW BUSINESS:

ORDINANCE NO. 5-20

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 333.09 ENTITLED RECKLESS OPERATION ON STREETS, PUBLIC OR PRIVATE PROPERTY, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
1st READ

This will be read three times. This ordinance will amend subsection C of 333.09 of the Code regarding Reckless Operation increasing the penalties from a minor misdemeanor to a fourth degree misdemeanor. There is an escalation of penalty section for repeat offenders. This will be read two more times. Mr. Hunt asked about the section regarding the competitive operation of vehicles and if this section should be deleted. Mr. Bemer will review it.

ORDINANCE NO. 6-20

BY: DAVID W. FURRY

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT BETWEEN THE CITY OF ROCKY RIVER AND HAZEN AND SAWYER FOR PROFESSIONAL CONSULTING SANITARY ENGINEERING SERVICES FOR 2020 AND 2021 FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$79,200
1st READ

This ordinance is a two-year renewal of an existing agreement with Hazen & Sawyer for professional consulting services at the WWTP. There are two pieces to this agreement, the first one is for annual miscellaneous services and has a cost of living increase which is spread out over two years but the second piece will encompass additional services including having Hazen and Sawyer attend management committee meetings. There will be three full reads.

PUBLIC COMMENT: NONE

MISCELLANEOUS BUSINESS: President Moran discussed the pending Liquor License Request for the Old River Tap and Social, located at 19245 Detroit Road. There is one individual as owner and the record check by the police has been completed.

MOTION:

Moved by Mr. Moran, seconded by Mr. O'Donnell, that an Executive Session under Article X, Section VI, Subsection III regarding a pending legal matter be held before the end of this meeting.

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

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