

**CITY OF ROCKY RIVER**

**January 28, 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. O’Donnell, Mr. Furry  
Mr. Sindelar, Mr. Klym, Mr. Moran

Absent: Mr. Shepherd

Administration: Mayor Bobst, 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 Legislative Meeting of January 14<sup>th</sup> be waived and that the minutes be accepted as submitted.

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

Mr. Moran introduced Angela Dudek, Executive Director of the Rocky River Chamber of Commerce. Ms. Dudek said she has been in this position for about four months and thanked Mayor Bobst for being so warm and welcoming. Ms. Dudek has already had the opportunity to work with Mr. Klym and Mr. Thomas as Chamber Board Members and Mr. Furry as her neighbor at the Chamber of Commerce. Angela’s No. 1 goal is to grow the Chamber and increase the involvement in the community. Mr. Moran thanked Angela for attending this evening’s meeting and introducing herself to Council.

Mr. Moran also welcomed Dr. Previts to this evening’s meeting.

**MAYOR’S REPORT:**

Mayor Bobst stated that she has enjoyed working with Angela these last few months. Angela previously worked for the Hunger Network and is now in a position to serve this community. The Mayor encouraged everyone to view the Chamber’s new website. Mayor Bobst thanked Angela for her energy and creativity already extended to the organization and the entire community. Angela is also highlighted in the 2019 Resident’s Reference Guide.

The 2019 Rocky River Resident’s Reference Guide will be delivered to residents and local businesses later this week. The guide features articles on Angela and other notables in the community as well as information regarding recycling, the Little Libraries that are popping up around the community and Eagle Scout Adam Cain. Adam Cain took the lead on building a tool receptacle for people to donate unused tools or duplicate tools for the Habitat for Humanity’s Restore. Information regarding the schools and library can also be found in the guide. The Mayor thanked the Cleveland Magazine, the Chamber of Commerce and the businesses that spend advertising dollars to make this guide possible. The Resident’s Reference Guide is produced without any

taxpayer dollars going towards it. Thank you also to Mary Ellen Umerley who leads the entire process of putting the guide together.

Mayor Bobst discussed the refuse schedule change due to the weather in the next few days. Refuse collection will be discontinued this Wednesday and Thursday with refuse pick up for these two days scheduled for Friday. The usual Friday refuse pick up will be this Saturday. The Transfer Station is always closed on Wednesday and will also be closed this Thursday. The Transfer Station will be open Friday and Saturday.

The Mayor said that there have been a number of waterline breaks throughout the County. Rocky River has a large waterline break at Morewood Court. Cleveland Water is aware and is working hard to address the breaks. Please notify the administration of any waterline break in the community so the administration can alert the Cleveland Water Department.

The Mayor stated that "Prevention and Safety Tips" for the extreme weather conditions will be sent out to residents through ReadyNotify from the Safety-Service Office and the Fire Department.

The Mayor attended the Rocky River Watershed Meeting last week along with Mr. Furry and Director Costello. The meeting was very well attended and was very informative. The presentation was about the coexistence of mammals in the watershed including deer and coyotes. Director Costello reached out to the presenter for additional time to discuss the information in the presentation in the near future.

The Mayor announced that the city was recommended for funding for the TLCI Confluence Grant. This was submitted with the Cuyahoga County Planning Commission and the MetroParks, the City of Lakewood and Rocky River. This grant has also been recommended for an additional \$15,000 so the geographic footprint of this study can be expanded to the neighborhoods that surround the core area of the project. It will be another couple of months before the final approval is announced, but it has made it through a couple of big hurdles.

**LAW DIRECTOR'S REPORT:** Mr. Bemer said that the Planning Commission has approved the rezoning for Ordinance No. 88-18. The next Planning Commission meeting is scheduled for February 20<sup>th</sup> when the minutes should be approved. Mr. Moran added that this rezoning is regarding the 3300 Wooster Road development that is being planned.

**COMMITTEE REPORTS:** Mr. Moran said that there was a Planning Commission Meeting on Tuesday. The Mayor swore in members for their next term.

**COMMUNICATIONS AND ANNOUNCEMENTS: NONE**

**PUBLIC COMMENT: NONE**

**UNFINISHED BUSINESS:**

**ORDINANCE NO. 86-18** **BY: THOMAS J. HUNT**  
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH RICHARD L. BOWEN AND ASSOCIATES, INC. FOR THE ROCKY RIVER POLICE DEPARTMENT FOR CONSTRUCTION ADMINISTRATION SERVICES IN AN AMOUNT NOT TO EXCEED \$396,443.88**  
**3<sup>rd</sup> READING**

Mr. Hunt said this ordinance is in regard to the Bowen and Associates Construction Administration Services. A great presentation was given two weeks ago by Bowen and Associates not only in the changes that will ultimately occur to the physical structure but also as it relates to Ordinance No. 86-18 and an in-depth description of the

Construction Administrative Services that Bowen will provide. Mr. Steve McCann will be the acting construction administrator for this project along with a Superintendent Project Manager underneath him. Mr. McCann will essentially be the city's representative on site on a daily basis. Mr. Hunt is much more comfortable in understanding the role of the Construction Administrator.

- Mr. Furry said he is more comfortable after the presentation. He still may prefer having a GC in place or a construction manager at risk in place, but realizing the extra cost with that, he is hopeful that everything will go fine.
- Mr. Klym stated that he appreciates the presentation two weeks ago. It gave Council a lot more detail and brought everything into focus. He also appreciates the description of the services that will be provided regarding the bid process and contracting.
- Mr. Hunt said that Bowen seemed confident regarding getting competitive bidding and the description of how that will play out was informative.
- Mr. Moran said that Bowen will work together with the city and the lines of communication will be open. This project is nothing new for Bowen and they are very confident of this entire process.

Mr. Hunt moved for passage for Ordinance No. 86-18, seconded by Mr. O'Donnell and Mr. Furry.

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

**ORDINANCE NO. 88-18** **BY: JAMES W. MORAN**  
**AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY KNOWN AS AUDITOR'S PERMANENT PARCEL NO. 304-29-046, AND THE CONSOLIDATED PARCEL NO. 302-29-047, FROM THEIR PRESENT CLASSIFICATION OF PF PUBLIC FACILITY TO R-2 TWO FAMILY RESIDENTIAL DISTRICT, AS FURTHER DESCRIBED IN EXHIBIT "A"**  
**Referred to the Planning Commission**  
**ON HOLD**

Mr. Moran said that this will not be read this evening. The Planning Commission's next meeting will be on February 20<sup>th</sup> to approve the minutes of last week's Planning Commission meeting.

**ORDINANCE NO. 1-19** **BY: CHRISTOPHER J. KLYM**  
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH LJB INC., FOR ENGINEERING AND DESIGN AND THE CITY OF FAIRVIEW PARK FOR THE CENTER RIDGE COMPLETE STREETS PROJECT IN AN AMOUNT NOT TO EXCEED \$68,000.00**  
**2<sup>nd</sup> READING**

Mr. Klym stated this has been discussed several times and will be discussed next week at the Committee-of-the-Whole Meeting. This involves looking for design and engineering services to spend the TLCI grant for Center Ridge Road along with the City of Fairview Park.

**ORDINANCE NO. 2-19** **BY: BRIAN J. SINDELAR**  
**AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE TIRES ON THE OPEN MARKET AT THE BEST PRICES POSSIBLE FOR THE PERIOD JANUARY 1, 2019 TO DECEMBER 31, 2019**  
**2<sup>nd</sup> READING**

**ORDINANCE NO. 3-19** **BY: BRIAN J. SINDELAR**  
**AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE**  
**TO PURCHASE GASOLINE, FUEL OIL AND ALLIED PRODUCTS ON THE OPEN MARKET AT**  
**THE BEST PRICES POSSIBLE FOR THE PERIOD JANUARY 1, 2019 TO DECEMBER 31, 2019**  
**2<sup>nd</sup> READING**

Mr. Sindelar said that Ordinance No. 2-19 and 3-19 are annual ordinances to allow the Safety Service Coordinator to purchase these items on the Open Market for the best possible prices from January 1<sup>st</sup> to December 31<sup>st</sup>, 2019 instead of using the Ohio State Cooperative Purchasing List.

**ORDINANCE NO. 4-19** **BY: JOHN B. SHEPHERD**  
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR**  
**TO ENTER INTO A CONTRACT WITH KMU TRUCKING & EXCAVATING, L.L.C. FOR THE 2018**  
**SANITARY SEWER IMPROVEMENT AT A COST NOT TO EXCEED \$214,601.00**  
**2<sup>nd</sup> READING**

Mr. Moran said that this ordinance is for work on the sewer project in the Yacht Club area. Mr. Shepherd will have more information next week regarding this ordinance.

**NEW BUSINESS:**

**RESOLUTION NO. 5-19** **BY: DAVID W. FURRY**  
**A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA**  
**COUNTY SOLID WASTE MANAGEMENT DISTRICT**  
**1<sup>st</sup> READING**

Mr. Furry said that the Mayor elaborated on this resolution a few weeks ago. There will also be a Public Hearing for the entire Westshore regarding this on February 19<sup>th</sup> at 6:00 p.m. hosted by Mayor Bobst. Based on the full agenda, Mr. Furry will discuss this further at the Committee-of-the-Whole Meeting next week. The Mayor elaborated on this resolution at our January 14<sup>th</sup> meeting and an attachment is provided with their fifteen year plan with the resolution. This is a process that the Cuyahoga County Solid Waste District and the Cuyahoga County Solid Waste Policy Committee undertakes every five years as required by Ohio law. You can also see the previous resolutions 91-06 and 62-12 passed by this legislative body. I am expecting three full reads on this but it must be passed by each City/Village/Township by April 11, 2019. The West Shore Regional Meeting will be on February 19<sup>th</sup> at 6:00 pm at the Rocky River Library.

**ORDINANCE NO. 6-19** **BY: JOHN B. SHEPHERD**  
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR**  
**TO ENTER INTO AN AGREEMENT TO PAY MACKAY ENGINEERING FOR INSPECTION FEES**  
**RELATED TO DOMINION EAST OHIO GAS MAIN WORK ON WAGAR ROAD IN THE CITY OF**  
**ROCKY RIVER**  
**1<sup>st</sup> READING**

Mr. Moran said this is in regard to invoices that were paid. Dominion Energy will be reimbursing the city for some of these. Mr. Shepherd will discuss this more at next week's Committee-of-the-Whole Meeting.

**ORDINANCE NO. 7-19**

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

Whether you remember this or not but we have been doing this for several years and is a renewal of Ordinance 11-17 and is a joint cooperation with the Cuyahoga Soil and Water Conservation District and the City and is related to our Municipal Separate Storm Sewer (MS4) EPA permit and is for minimal control measures 1 & 2. The Cuyahoga Soil and Water Conservation District shall provide technical assistance to the City for better conservation of resources. Ordinance 8-19 is a related companion Ordinance but this ordinance is more for PIPE or public information and public education more specifically the education and stewardship for the conservation of soil and water resources. Obviously, at \$5,500 it is not a major line item in the budget but it was in the budget and since it is a fellow governmental entity we are providing full disclosure. This MOU can be renewed solely at the City's discretion after the 12 month period. It also may be amended or terminated at any time via mutual consent of both parties. We have read this once and I am anticipating three full reads.

**ORDINANCE NO. 8-19**

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

Mr. Furry said this is a renewal of another ordinance passed last year. Mr. Furry will discuss this further at next week's Committee-of-the-Whole Meeting. This is the companion piece to 7-19 and has a little more teeth than 7-19. This is also related to our MS4 EPA permit and applies to minimum control measures 4 & 5. The Cuyahoga Soil and Water Conservation District shall provide technical assistance related to storm water pollution prevention on construction sites disturbing greater than 1 acre of total land. They can also provide assistance at the City's request for projects under an acre also. This one is significantly more than 7-19 at a whopping \$11,330/year but it was also in the budget and since it is a fellow governmental entity we are providing full disclosure. We have read this once and I am anticipating three full reads and can also be renewed solely at the City's discretion. In addition, this year the District will be helping the Safety Service director with a grant to request stream restoration funding for Spencer Creek along Bradstreet's Landing.

**ORDINANCE NO. 9-19**

**BY: JOHN B. SHEPHERD**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE SAFETY SERVICE DIRECTOR TO RENEW AN AGREEMENT WITH FABRIZI TRUCKING & PAVING CO., INC. FOR THE EMERGENCY REPAIR OF STREETS AND STORM AND SANITARY SEWERS WITHIN THE CITY OF ROCKY RIVER AT A COST NOT TO EXCEED \$125,000.00 AS FURTHER DESCRIBED IN EXHIBIT A  
1<sup>st</sup> READING**

Mr. Moran said that this is an annual street and sewer repair with Fabrizi Trucking & Paving Co. This will be discussed further at next week's Committee-of-the-Whole Meeting.

**ORDINANCE NO. 10-19** **BY: CHRISTOPHER J. KLYM**  
**AN ORDINANCE RATIFYING PAYMENT MADE TO TEMPEST INC. FOR PREVENTATIVE MAINTENANCE OF THE COMPRESSORS AT THE HAMILTON ICE ARENA FROM AUGUST 2018 THROUGH DECEMBER 2018 IN THE AMOUNT OF SEVEN THOUSAND FOUR HUNDRED SEVENTY-FIVE DOLLARS (\$7,475.00)**  
**1<sup>st</sup> READING**

Mr. Klym said that this is a housekeeping ordinance. An invoice came in last year, but the purchase order had not yet been approved and the invoice was inadvertently paid. This is to ratify that invoice payment at the end of 2018. This work is an ongoing maintenance contract and Tempest Inc. has done work for the city before.

- Mr. Furry commented that he attended a hockey game on Friday and said that the temperature was much more comfortable with the new radiating heaters.

**ORDINANCE NO. 11-19** **BY: THOMAS J. HUNT**  
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION PATROLMEN OF THE ROCKY RIVER POLICE DIVISION, AND AS FURTHER DESCRIBED IN EXHIBIT "A"**  
**1<sup>st</sup> READING**

Mr. Hunt said that there is time to read this ordinance three times with a possible Special Meeting scheduled. This will be discussed further at next week's meeting regarding the terms of the new CBA for the Patrolmen's Bargaining Unit.

**ORDINANCE NO. 12-19** **BY: THOMAS J. HUNT**  
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION SERGEANTS, LIEUTENANTS AND CAPTAIN ROCKY RIVER POLICE DIVISION, AND AS FURTHER DESCRIBED IN EXHIBIT "A"**  
**1<sup>st</sup> READING**

Mr. Hunt said that this is the companion ordinance to Ordinance No. 11-19. This is for the Sergeants, Lieutenants and Captain and this will be discussed further at the Committee-of-the-Whole Meeting next week.

**ORDINANCE NO. 13-19** **BY: JAMES W. MORAN**  
**AN EMERGENCY ORDINANCE AMENDING SECOND ORDINANCE 74-18 CREATING POSITIONS AND FIXING OR ESTABLISHING THE ANNUAL SALARIES AND HOURLY RATES COMMENCING JANUARY 1, 2019 FOR THE APPOINTED EMPLOYEES IN THE SEVERAL DIVISIONS AND DEPARTMENTS OF THE CITY OF ROCKY RIVER**  
**1<sup>st</sup> READING**

Mr. Moran said that this ordinance will be discussed further at next week's meeting.

- Mayor Bobst mentioned that this ordinance should be under Councilman O'Donnell's name.

**MISCELLANEOUS BUSINESS:** Mr. Moran mentioned that Moe's Southwest Grill on Center Ridge Road has closed. Taco Bell will be opening at that location soon. In addition, the Urgent Care on Detroit Road is now part of the Cleveland Clinic and will have new signage.

**PUBLIC COMMENT: NONE**

President Moran said if there are questions or problems that come up this week due to the cold weather, please call the city's administration. As there was no further business by members of Council, the meeting was adjourned at 7:40 p.m.

---

James W. Moran  
President of Council

---

Susan G. Pease  
Clerk of Council