

CITY OF ROCKY RIVER

March 28, 2022

The Regular 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, Mrs. Gallagher, Mrs. Morris,
Mr. Sindelar, Mr. Moran

Council Members Absent: Mr. Furry

Administration: Mayor Bobst, Mr. Thomas, Mr. Snyder

Law Director: Mr. O'Shea

The meeting was opened with the Pledge of Allegiance.

MOTION:

Moved by Mr. Moran seconded by Mr. Shepherd that the reading of the minutes of the Legislative Meeting of March 14th, and the Committee of the Whole Meeting of March 21st be waived and that the minutes be accepted as submitted.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	Morris – aye
	Sindelar – aye	Moran - aye		
	6 ayes	0 nays		PASSED

MAYOR'S REPORT:

- Mayor Bobst announced the passing of Daniel Weist, a highly respected and beloved officer of the Rocky River Police Department, and a highly decorated Vietnam Veteran. Mayor Bobst noted it is appropriate to recognize Mr. Weist, as tomorrow is the 5th anniversary commemorating National Vietnam Veterans Day, paying gratitude to Vietnam Veterans that served our nation during the war from November 1, 1955 through May 15, 1975. She expressed her condolences to his family and friends. Mayor Bobst asked Councilman Hunt to provide further reflections as their families were extremely close. Mr. Hunt expressed his thanks to the Mayor and the Rocky River Police Department personnel who present at the funeral services. His family very much appreciated their presence. He added that Dan Weist was a graduate of St. Christopher School and Rocky River High School. He was a super human being with a big family who all grew up in Rocky River. He served his country and the city admirably. Mr. Hunt again expressed his deep condolences to the Weist family. Mayor Bobst also mentioned that the Vietnam War commemoration website is also available. Interested individuals can review the site at vietnamwar50th.com
- The City of Rocky River is once again a Tree City U.S.A. This is the 38th consecutive year for this designation. Also, for the 4th year we have received the Growth Award from the Arbor Day Foundation. Mayor Bobst read about the award saying “The Growth Award is bestowed to a community along side their Tree City U.S.A. recognition for demonstrating environmental improvement and a higher level of tree care. The Growth Award recognizes major milestones in annual activities in five categories on a point based system to build sustainable community forestry programs over the long term, such as building a team, measuring trees and forests,

planning the work, performing the work and building the community framework.” Mayor Bobst also noted the communities understanding and appreciation for our urban forest. The City has four arborists on staff. Congratulations to Rich Snyder for his efforts in this regard and it is something that the community deeply values. Mr. Snyder has certainly moved this program along. Mayor Bobst thanked Mr. Snyder for his long time dedication to our urban forest, and noted that at our Arbor Day planting ceremonies he says our urban forest is an infrastructure investment that increases in value over time, and Mayor Bobst quotes Albert Einstein “The best day to plant a tree was fifty years ago, and the second best day is today or tomorrow.” Details regarding this year’s Arbor Day tree planting will be communicated once finalized.

- Mayor Bobst announced the City received a letter last week notifying us that we received a 2022 County Road Preventative Maintenance Grant in the amount of \$31,000 for Story and Wooster Road to place reclaimite, which is a new product used to extend the life of our roads. Congratulations to Rich Snyder on the award of these funds. Next week, weather permitting, reclaimite will be placed on Beach Cliff and Northcliff.
- Additionally, paving will commence on Kings Mill Run, Colonial Court, and Martins Way. Residents will be notified.
- Mayor extended a big thank you to the Cleveland Clinic that recently certified all of our firefighter-paramedics in pediatric advanced life support at the Wellness Center. Thank you to Chief Lenart for organizing that training. In the Fall the fire personnel will be certified in adult advanced life support.
- Mayor Bobst read a letter from North Olmsted Mayor Nicole Dailey-Jones extending thanks to the City of Rocky River, specifically the Police Department, for their mutual aid that was provided last week. The day began with an armed robbery at the North Olmsted Starbucks on Lorain Road, and later that afternoon there was a branch of Fifth Third Bank that was robbed. In both cases, quick action resulted in the apprehension of both individuals. What could have been some dangerous and volatile situations were quickly deescalated. Thank you for our police force, as well as some of the other surrounding forces. It is just another illustration of the mutual aid and the work that the cities do together training, etc. to ensure the safety of our communities. Mayor Bobst thanked Mayor Dailey-Jones for extending thanks to us!
- Mr. Snyder, with assistance from our Senior Director Deb Huff, applied for an AARP grant for a trail and five pieces of outdoor equipment to extend a trail from the Senior Center to an existing trail behind the Civic Center. The project will cost approximately \$30,000. The grant award will hopefully be approximately \$10,000.
- Mayor Bobst announced she has worked on a position description for a new Director of Planning and Community Development and hopes to post the position later this week. She shared the highlights of the position and requested any feedback from Council regarding the position.
 - The position will facilitate the development, implementation and administration of community development related projects and promote our planning functions and special projects. The position supports growth and redevelopment efforts, attracting desired residential and commercial development consistent with the needs of the community and, most importantly, the City’s current Master Plan priorities. Mayor Bobst indicated that a primary responsibility for the position will be to advance the Master Plan and look at all opportunities, whether they are public or private, to advance this body of work that residents and other stakeholders have been engaged in. To

evaluate projects and initiatives both public and private. She wants this individual in the position to create a community development strategic plan based on the Master Plan, something that is filled with actionable items that can be used on a daily basis. She hopes to establish an advisory board made of individuals from the community that can provide feedback as it relates to the recruitment, retention and expansion of local businesses. This individual will also work closely with the Chamber of Commerce and some of our major employers. They will also serve as a liaison between the City and the many planning organizations throughout the county. Overarching all of this is the need for a grants person who will identify, apply and administer grants. This year alone there have been over \$12M of grants coming into the City for projects, training, and equipment. The individual for the position will need an urban planning degree, municipal administrative expertise, and several years of experience. The individual will work closely with the Building Commissioner and the Planning & Zoning Coordinator.

- Mr. Sindelar inquired as to the tracking of grants for previous years, and is the City at a record high. Mayor Bobst indicated yes and directed him to the financial summary sheets provided where there is a segment regarding grants and zero interest loans.
- He stated that a similar position existed several years ago. Mayor Bobst indicated we were able to build it back into the budget and the time and investment in the Master Plan creates the need to make sure that the goals of the plan are accomplished.
- Mr. Sindelar also inquired about the position assisting in creating bike lanes in the City. Mayor Bobst indicated yes. There is a current project being considered along Lake Road, that came out of the confluence study done with Lakewood and the Cleveland Metroparks.
- Mrs. Morris inquired as to how the Mayor saw this individual interacting with the land use commissions. Mayor Bobst indicated the individual would be available for all the board and commission meetings, they will work closely with our Planning & Zoning Coordinator Kate Straub. She sees the individual as the initial point person, along with the Coordinator, working with an applicant to assist them, working with property developers and redevelopers, identifying some of the opportunities that exist without needing to provide incentive or abatements.

LAW DEPARTMENT: Law Director O'Shea encouraged vigilance more than ever in regard to computer safety. Please use caution with emails you receive, in particular with attachments. If there is any doubt please send your City email account concerns to IT Manager Chris Grau. Additionally, Mr. O'Shea indicated he recently received helpful information regarding Ohio Ethics. If anyone is interested in reviewing this information, he will forward it to them.

- Mr. Moran inquired about the required training regarding Sunshine Laws. Information will be sent to Council.

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: NONE

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 71-21 **BY: CHRISTINA MORRIS**
AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 905.03 ENTITLED “DRIVEWAY LOCATION AND WIDTH” AND SECTION 905.04 ENTITLED “DRIVEWAY APRON MATERIAL AND THICKNESS”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
ON HOLD

Mrs. Morris said this was referred to the Planning Commission and is still on hold.

ORDINANCE NO. 105-21 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTIES KNOWN AS AUDITOR’S PERMANENT PARCEL NO. 301-33-003, FROM ITS PRESENT CLASSIFICATION OF R-6 MULTI-FAMILY RESIDENTIAL, AND PERMANENT PARCEL NOS. 301-33-002, 301-33-004, 301-33-005, AND 301-33-006 FROM THEIR PRESENT CLASSIFICATION OF R-4 MULTI-FAMILY RESIDENTIAL, TO R-5 MULTI-FAMILY RESIDENTIAL, AS FURTHER DESCRIBED IN EXHIBIT “A”
2nd READING

Mr. Moran stated that this ordinance was referred to the Planning Commission. They have reviewed it and sent it back to Council with their suggestion. It is scheduled for a Public Meeting on April 11. This zoning change is for the property next to the Hilroc. The Public Meeting has been advertised in the newspaper in accordance with the requirement.

RESOLUTION NO. 14-22 **BY: JEANNE GALLAGHER**
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. 301-05-007 AT 19722 FRAZIER DRIVE, ROCKY RIVER, OHIO
2nd READING

Mrs. Gallagher stated that this resolution supports the placement of a proposed shore structure. It will be placed at the base of the cliff in the northwest corner of the lot. There are erosion measures in place that may need minor construction at the same time. This request is required through ODNR for the granting of the submerged land lease.

ORDINANCE NO. 15-22 **BY: JAMES W. MORAN**
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

Mr. Moran said Lakewood’s current rate for the 102 residences is \$94.40 per mcf, a rise from \$90.80 per mcf, with a \$12.50 base bringing the entire rate to \$106.78 per mcf. The Valleyview residents pay the same amount as all Rocky River residents, and the city pays the difference.

NEW BUSINESS:

RESOLUTION NO. 16-22 **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 THE SPENCER ROAD RESURFACING AND SANITARY SEWER IMPROVEMENTS PROJECT, AS FURTHER DESCRIBED IN EXHIBIT "A"
(1ST READ)**

Mr. Shepherd stated the Spencer Road project will repave Spencer Road and correct the sanitary and storm sewer problems, as there are improper tie-ins with the lateral connections. We will also do paving and other repairs. A small portion of the project extends into Fairview Park where houses on one side of the street are in Rocky River and houses on the other side of the street are in Fairview. Ohio Public Works wants the City of Rocky River to handle the billing and payments, so this puts an agreement in place with Fairview Park where they will pay us for their portion, which is approximately 2.7% of the project.

RESOLUTION NO. 17-22 **BY: JOHN B. SHEPHERD**
**A RESOLUTION AUTHORIZING THE CITY OF ROCKY RIVER TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACTS TO BE AWARDED IN 2022
(1ST READ)**

Mr. Shepherd stated as discussed at the last meeting, this contract requires the City to purchase at least 90% of what is ordered, but not more than 110%. We are placing an order for 220 tons that will bring us up to our target total of 4000 tons because we have 1,800 tons remaining. As a point of interest Director Snyder provided Mr. Shepherd the costs for the salt for the last five years, which peaked in 2019-2020 season at \$73.28 a ton, the 2020-2021 it went down to \$50.20 a ton, and then for 2021-2022 it went down to \$37.38 a ton, so the price has been trending down but if you review the historical record it does jump around quite a bit. We have had a good experience getting our salt through the cooperative program through the State. Mr. Shepherd would like to see this passed prior to the deadline, so he would like it to be for passage on April 11. He inquired regarding the need for holding a Special meeting. Mr. Moran indicated he would schedule a Special meeting for next week.

ORDINANCE NO. 18-22 **BY: THOMAS J. HUNT**
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH ZENITH ELECTRIC, INC. FOR ADDITIONAL ELECTRICAL WORK AT THE NEW CITY OF ROCKY RIVER POLICE STATION PROJECT IN AN AMOUNT NOT TO EXCEED \$95,408.54, AS FURTHER DESCRIBED IN EXHIBIT "A"
(1ST READ)**

Mr. Hunt deferred in-depth discussion in light of Councilman Furry's absence, as he believes he has questions regarding this matter.

ORDINANCE NO. 19-22 **BY: JAMES W. MORAN**

AN EMERGENCY ORDINANCE AMENDING ORDINANCE 1-22 CREATING POSITIONS AND FIXING OR ESTABLISHING THE ANNUAL SALARIES AND HOURLY RATES COMMENCING JANUARY 1, 2022 FOR THE APPOINTED EMPLOYEES IN THE SEVERAL DIVISIONS AND DEPARTMENTS OF THE CITY OF ROCKY RIVER (1ST READ)

Mr. Moran stated this reflects the changes in the collective bargaining agreement with the employees in Service and Recreation represented by the Teamsters. They will follow the same increases for the next three years: 2.75%, 3%, and 3%. There are other outlines for other positions, the only difference is this is also passed on February 14, 2022, but like the other contracts we have this goes retroactive back to January 1, 2022. This is the first read. Mr. Moran will place this on the Special meeting agenda for a second reading next week, so it can be passed in accordance with requirements.

**ORDINANCE NO. 20-22 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 SERVICE DIVISION, AND CERTAIN EMPLOYEES OF THE RECREATION DEPARTMENT, AS FURTHER DESCRIBED IN EXHIBIT "A" (1ST READ)**

Mr. Shepherd stated this is the result of a long negotiation, which the administration has kept Council apprised of through Executive Session, and they have reached an agreement. As we discussed last week, under State of Ohio law once an agreement is reached in a collective bargaining situation, it has to be acted upon within 30 days or it is accepted. We prefer to act within those 30 days, so for this ordinance a passage date of April 11, 2022 is anticipated, and there will be three reads with the Special meeting. The agreement reached followed the pattern that was established by the City with the other collective bargaining units, with other minor tweaks to the contract.

**ORDINANCE NO. 21-22 BY: JOHN B. SHEPHERD
AN ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH SPECIALIZED CONSTRUCTION, INC. FOR THE 2022 CRACK & JOINT SEALING PROGRAM IN AN AMOUNT NOT TO EXCEED \$59,950.00 AS FURTHER DESCRIBED IN EXHIBIT "A" (1ST READ)**

Mr. Shepherd stated this project is for crack and joint sealing on Center Ridge Road from Wagar Road to Wooster. It was put out to bid and Specialized Construction was the low bidder. There were two responsive bids and Specialized was \$25,000 lower than the next bidder, and \$500 lower than the engineer's estimate. Specialized has previously performed work for the City and we have been satisfied with the results. References were checked with the engineers for the City of North Olmsted and the City of Independence, and there are no liens or negative listings contained in the State of Ohio Auditor's database. We have had a good experience with this company. Mr. Shepherd expects three reads for this ordinance.

Mr. Snyder indicated this project is for crack sealing on Center Ridge between Wagar and Wooster, depending on how much is used, we might have the opportunity to also perform some crack sealing between Wagar Road and Spencer Road.

**ORDINANCE NO. 22-22 BY: CHRISTINA MORRIS
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SUPPLEMENTAL AGREEMENT FOR A CONTRACT MODIFICATION WITH NORTH BAY CONSTRUCTION, INC. FOR ADDITIONAL IMPROVEMENT WORK FOR THE WWTP 2017-**

**2020 CAPITAL IMPROVEMENTS PROJECT AT THE CITY OF ROCKY RIVER
WASTEWATER TREATMENT PLANT (RRWWTP) IN AN AMOUNT NOT TO EXCEED
\$100,694.03, AS FURTHER DESCRIBED IN EXHIBIT “A”
(1ST READ)**

Mrs. Morris stated there were mistakes made by a previous contractor AECOM which resulted in a settlement amount of \$100,000. This ordinance fixes what they were not able to complete and what we settled for at \$100,000. This project started in 2017 with AECOM and in 2019 pumps were turned on and they did not work properly. The new consulting contractor, Hazen & Sawyer, evaluated the situation, found that AECOM had miscalculated and so we settled with AECOM for about \$100,000 in Ordinance 94-20 in November 2020. This new ordinance pays for and finishes the project replacing the pumps that were not correct. They have been verified and checked by Hazen & Sawyer and currently the pumps are being operated manually. This will allow for automation as planned so there will be full use and efficiency at the plant. If Council has any questions, Superintendent Barille can come to a meeting to speak with more details.

Mayor Bobst added that this has been presented to the WWTP Management Committee and have approved the process. Last week, it was presented and recommended for approval to be passed on to City Council for the legislative process of the issue. This does not increase any of the distributions from any of the cities to the WWTP, so there will not be an additional charge to anyone. Those funds reside in the capital accounts of the WWTP.

CONSENT AGENDA:

ORDINANCE NO. 10-22 **BY: DAVID W. FURRY**
**AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR TO
PURCHASE ONE (1) ICE RESURFACING VEHICLE FROM ZAMBONI COMPANY, USA,
INC. FOR THE HAMILTON ICE ARENA, AT A COST NOT TO EXCEED \$136,318.95, AS
FURTHER DESCRIBED IN EXHIBIT “A”**
3rd READING

Mr. Moran indicated that Councilman Furry had presented this information. The city received two bids and Zamboni was not the lowest bid but after discussion with the city mechanics it was considered the best bid.

ORDINANCE NO. 11-22 **BY: DAVID W. FURRY**
**AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY
SERVICE TO ENTER INTO A CONTRACT FOR THE PURCHASE OF REPLACEMENT
FLOORING FROM SNAPSORTS ATHLETIC SURFACES FOR THE HAMILTON ICE
ARENA AT A COST NOT TO EXCEED \$95,500.00, AS FURTHER DESCRIBED IN EXHIBIT
“A”**
3rd READING

Mr. Moran stated Councilman Furry had presented this information. Samples of the proposed

flooring were examined by Council at the last meeting. Mr. Moran inquired about how this will be stored when the ice surface is up and operating. Mayor Bobst indicated two options were available, storing on pallets at the Service Garage or at Admiral Printing. Discussion regarding installation ensued.

ORDINANCE NO. 12-22 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH KARVO COMPANIES, INC. FOR THE WOOSTER ROAD RESURFACING PROJECT IN AN AMOUNT NOT TO EXCEED \$598,000.00 AS FURTHER DESCRIBED IN EXHIBIT “A”
3rd READING

Mr. Shepherd stated this ordinance is for paving of Wooster Road between Center Ridge Road to the Fairview Park border. There will complete the paving on Wooster Road all the way to Detroit. There were six bids received and Karvo was the low bid.

RESOLUTION NO. 13-22 **BY: JOHN B. SHEPHERD**
A RESOLUTION AUTHORIZING THE MAYOR TO RENEW OUR AGREEMENT WITH NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) FOR THE NOPEC 2022 ENERGIZED COMMUNITY GRANT AS FURTHER DESCRIBED IN EXHIBIT “A”
3rd READING

Mr. Shepherd explained that this agreement has to be in place before we can accept NOPEC Energized Community grants. We receive these every year and the amount is determined by the amount of people that sign up for NOPEC utility contracts. We have used this money to purchase generators and other things.

Mr. Moran moved for passage of Ordinance Nos. 10-22, 11-22, 12-22 and Resolution No. 13-22 on the Consent Agenda, seconded by Mrs. Gallagher.

Vote: Hunt – aye	Shepherd – aye	Gallagher – aye	Morris – aye
Sindelar – aye	Moran – aye		
6 ayes		0 nay	PASSED

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT:

- Mr. Patrick O’Connor, East Shoreland, a member of the Rocky River Green Team reported regarding his attendance at the March 25, 2022 City Club Friday Forum where Robert Blue, COE of Dominion Energy spoke regarding their pledge for net zero carbon and methane emissions by 2050. It was a sold out even. Eight members from the Rocky River Green Team, including Councilwomen Morris and Gallagher.

As there was no further business by members of Council, the meeting was adjourned at 8:06 p.m. The next City Council Meeting will be April 4, 2022.

James W. Moran
President of Council

Mary Ellen Umerley
Clerk of Council, Acting