

CITY OF ROCKY RIVER

October 22, 2018

The Regular Meeting of Council was called to order by Mr. Hunt, President Pro-Tem of Council at 7:00 p.m. in the David J. Cook Council Chambers.

Council Members Present: Mr. Hunt, Mr. O'Donnell, Mr. Sindelar, Mr. Klym

Absent: Mr. Furry, Mr. Moran, 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. Hunt, seconded by Mr. O'Donnell that the reading of the minutes of the Legislative Meeting of October 8th be waived and that the minutes be accepted as submitted.

Vote: Hunt – aye	O'Donnell – aye	Sindelar – abstain	Klym – aye
3 ayes	1 abstain	0 nays	PASSED

Moved by Mr. Hunt, seconded by Mr. O'Donnell, that the reading of the minutes of the Special Meeting and the Committee-of-the-Whole Meeting of October 15th be waived and that the minutes be accepted as submitted.

Vote: Hunt – aye	O'Donnell – aye	Sindelar – aye	Klym – abstain
3 ayes	1 abstain	0 nays	PASSED

MAYOR'S REPORT:

The Mayor thanked Rich Snyder and the Service Department for their hard work over the weekend and today cleaning up after the windstorm that hit Rocky River Saturday evening. The restroom at Rocky River Park sustained some damage due to a tree limb falling and puncturing the roof. The leaf trucks were out today picking up leaves from the storm and will be out in full force beginning next week.

The Mayor shared a report received from the Airport Committee regarding noise complaints. In 2017, the second quarter had 18 noise complaints from the residents of the City of Rocky River. Only Cleveland had a greater number with 45 noise complaints. The second quarter of 2018 had only one complaint in June from a Rocky River resident and the noise complaints for Cleveland have decreased significantly as well. The Mayor is hopeful that the Metroplex Project is the reason and thanked the FAA and Cleveland Hopkins Airport.

The City of Rocky River received a check for \$5,000 from Giant Eagle. This is a grant awarded to the Senior Center and Senior's Council for the Senior Transportation Program. Thank you to Giant Eagle for providing this assistance to the Senior Center for the past several years.

The Mayor sadly announced that Mr. Herb Brugh passed away. Mr. Brugh was the owner of Herbs Tavern in Rocky River.

LAW DIRECTOR’S REPORT: There was a question regarding the approval of the minutes for this evening’s meeting. Mr. Bemer said that Chapter 121 of the Codified Ordinances adopts Robert’s Rules of Orders and the word “minutes” does not appear anywhere, but the word “journal” identifies in the order of business. It appears that journal is the substitute for minutes. It also states that minutes are presented with a presumption of acceptance. In other words, the minutes do not need to be read and they don’t need to be voted on. If there is an objection, the objection must be stated. In many organizations, minutes are presented and accepted as presented without a vote. Mr. Bemer added as a point of clarification that even though Council is not present at a meeting, they may still vote. The Mayor added that Council does not have to vote on the minutes. If the question is asked regarding additions or corrections and there are none, the minutes stand approved as submitted.

COMMITTEE REPORTS: Mr. O’Donnell announced that the Finance Committee Budget Hearing will be held on Friday, November 30th. Council will contact the following Directors prior to November 30th.

- Mr. Hunt – Safety - Chief Lenart and Chief Stillman
- Mr. Klym – Recreation – Director Mehling
- Mr. Sindelar – Senior Center – Director Huff
- Mr. O’Donnell – Finance – Director Thomas
- Mr. Furry – WWTP – Director Rosemark
- Mr. Shepherd – Service Department – Director Costello, Commissioner Snyder
- Mr. Moran – Courts & Law – Judges Fitzsimmons, Hagan; Clerk of Courts Comery; Law Director Bemer

Mr. O’Donnell said that the first draft of the Budget will be distributed to Council around November 9th. After receiving the Budget, Council can begin contacting Directors to set up the meetings. Mr. Shepherd may not be available on November 30th so his meeting may be scheduled for the following Monday, December 3rd.

COMMUNICATIONS AND ANNOUNCEMENTS: President Pro Tem Hunt discussed the Liquor License application in front of Council this evening for Paysage International, Inc. DBA Maison Maison for wine tasting in their new space, which was formerly the Perfect Bride. Lt. Crates did the background check and there are no objections from the police department. The Mayor explained that there will be a small retail along with wine tastings at Maison Maison. Council approved the liquor license.

Mr. Hunt announced that Council will not be in session next Monday as it is the fifth Monday of the month. The next Committee-of-the-Whole Meeting will be held on Monday, November 5th.

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 87-17

BY: JOHN B. SHEPHERD

AN ORDINANCE AMENDING CHAPTER 1153 CAPTIONED SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT REGULATIONS OF THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, AND SPECIFICALLY SECTION 1153.03 ENTITLED USE REGULATIONS, SECTION 1153.07 ENTITLED SETBACK REQUIREMENTS, SECTION 1153.09 ENTITLED HEIGHT REQUIREMENTS, SECTION 1153.13 ENTITLED PROJECTIONS INTO REQUIRED SETBACKS, AND SECTION 1153.15 ENTITLED ACCESSORY USES AND STRUCTURES, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBITS “A-E” ON HOLD

This amended ordinance is still on hold. Council anticipates approval from the Planning Commission Meeting on October 23rd.

AMENDED ORDINANCE NO. 50-18 **BY: THOMAS J. HUNT**
AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 505 ENTITLED ANIMALS AND FOWL OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
ON HOLD

Mr. Hunt said that this is still on hold. Mr. Hunt asked that Council review the most recent Exhibit A dated October 12th as it will be discussed further on November 5th.

ORDINANCE NO. 63-18 **BY: CHRISTOPHER J. KLYM**
AN ORDINANCE AUTHORIZING THE MAYOR TO RENEW THE HEALTH CONTRACT FOR 2019 AND 2020 WITH THE GENERAL HEALTH DISTRICT OF CUYAHOGA COUNTY, OHIO FOR SERVICES TO THE CITY OF ROCKY RIVER
1st READING

This is an annual ordinance that requires the City to provide certain health services to residents by state law through the County Health District. The scope of the services are: Air Pollution Enforcement Services; Animal Control and Shelter; Environmental Health State Programs; Emergency Preparedness; Epidemiology; Surveillance; Investigation Services; Health Promotion; Immunization Programs; Jail Inmate Health Services; Lead Poisoning Prevention, etc. The contract is on a per capita basis. The first year is \$4.74 per capita and the second year will be \$5.45 per capita within the city. The \$4.74 is close to what the city has paid for the last several years. Mr. O'Donnell asked about the increase. The Mayor will forward the cost break down for this service.

ORDINANCE NO. 64-18 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2018 FREIGHTLINER REFUSE PACKER CHASSIS FOR THE SERVICE DIVISION UNDER THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING ACT FROM VALLEY FREIGHTLINER, INC. AT A COST NOT TO EXCEED \$100,371.00
1st READING

Mr. Sindelar said that as discussed last week, this is going to be a new style of purchase by purchasing the chassis first through the Ohio Department of Transportation's Cooperative Purchasing Act and then placing the body on the chassis later. There will be an increase of price compared to past years, but those models were demonstration vehicles that came with mileage. This will replace a 2000 Packer. This will have two more reads.

ORDINANCE NO. 65-18 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2018 FREIGHTLINER TANDEM AXLE DUMP TRUCK CHASSIS FOR THE SERVICE DIVISION UNDER THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING CONTRACT FROM VALLEY FREIGHTLINER, INC., AT A COST NOT TO EXCEED \$90,663.00
1st READING

Mr. Sindelar said that this ordinance seeks to purchase the chassis only with the body being purchased at a later date. The Service Commissioner describes this as the "Swiss Army Knife of Trucks". It will give more capacity

to distribute salt on the roads. The plow package will not come with the chassis but with the company that the body is purchased from. This replaces a smaller and older truck purchased in 1997.

ORDINANCE NO. 66-18 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH PERK COMPANY, INC., FOR THE 2018 TREE AND SIDEWALK PROGRAM IN AN AMOUNT NOT TO EXCEED \$157,896.00
1st READING

Mr. Hunt said that the exhibit shows a couple of bids that were under the engineer's estimate. The exhibit also states that there were no findings on the Auditor of State's Unresolved Findings Database.

ORDINANCE NO. 67-18 **BY: DAVID W. FURRY**
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE FERRIC CHLORIDE FOR THE WASTEWATER TREATMENT PLANT FROM PVS TECHNOLOGIES, INC., AT \$558.00 PER DRY TON FOR 2019
1st READING

Mr. Hunt said that this is an annual ordinance. Mr. Furry will discuss this further at the next meeting.

ORDINANCE NO. 68-18 **BY: DAVID W. FURRY**
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE SODIUM BISULFITE FOR THE WASTEWATER TREATMENT PLANT FROM PVS CHEMICAL SOLUTIONS, INC. AT \$1.26 PER GALLON FOR THE YEAR 2019
1st READING

Mr. Furry will discuss this further at the next meeting.

ORDINANCE NO. 69-18 **BY: DAVID W. FURRY**
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE SODIUM HYPOCHLORITE FOR THE WASTEWATER TREATMENT PLANT FROM BONDED CHEMICALS, INC. AT \$0.769 PER GALLON FOR 2019
1st READING

Mr. Furry will discuss this further at the next meeting.

NEW BUSINESS:

An Emergency Resolution Authorizing the Mayor and Her Designee to Enter into an Agreement with the Cuyahoga County Department of Public Works for the Resurfacing of a Portion of Hilliard Boulevard Within the City of Rocky River

An Emergency Resolution Authorizing the Mayor and Her Designee to Submit an Application to the Northeast Ohio Areawide Coordinating Agency (NOACA), for Transportation for Livable Communities Initiative (TLCI) Planning, to Fund Improvements for the "Community Confluence TLCI" Project

An Ordinance Authorizing the Mayor to Enter into a Contract with Delta Dental to Provide Dental Coverage for the Full-Time Employees of the City of Rocky River, as Further Described in Exhibit "A"

An Ordinance Authorizing the Mayor to Enter into Contracts with Medical Mutual of Ohio to Provide Health Care, Prescription Insurance Coverage, and Optional Vision Coverage for the Full-Time Employees of the City of Rocky River, as Further Described in Exhibit “A”

An Ordinance 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

An Emergency Ordinance to Make Appropriations for the Current Expenses of the City of Rocky River, Ohio During the Fiscal Year Ending December 31, 2019

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 Municipal Court with Jackson Dieken & Associates for the Year 2019 at a Total Cost of \$9,828.00

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 Insurance Company, Inc. for the Year 2019 at a Total Cost of \$76,922.00

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 Insurance Company, Inc. for the Year 2019 at a Total Cost of \$275,893.00

CONSENT AGENDA:

ORDINANCE NO. 56-18

BY: DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW AN AGREEMENT WITH JAMES DIAZ TO PURCHASE SERVICES FOR THE REMOVAL OF DIGESTED SLUDGE CAKE FROM THE WASTEWATER TREATMENT PLANT AT A COST OF \$22.00 PER WET TON FOR 2019 AS FURTHER DESCRIBED IN EXHIBIT “A”

2nd READING

Mr. Furry is out of town and Mr. Hunt said this will be discussed further at the next Committee-of-the-Whole Meeting.

ORDINANCE NO. 57-18

BY: DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW AN AGREEMENT WITH RUMPKE OF NORTHERN OHIO, INC. FOR THE REMOVAL OF RAW SEWAGE SLUDGE FROM THE WASTEWATER TREATMENT PLANT AT A COST OF \$42.10 PER TON FOR 2019 AS FURTHER DESCRIBED IN EXHIBIT “A”

2nd READING

Mr. Furry is out of town and Mr. Hunt said this will be discussed further at the next Committee-of-the-Whole Meeting.

ORDINANCE NO. 58-18

BY: DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW AN AGREEMENT WITH RUMPKE OF NORTHERN OHIO, INC. TO PURCHASE SERVICES FOR THE REMOVAL OF GRIT AND SCREENINGS FOR THE WASTEWATER TREATMENT PLANT AT \$65.00 PER TON FOR 2019 AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Furry is out of town and Mr. Hunt said this will be discussed further at the next Committee-of-the-Whole Meeting.

ORDINANCE NO. 59-18

BY: DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW AN AGREEMENT WITH RUMPKE OF NORTHERN OHIO, INC., FOR A PERIOD OF ONE YEAR FOR THE REMOVAL OF DIGESTED SLUDGE CAKE TO A MUNICIPAL LANDFILL FOR THE WASTEWATER TREATMENT PLANT AT A COST OF \$42.10 PER TON AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Furry is out of town and Mr. Hunt said this will be discussed further at the next Committee-of-the-Whole Meeting.

RESOLUTION NO. 61-18

BY: MICHAEL P. O'DONNELL

A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAXES FROM THE PROCEEDS OF ALL TAX LEVIES FOR THE TAX YEAR 2018 PURSUANT TO THE OHIO REVISED CODE

2nd READING

Mr. O'Donnell said that this resolution is an annual resolution that allows the city to receive the money from the County in a much more timely fashion. This resolution relates to the 2018 real property taxes. Mr. O'Donnell said that President Moran reminds Council yearly that he does not understand why the default is not that the city receives this money upfront without this resolution.

RESOLUTION NO. 62-18

BY: MICHAEL P. O'DONNELL

A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAXES HELD FROM THE PROCEEDS OF SPECIAL ASSESSMENTS FOR THE TAX YEAR 2018 PURSUANT TO THE OHIO REVISED CODE

2nd READING

Mr. O'Donnell said this is the companion piece to Resolution No. 61-18. By submitting this request, the city will receive the proceeds of special assessments for the tax year 2018, which are usually delinquent sewer bills, much faster.

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: NONE

Mr. Hunt reminded Council that the next Council Meeting will be November 5th. As there was no further business by members of Council, the meeting was adjourned at 7:40 p.m.

Thomas J. Hunt
President Pro-Tem of Council

Susan G. Pease
Clerk of Council