

CITY OF ROCKY RIVER

January 22, 2024

The Legislative Meeting was called to order by Mr. Furry, President of Council, at 7:00 p.m. in the David J. Cook Council Chambers.

Council Members Present: Mr. Hunt, Mrs. Gallagher, Mr. Shipp, Mr. O’Boyle,
Mrs. Morris, Mr. Sindelar, 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 President Furry seconded by Mrs. Gallagher and Mr. Hunt that the reading of the minutes of the Special Meeting of January 16th be waived and that the minutes be accepted with the correction of Mr. Furry as President of Council.

Vote:	Hunt – aye	Gallagher – aye	Shipp – aye	O’Boyle – aye
	Morris – aye	Sindelar – aye	Furry – aye	
	7 – ayes	0 - nays		PASSED

MOTION:

Moved by President Furry Seconded by Mrs. Gallagher that the reading of the minutes of the Committee-of-the-Whole Meeting of January 16th be waived and that the minutes be accepted as is.

Vote:	Hunt – aye	Gallagher – aye	Shipp – aye	O’Boyle – aye
	Morris – aye	Sindelar – aye	Furry – aye	
	7 – ayes	0 - nays		PASSED

MAYOR’S REPORT:

The Mayor explained Ordinance No. 7-24 which is before Council this evening. Ordinance No. 7-24 is amending the Development Code of the Codified Ordinances, specifically Section 1135.09 entitled Public Hearing and Notice by Planning Commission and Section 1135.13 entitled Public Hearing and Notice by City Council as it relates to rezoning so the city can use the community wide communications platform and also when there are any changes to the Development Code that impacts the entire community, the city could utilize, in addition to the very specific things of notification that are called out in the Charter. This would add something without taking anything away. The administration is also reviewing and looking at BZA and when there is a substantial variance, substantial would be defined, if that would be subject to the same additional notification for the community. Council may see another ordinance in two weeks that could then be referred to the Planning Commission. The Mayor thanked Council for considering this ordinance. The Mayor thinks this will answer several questions and address issues that many of Council have brought to the administration’s attention, especially with the Development Code and the Rezoning that is currently before Council. The Mayor respectfully requested that Council waive the 72-hour notification rule to place Ordinance No. 7-24 on this evening’s agenda, read for the first time and then referred to the Planning Commission. Thank you to Law Director O’Shea for preparing Ordinance No. 7-24.

The Mayor said that Fire Chief Lenart discussed the Rocky River that has iced over and the ice is thickening. Tomorrow the forecast is showing higher temperatures and a lot of rain which is the perfect combination for ice jams in the Rocky River. The good news is the mouth of the Rocky River is open so any flow should go right out to the lake. Sometimes however, in the west channel or the main basin there are ice jams that can be destructive to property. The police and fire departments are watching the river along with Director Snyder. The city will forward the residents in the Yacht Club Basin a notification when conditions are ripe for the ice to begin breaking.

The Mayor discussed Snow Bans in the city. The city has posted and disseminated information regarding snow bans when it snows two inches or more. Residents should not park on city streets so the Service Department can plow. There were complaints from residents and the Service Department that people were parked in the street. The Service Department crews were in at 3:00 a.m. so by 4:00 a.m. they were out plowing. Snow bans are extremely important.

The city used about 600 tons of salt over the weekend that was supplemented by several gallons of Magnesium Chloride that was highly affective. In a three-hour period on Friday, there were 20 accidents on I 90 and ODOT was unable to get there. The City of Rocky River's Service Department took care of the road on I 90 through Rocky River. A big thank you to the Service Department for all their hard work. When snow continues to fall like it did over the weekend, salt is not used except on hills and cul-de-sacs because plowing the snow would also plow the salt from the streets. The city is measured in the use of salt and once the snow lets up, salt is applied widespread. The Mayor received a note from someone traveling from Lakewood and said Rocky River had the clearest roads of any community. The Service Department takes a lot of pride in keeping the roads safe. The Mayor said that the city received another shipment of salt today.

The Mayor thanked Director Snyder for applying for a very large grant in the amount of \$3 million grant which is part of a \$7.5 million project on Lake Road from the WWTP to Parklawn including full rehabilitation including sewers, waterline, pavement, full depth repairs and the area from the City of Bay Village to the WWTP will be waterline only. The local match for this project will be the Cleveland Water Department's waterline work, so the city will not be paying for the local match on this project. However, the city will still have the balance of the \$7.5 million minus \$3 million minus Cleveland Water. It is still a large investment, but a great way to leverage this project. The grant is through the Ohio Department of Development Water and Wastewater Infrastructure Grant Program. Director Snyder added that the sewers being replaced are inverted. That is part of the reason to leverage the two projects and look at potential infrastructure for possible bike lanes down the road. This is a 2024–2025-year project.

The Mayor updated Council on Kathryn Kerber, the new Director of Planning and Community Development, that she has been very busy. The Mayor gave Kathryn a tour of the city and updated her on all the projects, both public and private. She met with the Executive Director of the Chamber of Commerce, David Lapinsky. Kathryn has become a member of the Chamber and may be joining Director Thomas at the Board Meetings to provide updates from the city and to hear if the Business Community needs anything from the city. Kathryn is working on a couple of grants with Director Snyder and working with Director Thomas on the P.A.C.E. Financing that Council passed in 2023. Again, no money is invested from the city, but it is a pass through for energy efficiency projects that can be used for developers in their capital stack.

The Residence Reference Guide has been mailed and residents should be receiving the guide shortly.

The February Senior Center Quill is out. Ukulele lessons are sold out and now there is a Ukulele Club, so lots of fun at the Senior Center.

The Mayor thanked the Beachliff Garden Club for taking care of the Clock Tower Gardens. The Service Department assists but it is the Beachliff Garden Club that prepares the beds and plants the beautiful flowers. On any given day, there are people there taking photographs. They have made it a beautiful site and have adopted it as

their own. They Beachcliff Garden Club sent the Mayor a letter of thanks, but really the thanks go to them and their engagement and taking ownership of that site which is an important gateway to our city.

- Councilman O’Boyle asked if the Mayor heard back from Chief Lenart regarding the breakdown of the emergency calls in 2023. The Mayor has not heard back, but the Chief is working on it.
- Councilman O’Boyle said he learned how to play the ukulele and it was the first instrument he ever played. It is a very good instrument to learn and makes other string instruments easier to learn.
- Councilman Hunt asked to be copied on the email or ReadyNotify that will be sent to the residents in the Yacht Club Basin. The Mayor asked Director Snyder to add Council to the mailing list.
- Councilman Hunt said that based on what Council has learned about getting approval and grant money for dredging of the river, is there a special concern with the shallowness of the river this year. The Mayor said that is an excellent observation and the shallowness could cause jams to form causing destruction.

MOTION:

President Furry moved to suspend the 72-hour notification to add Ordinance No. 7-24 on the agenda, seconded by Mrs. Morris and Mrs. Gallagher.

Vote: Hunt – aye	Gallagher – aye	Shipp – aye	O’Boyle – aye
Morris – aye	Sindelar – aye	Furry – aye	
7 – ayes	0 – nays		PASSED

LAW DEPARTMENT: NONE

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: NONE

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 51-23 **BY: JEANNE GALLAGHER**
AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTIES KNOWN AS AUDITOR’S PERMANENT PARCEL NOS. 301-17-082, 301-17-083, 301-15-048, AND 301-17-084, FROM THEIR PRESENT CLASSIFICATION OF SM-SERVICE MANUFACTURING TO OB-2-OFFICE, AS FURTHER DESCRIBED IN EXHIBIT “A”
ON HOLD

Mrs. Gallagher said this amended ordinance is to change the zoning classification of four parcels on Ingersol Drive from the present classification of Service Manufacturing to the requested OB-2 Office and is still on hold.

AMENDED ORDINANCE NO. 80-23 **BY: JEANNE GALLAGHER**
AN ORDINANCE AMENDING VARIOUS SECTIONS OF ROCKY RIVER CODIFIED ORDINANCES CHAPTER 1163 ENTITLED “OFFICE BUILDING DISTRICT REGULATIONS”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
REFERRED TO PLANNING

Mrs. Gallagher said this was referred to the Planning Commission. The Public Hearing was held last Thursday regarding Section 1163.09 entitled Height Requirements. Mrs. Gallagher thanked Council who were present at the

Public Hearing. Mrs. Gallagher stated that on June 12, 2023, a request for a zoning change was filed, two-weeks later Ordinance 51-23 was put before Council. It took six months from the purchase of these parcels on Ingersoll to apply for rezoning of these parcels. It took four months after this request for rezoning to ask for changes in amendment text regarding permitted uses, heights of buildings and setbacks. In Mrs. Gallagher's mind, 80-23 should have been before Council before 51-23. She is not sure why these ordinances were before Council without the i's dotted and t's crossed. Mrs. Gallagher thinks the letter from Attorney Coyne is an ultimatum: give them what they want or they will sue the city. In Mrs. Gallagher's mind she wonders if they have already been told they will get what they want and City Council put a wrench in it.

At the Planning Commission on Thursday, Mr. Bishop stated they received many letters for the change in 80-23 and not as many against. The audience showed otherwise. Mrs. Gallagher also wants to put on the record that the letters were form letters. They were misguided, misleading and misspelled. They were signed by realtors, developers, family and friends of the applicant for zoning change. They were not written by residents living near the proposed OB-2 areas. If this is how the commission operates, Mrs. Gallagher thinks it is wrong. None of those letter writers would want a 70' to 110' building in their backyard. If the city put a 100' windmill on the lake in their backyard, let's see how they would feel. They would be outraged.

Mr. Bishop also mentioned that the map Mrs. Gallagher referred to in her letter to Ward 3 residents was incorrect. Mrs. Gallagher stated that this was the zoning map on the city's website, so the map needs corrected.

If the city allows 75' in OB-2 then variances can be requested to get a higher number such as 85'. On May 9, 2002, an 11.5-foot variance was granted by BZA to Astor Place. They gave them 36'.5" to the mean in a 25' zoning area. On January 8, 2004, a 10' height variance was granted by BZA to Beachcliff Row. So BZA can consider reasons to deviate and override ordinances. At this same meeting, Mr. Wright, who still sits on the BZA praised Mr. Larsen, the architect for and Mrs. Gallagher quoted, "stepping back height from a massive three story to a two story which he appreciates because residents were concerned."

Mrs. Gallagher is concerned for her residents.

- Mr. Furry said that Mr. Bishop would get that map updated. The Mayor stated that it has been updated but the city is waiting for the update of the entire Development Code with the Cuyahoga County Planning Commission. This project came in just as the city was finishing the office section of it. They noted that it was about to be changed with a reduced height and the permitted uses because the city wanted a mixed-use classification, so opted to do this together always knowing that 80-23 needed to be passed before 51-23. This was explained several times to Council. That is why the map was not completed because it was not finished, but this prompted it because it was 150 prior to that. Council is still working on making that perhaps even more conservative.
- Councilman Shipp asked if there was a timeline for when this will come up for a vote. The Mayor and Mr. Furry said Council is waiting for the minutes and redraft from Planning. The Mayor said that from this point, Planning will speak through their approved minutes, and any recommendations for new language needs to come back to Council. Council is in control. Zoning solely rests in the power of City Council. They are recommending to Council, it is Council's decision. The redraft will come to Council, Council will need to hold a Public Hearing on the rezoning and another Public Hearing on the update to the Development Code. The update to the Development Code should come first, which is what they will be redrafting, which is what Councilwoman Gallagher just presented on. The rezoning is on hold until 80-23 is passed. Mr. O'Shea said that the minutes from the August 15, 2023 Planning Commission meeting, has an addendum to the minutes including 1163.09 height requirements, and that is the then suggestion from the Planning Commission with OB-1 and OB-2 at 100 feet. That section, 1163.09 will be the only thing the Planning Commission will send back to Council as far as modifications. The rest of the Development Code did not become an issue. City Council will have to have a Public Hearing before voting on 80-23. The Mayor said that after the Public Hearing, Council still has an opportunity to amend that, because Council

will receive public comment. Mr. O’Shea said that there will be super majority requirements on Council votes when it comes to amending or overruling as opposed to approving the recommendation.

- Mr. O’Shea said that Ordinance No. 7-24 will give the Planning Commission and Council the ability to notify more people about Public meetings in a way, so the city can eliminate any feeling that something is going on without notifying the public. That is one of the biggest blocks of concern.
- Mr. O’Boyle asked Mrs. Gallagher if she was disappointed that so many of the people that came to the Public Hearing were there for what they thought was another meeting. Mrs. Gallagher said she was encouraged by the people that were here the other night, being engaged. Mr. O’Boyle said that Mr. Moran pointed out that there was a full auditorium but were here to hear about the Ingersol situation rather than hear about zoning heights. Mrs. Gallagher has not received any positive emails on any of these changes. Mrs. Gallagher said that all she can speak from are the emails and phone calls she has received from residents in her ward.
- The Mayor said this is difficult because there are two ordinances that impact a project, that should not be discussed. The Development Code should be looked at separately and how it applies to the entire community. It happens to be the catalyst for that, the city has been working on it, but because of this potential rezoning, it needs to get in place or there will be 150’ and all sorts of other things not wanted. The project has not been presented to the Planning Commission. It is about the Development Code and the subsequent rezoning of the property and that rests with all of Council.
- Mr. O’Shea said that the ReadyNotify notices that went out and the land mail referenced only Ordinance No. 80-23.
- Mr. Hunt said that a couple of days later from the night of the swearing-in, Mr. Hunt spoke with two residents that were at that meeting, that were encouraged to come and talk about this project, Council is not anywhere near there and not talking about a project but discussing rezoning and specific uses within different categories. We must be very clear in notices and announcements what stage Council is at. Mr. Hunt thought Chairman Bishop spent quite a bit of time and his explanation was helpful explaining where they were regarding what they were talking about this past Thursday. There is a lot of confusion out there.

NEW BUSINESS:

ORDINANCE NO. 6-24

BY: DAVID W. FURRY

**AN EMERGENCY ORDINANCE AUTHORIZING THE PAYMENT TO ITALIAN CREATIONS INC. IN THE AMOUNT OF FOUR THOUSAND FIVE HUNDRED DOLLARS AND 00/100 (\$4,500.00) FOR THE COST OF FOOD AND CATERING SERVICE FOR THE SENIOR CENTER CHRISTMAS DINNER
1st READING**

Mr. Furry said this was in the 2023 Budget, apparently a purchase order was not precured. The money was in the budget and paid for by attendees. This will have three full reads.

ORDINANCE NO. 7-24

BY: MICHAEL J. O’BOYLE

**AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 1135.09 ENTITLED PUBLIC HEARING AND NOTICE BY PLANNING COMMISSION AND SECTION 1135.13 ENTITLED PUBLIC HEARING AND NOTICE BY CITY COUNCIL, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
1st READING**

Mr. O’Boyle said this will be referred to the Planning Commission but with a different exhibit following the next Committee-of-the-Whole Meeting.

- Mr. Sindelar said that in the suggested edits, “shall be” is missing in section B (ii). Mr. Sindelar asked if under the previous C where it talks about one publication...the new format in B says may be given by any reasonable but not limited to...will all of these communications be done or will one form be chosen. The Mayor said that some of the communications must be done according to the Charter. Mr. Sindelar said yes, but for the sake of the language in her it gives a broad ability to, but it does not say which one or if all. Mr. O’Shea said that they used the word may instead of shall for a reason and that is because they need flexibility as this is a non-mandatory thing and not required by the Charter. There might be those situations that we need the discretion to say no and go broader than the Charter requires. A lot of things in front of the Planning Commission are ministerial and not big-ticket items that everyone needs to be notified about. The Mayor said there should be only two reasons in here, for rezonings and changes to the Development Code.
- The Mayor thinks this should be amended before it gets referred, that this is specifically for zoning changes and Development Code modifications. Mr. O’Shea said that 1135 in its entirety is only about zoning amendments. The Mayor said that Planning needs to understand what Council is doing, that it is very specific. It is not everything on their agenda, but only the large scope issues of rezoning and the Development Code updates. Those impact a great number of people. Mr. O’Shea said that Mr. Sindelar is right and “shall be” should be added in 1135.09. Mr. Snyder said that 1135.13 needs amended by striking “of the hearing” in Section 2 instead of just hearing.
- Mr. O’Boyle said that the Mayor’s point is well taken that Council needs to agree to how Council feels about this before it is referred to or otherwise Council is back to where they were before.

CONSENT AGENDA:

ORDINANCE NO. 1-24

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE THREE (3) FORD EXPLORER INTERCEPTORS FROM MONTROSE FORD FOR THE POLICE DEPARTMENT AT A COST NOT TO EXCEED \$136,086.39, AS FURTHER DESCRIBED IN EXHIBIT “A”

3rd READING

Mr. Hunt said that this has been discussed last week. These purchases were appropriated in the budget passed at the end of the year. They will replace three current police fleet vehicles: 2-2017 Fords and 1-2018 Dodge. Council should have received an email from Mr. Hunt last week forwarding the response from Chief Lichman regarding the additional outfitting charges. This is \$136,086.39 appropriation for the purchase of the three Ford Interceptors.

ORDINANCE NO. 2-24

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO A LEASE AGREEMENT WITH REPUBLIC FIRST NATIONAL CORPORATION FOR A RAPID VIEW IBAK CAMERA SYSTEM AND TRUCK CHASSIS AT AN ANNUAL AMOUNT NOT TO EXCEED \$99,111.92 FOR THE PERIOD OF 2024 THROUGH 2028, AS FURTHER DESCRIBED IN EXHIBIT “A”

3rd READING

Mr. Sindelar said this is for the lease of a sewer camera on site, ready to go deleting the need to have expensive contracts with contractors who may not be as quick in response time as our Service Department. This will be great machinery to have to go through the sewers and continue the work going forward to make them better and environmentally safe.

ORDINANCE NO 3-24

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO EXTEND A CONTRACT FOR ONE (1) YEAR FOR FULL-SERVICE VENDING WITH METROPOLITAN VENDING COMPANY FOR THE CITY OF ROCKY RIVER RECREATION DEPARTMENT, AS FURTHER DESCRIBED IN EXHIBIT “A”

3rd READING

Mr. Sindelar said this contract with this vendor has gone well. The prices have not changed. Per the contract Metropolitan agrees to pay a commission of 28% of the gross sales, 30% from regular snacks and food and 30% on ice cream and coffee. The customers/kids seem happy.

ORDINANCE NO. 4-24

BY: CHRISTINA MORRIS

AN ORDINANCE AUTHORIZING THE MAYOR TO ACKNOWLEDGE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND THE CITY OF ROCKY RIVER REGARDING STORM WATER POLLUTION EDUCATION FOR A TWELVE (12) MONTH TERM, ATTACHED HERETO AS EXHIBIT A

3rd READING

Mrs. Morris said this is a memorandum of understanding between the city and Cuyahoga Soil and Water. It keeps the city current with the EPA and the MS4 Permit and the County will be doing what is called P.I.P.E., which stands for Public Information and Public Education.

ORDINANCE NO. 5-24

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO TO APPLY FOR AND ACCEPT A GRANT UP TO \$35,000.00 FOR THE OPERATION OF THE MARINE PATROL FOR THE YEAR 2024 AS FURTHER DESCRIBED IN EXHIBIT “A”

3rd READING

Mr. Hunt said this is an annual ordinance that provides funding for the operation of the Police and Marine Patrol for both wages and other expenses. The Marine Patrol will be under mandate by the agreement the city will enter with ODNR for the operation from Memorial Day Weekend through Labor Day Weekend and various times throughout the summer months to do safety checks and patrols. The city has a match portion of 25% and the city has received \$30,000– \$35,000 from the grant.

MOTION:

President Furry said that all five of the ordinances on the Consent Agenda have been read three times and vetted. Mr. Furry moved to pass Ordinance Nos. 1-24, 2-24, 3-24, 4-24 and 5-24, seconded by Mrs. Gallagher.

Vote: Hunt – aye	Gallagher – aye	Shipp – aye	O’Boyle – aye
Morris – aye	Sindelar – aye	Furry – aye	
7 – ayes	0 – nays		PASSED

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: NONE

President Furry stated that Council will not be in session next Monday as it is the fifth Monday of January and the next Committee-of-the-Whole Meeting will be February 5, 2024 in Council Chambers at 7:00 p.m.

As there was no further business by members of Council, the meeting was adjourned at 7:49 p.m.

David W. Furry
President of Council

Susan G. Pease
Clerk of Council