

CITY OF ROCKY RIVER

March 25, 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. Morris that the reading of the minutes of the Legislative Meeting of March 11th be waived and that the minutes be accepted as presented.

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

Moved by President Furry seconded by Mrs. Gallagher that the reading of the minutes of the Special Meeting March 18th be waived and that the minutes be accepted as presented.

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

Moved by President Furry seconded by Mrs. Morris that the reading of the minutes of the Committee of the Whole Meeting March 18th be waived and that the minutes be accepted as presented.

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

MAYOR'S REPORT:

- Congresswoman Marcy Kaptur announced more than \$210M will be coming to Ohio for drinking water and clean water infrastructure upgrades. This funding is part of more than \$50B in investment in water infrastructure and upgrades through the bipartisan infrastructure act. This is the largest investment in American history. It protects public health and treasured bodies of water. This is part of \$5.8B through the Clean Water and Drinking Water State Revolving Loan Fund, one of the EPA's signature water investments. The multi-billion dollar investment will fund state run low interest loan programs. It is to address key challenges nationwide with \$2.6B going to the clean water fund for wastewater and storm water infrastructure and \$2.2B for drinking water. This will assist with the eradication of lead water lines in the water distribution systems. Mayor Bobst is looking forward to this money flowing to the state and local levels. Thank you to Congresswoman Kaptur for her efforts and her role with the Subcommittee on Appropriations.
- Martin Park is open in Ward 2. Thank you to Director Bob Holub for the good work done at the park.

- Mayor Bobst reported on the I/I (Inflow and Infiltration) studies that have been completed in the city:
 - Smith Court coming off CVS plaza, etc.
 - Tonawanda/Pocono – Late last summer there was some residential flooding in that area. We just received the first report and, as expected, there is a fair amount of infiltration to the system from homes. Additional investigation will be done by the City and then we will be working with residents on this issue. The City will complete any work on the public side that needs to be done first.
 - Argyle Oval/Arundel/Buckingham – 83% of the homes contribute in some way to the sanitary sewer. That’s a big number, but not too surprising considering the age of the homes in that area.
 - Westmoor/Glendale/Orchard Grove – 75% of the homes tested positive for infiltration to the sanitary system. Another significant issue.

All of this infiltration is in violation of the Clean Air and Water Act and these issues must be addressed. On April 16 there is a resident meeting planned for individual homeowners on Argyle/Arundel/Buckingham to explain the evaluation and what the next steps are. Both the Argyle Oval/Arundel/Buckingham and the Westmoor/Glendale/Orchard Grove neighborhoods contribute to two overflows. Over the years the city has done significant work on the public side of the system enabling the closure of 12 of the 14 overflows in the City. Work on the private side of the system needs to be addressed to eliminate the infiltration.

- Citizens Police Academy graduation is Tuesday, March 26 at 7p.m. at Memorial Hall.
- City Hall will be closed in observance of Good Friday.

LAW DEPARTMENT: 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 located on Ingersoll Drive from their present classification of Service Manufacturing to OB-2 Office. This ordinance remains on hold.

2nd 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”
3rd READING

Mrs. Gallagher stated 2nd Amended Ordinance No. 80-23 had its first read on October 23rd. This ordinance is amending various sections of the Codified Ordinance Chapter 1163 entitled Office Building District Regulations. This was referred to Planning Commission with Council’s recommendation of a maximum height of 70’ in OB-2 building districts. After Planning’s Public Hearing held on January 18th, they sent back their recommendations. Their recommendation is to amend text in Section 1163.03 Uses Regulations, 1163.05 Lot Regulations, 1163.07 Setback Requirements, Section 1163.09 height requirements, Section 1163.11 Off Street Parking Regulations and 1163.13 Accessory Use Regulations. In addition, they are recommending a new OB-3 District. A public hearing was held on March 4th.

Commission Chairman Bishop spoke to us last week and answered questions and concerns that we had. My concern all along was the permitted height of buildings in the OB-2 districts and the need for the OB -3 District. Chairman Bishop informed us the need for the OB 3 District is strictly to protect the three properties in the city that are 95' in height. For fourteen years OB 2 district allowed a maximum height of 150' which was recommended by the Cuyahoga County Planning Commission. I am not sure how County Planning got to this number but it is not appropriate for Rocky River. I appreciate all the work and time put in to get this right for the present time. In the future I will scrutinize recommendations to make sure they are consistent with our city's goals and residents' views.

Mrs. Gallagher made a motion to accept 2nd Amended Ordinance 80-23 amendments to text as recommended by the Planning Commission. Mr. Sindelar seconded the motion.

Mr. Hunt wanted to note for the record that out of the discussion with Chairman Bishop last week there is a section of the ordinance that needs to be stricken and the exhibit has not been updated to reflect that change.

Mrs. Gallagher made a motion to amend the ordinance to exclude subsection (G) regarding cultural institutions. Mr. Sindelar seconded the motion. Motion passed unanimously.

Mrs. Gallagher rescinded her prior motion and made a motion for passage of 3rd Amended Ordinance 80-23. Mr. Sindelar seconded the motion.

Mrs. Morris thanked everyone for doing the research and caring about this matter. She appreciates everyone very much.

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

AMENDED 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” (On Hold)

Mr. O’Boyle indicated this ordinance has been referred to the Planning Commission and is currently on hold.

NEW BUSINESS:

ORDINANCE NO. 17-24 **BY: BRIAN J. SINDELAR**
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN UPDATED AGREEMENT FOR THE ESTABLISHMENT OF THE WESTSHORE COUNCIL OF GOVERNMENTS, AND DECLARING AN EMERGENCY (1ST READ)

Mr. Sindelar reiterated his comments from last week saying this is a well-established council that has assisted the partner communities very well over the years through cost savings, collaboration, efficiencies, etc. This agreement not only solidifies that but also cleans it up to some extent, clarifying a few matters, but not changing the spirit of the agreement. He anticipates two more reads for this ordinance and he looks forward to passage.

ORDINANCE NO. 18-24 **BY: JEANNE GALLAGHER**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE
DIRECTOR TO ENTER INTO A CONTRACT WITH LOGICALIS, INC. FOR RENEWAL AND
UPGRADE OF THE CISCO PHONE SYSTEM NETWORK LICENSING FOR FIVE YEARS AT
A COST NOT TO EXCEED \$87,256.37, AS FURTHER DESCRIBED IN EXHIBIT "A" (1ST READ)

Mrs. Gallagher stated Ordinance No. 18-24 is an authorization to renew the Cisco phone systems licensing for a five year period, upgrading it to the newest operating system (v15) which would enable the city to continue receiving security and updates for the next 5 plus years. The cost is not to exceed \$87,256.37. This \$87,256.37 includes software licensing for the entire phone system for 5 years, and the labor for Logicalis to upgrade the operating system software to the newest available versions. Our current licensing expires in May and June this year. Since Cisco is ending the support for our current operating system (v12.5) in 2025 it is time to renew and update. Logicalis was the original vendor and they are familiar with the systems and our current network infrastructure. Procurement is under the State Cooperative Purchasing Contract. There are no findings for recovery under the Auditor of State. She anticipates three reads.

ORDINANCE NO. 19-24 **BY: PAUL SHIPP**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC
SAFETY SERVICE TO ENTER INTO A CONTRACT WITH DWA RECREATION FOR THE TRI-CITY
PARK PLAYGROUND EQUIPMENT AT A COST NOT TO EXCEED \$161,947.84, AS FURTHER
DESCRIBED IN EXHIBIT "A" (1ST READ)

Mr. Shipp states this ordinance is to replace the Tri-City Park play equipment that is approximately 20 years old. The attached exhibit is a memorandum from Recreation Director Bob Holub with the specifics, as well as the last page which pictures the equipment. Please note that there will be a third stall on the swings which will contain an ADA swing. There were three proposals. Each vendor submitted two proposals. The Commission is recommending the best and lowest, DWA Recreation. The cities of Westlake and Fairview Park have been invoiced for their share which will be placed in the Tri-City fund and used to fund this purchase. He anticipates three reads for this ordinance.

ORDINANCE NO. 20-24 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC
SAFETY SERVICE TO ENTER INTO A CONTRACT WITH RMH CONCRETE & FOUNDATIONS,
FOR THE WAGAR ROAD HILLIARD BOULEVARD INTERSECTION PAVEMENT IMPROVEMENT
PROJECT AT A COST NOT TO EXCEED \$292,460.65, AS FURTHER DESCRIBED IN EXHIBIT "A"
(1ST READ)

Mr. Sindelar indicated he had discussion with Director Snyder regarding work done in the same area just three years ago. He relayed that Mr. Snyder informed him the only work done back then was the installation of the stamped concrete crosswalks, not the concrete work being presented here. Mr. Sindelar also pointed out that this was sent out to over 20 contractors and the city only received 1 bid. However, that bid was more than \$20,000 under the engineer's estimate for the project. Mr. Sindelar asked Mr. Snyder if he knew why this project was not done at the same time three years ago. Mr. Snyder indicated he did not know for sure, as it was prior to his time in the role of Safety Service Director, but he supposed it had something to do with the maintenance of traffic at the time. Mr. Sindelar inquired if all the stamped concrete crosswalks were would again be replaced. Mr. Snyder indicated only one would be replaced; the one on the north side was damaged due to a water leak and needs to be repaired, as well as the adjacent curb ramp. Mr. Sindelar also indicated that a portion of the cost of this project will be paid for by the Cuyahoga County Road Preventative Maintenance Reimbursement Grant in an amount of almost \$66,000. He commended the administration on a great job of bringing tax dollars we have paid back to the community for projects such as this. He expects 3 reads.

Mr. Furry asked if the reason for only receiving one bid is due to the small size of the project. Mr. Snyder indicated he thinks that is the case.

Mrs. Morris provided a comment regarding Ordinance 19-24, stating that Section 2 of the ordinance incorrectly references the tennis courts, when it should reference the play equipment. The ordinance will be corrected and presented at the next meeting.

CONSENT AGENDA:

ORDINANCE NO. 15-24 **BY: JEANNE GALLAGHER**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO PURCHASE A PREFABRICATED RESTROOM BUILDING FOR BRADSTREET’S LANDING PARK UNDER THE SOURCEWELL COOPERATIVE PURCHASING CONTRACT FROM ROMTEC, INC. AT A COST NOT TO EXCEED \$182,713.72, AS FURTHER DESCRIBED IN EXHIBIT “A”
1st READING

Mrs. Gallagher stated that Emergency Ordinance 15-24 is to enter into an agreement with Romtec, Inc. to purchase a prefabricate restroom building for Bradstreet’s Landing Park at a cost not to exceed \$182,713.72 as part of the Sourcewell Cooperative Purchasing Contract. The scope of the work provided by Romtec includes preliminary renderings and is based upon recommendations from Rec Director Holub and Rich Snyder and includes all materials necessary for construction expecting to be delivered later this summer. The city will need to bid the site work and physical construction to be performed by a different contractor. The hope is this will be completed this fall. It will be an ADA compliant unisex restroom located on the southwest portion of the park. It will be heated and open to the public year-round, versus the seasonal restroom previously located at the park. It will have a mechanical room with limited storage. The plan is to have a bike rack and potentially a bike service station. Romtec has received favorable recommendations from Kim Kerber with Mackay Engineering based upon a structure that was purchased for Bain Park in Fairview. The cities of Marysville, Findlay, Lewis Center and Concord have also reported favorable ratings. A search of the Auditor of States Finding for Recovery Database shows no results.

ORDINANCE NO. 16-24 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO AN AGREEMENT WITH FABRIZI TRUCKING & PAVING COMPANY, INC. FOR THE EMERGENCY REPAIR OF STORM AND SANITARY SEWERS WITHIN THE CITY OF ROCKY RIVER AT A COST NOT TO EXCEED \$300,000.00 AS FURTHER DESCRIBED IN EXHIBIT “A”
1st READING

Mr. Sindelar thanked the Council for their willingness to get this ordinance through the process expeditiously. He believes Fabrizi has done very good work in the City over many years. They also have kept the prices low for 11 years, only raising costs during the pandemic due to supply issues, however bringing the price down this year. Mr. Snyder interjected that this is only for emergency sewer repair work only. If there instances where repairs are needed and there is time to go through the bid process, we will. If the funds are not needed, they will not be used. Mayor Bobst also indicated there may be some projects that can be done internally by the City’s Sewer Department.

President Furry moved to approve Ordinance Nos. 15-24 and 16-24, seconded by Mrs. Morris.

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

MISCELLANEOUS BUSINESS: Mr. Furry stated there are two liquor licenses for review. Chief Lichman forwarded information to Council. The Force license is on hold as the City still needs to gather more information on this matter. The Premier Dining license is also before Council. He asked if anyone had any objections with regard to this license. There being none, he instructed that response be sent to the Ohio Division of Liquor Control that Council does not request a hearing.

COMMITTEE REPORTS: NONE

COMMUNICATIONS: NONE

PUBLIC COMMENT: NONE

As there was no further business by members of Council, the Legislative Meeting was adjourned at 7:36 p.m. There will be a Committee-of-the-Whole Meeting on April 1st.

David W. Furry
President of Council

Mary Ellen Umerley
Clerk of Council, Acting