

CITY OF ROCKY RIVER

February 26, 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: Mrs. Gallagher, Mr. Shipp, Mr. O’Boyle,
Mrs. Morris, Mr. Sindelar, Mr. Furry

Council Members Absent: Mr. Hunt

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 February 12th be waived and that the minutes be accepted as presented.

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

MAYOR’S REPORT:

The Mayor said that Director Snyder announced that the bidding process has begun for the intersection of Wagar and Hilliard. The Engineer’s Estimate for the intersection is \$315,000. The city has almost \$66,000 in County funds through the County Preventative Maintenance Grant Program leaving a balance of approximately \$249,000. The bids are due on March 15th and the low bidder will be forwarded to City Council.

Director Snyder also submitted County Road 50/50 Funding Program Application to the County for Wagar Road from Hilliard to Detroit Road. The total estimated construction costs are \$857,000. If the city receives the grant, it will be half of that cost of about \$430,000 of County funds. This would be a perfect match for the intersection of Wagar and Hilliard intersection.

The Mayor announced that Kathryn Kerber, the new Director of Planning and Community Development was awarded an Urban Economic Development Certificate from the Levin College of Public Affairs in Education at Cleveland State. The Mayor congratulates Director Kerber. As the Mayor mentioned to the Directors this morning, these are accomplishments made by individuals working full time and still finding time to advance their knowledge and resources in their chosen fields. That effort is recognized and celebrated.

The Mayor announced that seasonal help positions are posted on the city’s webpage. Positions are available in the Recreation Department and Service Garage for high school and college students. The city reaches out to individuals who have worked seasonal jobs for the city prior that are in good standing, but welcome all others. Applications are on the website.

The City of Rocky River had another eclipse meeting this morning. The city is serving as a clearinghouse for the schools and other institutions in the city. The city has reached out to the Chamber of Commerce who are reaching

out to the businesses to see if there are special events that are being planned in the city. The schools will be closed with no special events planned specifically although the Senior Center does have plans. This will all be compiled and ready by next week and communicated to the residents so they know what is happening to be prepared, potentially for a lot of traffic. The Mayor said the fire chief said that County and State Emergency Management have reduced the numbers of individuals they believe will be coming to our communities. They said the lakefront communities would be the hardest hit, but somewhere between 200,000 to 500,000 additional individuals which is less than half of what they were predicting a few weeks ago. The City of Rocky River is planning for a large crowd and will alert the residents of a large crowd with parking issues and other things but together everyone will witness something incredible and won't witness in our lives again. More bathrooms will be obtained, more trash receptacles and trash collection that day will be moved one day later with Friday's collection on Saturday. Many more details will be forthcoming.

The Rocky River Historical Society will be at the Rocky River Public Library on Tuesday, March 19th presenting a speaker on Astro Photography and the Eclipse.

The Mayor announced that the Ukulele Club will hold their first concert this Wednesday at 1:00 p.m. at the Senior Center.

The Mayor respectfully requested an Executive Session under Article X, Section 6, Subsection 1 to discuss a personnel matter with legal counsel.

- Mrs. Gallagher asked if there would be a City Council Meeting on April 8th. That has been discussed and the Court is wondering if they will be in session on April 8th. President Furry said the meeting may be canceled with a Special Meeting the following Monday. The Mayor noted that City Council could also hold a Special Meeting on April 1st. City Council will continue to discuss this matter.

President Furry moved to hold an Executive Session under Article X, Section 6, Subsection 1 to discuss a personnel matter with legal counsel, seconded by Mrs. Gallagher.

Vote:	Gallagher – aye	Shipp – aye	O’Boyle – aye	
	Morris – aye	Sindelar – aye	Furry – aye	
	6 – 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 parcels on Ingersoll Drive and is still 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”
ON HOLD**

Mrs. Gallagher stated that this is amending various sections of the Codified Ordinance Chapter 1163 entitled Office Building District Regulations. This was referred to Planning with Council’s recommendation and has been sent back to Council with their recommendations after their Public Hearing that was held on January 18th. A Public Hearing before Council on this 2nd Amended Ordinance is scheduled for Monday, March 4, 2024.

- President Furry reiterated that Council should focus on the Development Code 1135.19 amendments to text after the Public Hearing and how Council takes it from there.
- Councilwoman Morris asked if Council would consider keeping the height at 55 feet if it were in proximity to residential for any OB. If it were next to a residential, it couldn’t be higher than 55 feet. Not abutting but 50 feet or some kind of proximity.
 - The Mayor said that now that the Planning Commission has made a recommendation to City Council, there are certain things Council can do. Another piece of legislation could be introduced with all those things in it, but to change this current one, Council would need a super majority which is 5 votes. President Furry said that Council needs to act on this and what Planning Commission has recommended.
 - Mr. O’Shea suggests that Council discuss whether to adopt 80-23 as it is given to Council by the Planning Commission by way of their minutes of the 18th of January, amending it or rejecting it. All that discussion happens during the second and third read after the Public Hearing so residents’ comments can be heard.
 - Mrs. Morris wants the residents to know that Council understands that residents want that protection.

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”
(Referred to Planning Commission)**

Mr. O’Boyle said this ordinance is to amend 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. Mr. O’Boyle said this has been referred to the Planning Commission and was discussed at their meeting last Wednesday. Mr. O’Boyle said there was a very good discussion about it. Mr. O’Boyle commended Law Director O’Shea for the work he did, speaking on the importance of having alternate modes of communication notifying residents of a Public Hearing. This remains on hold.

- Mr. O’Shea said the Planning Commission is holding a Public Hearing on this ordinance on March 19th at 6:00 p.m.

ORDINANCE NO. 10-24

BY: JEANNE GALLAGHER

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO PURCHASE ONE (1) NEW 25 CUBIC YARD LEACH REFUSE COLLECTOR FOR THE SERVICE DEPARTMENT UNDER A SOURCEWELL COOPERATIVE PURCHASING CONTRACT FROM BEST EQUIPMENT COMPANY, AT A COST NOT TO EXCEED \$253,971.00, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

2nd READING

Mrs. Gallagher said that this ordinance is for the authorization to purchase a new 2024 25 cubic yard Leach Refuse Collector and chassis from Best Equipment not to exceed \$253,971. The procurement is part of the Sourcewell Cooperative purchasing contract and will be added to the frontline day-to-day equipment. As the fleet ages, these are rotated down from frontline to yard waste collection and backups. The most recent purchase was 2019, delivered in 2020 and has over 50,000 miles on it. A 2004 refuse packer that has 111,000 miles was taken out of commission due to overwhelming repairs and sold on Gov.deals for \$5,100. Best Equipment has the packer on hold pending passage or otherwise would have to wait over a year for delivery. In the current fleet there are two refuse packers in good condition, 3 in fair and 3 in poor condition.

ORDINANCE NO. 11-24

BY: CHRISTINA MORRIS

AN 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 FOR A TWELVE (12) MONTH TERM, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT A

2nd READING

Mrs. Morris said this MOU allows the city to use the Cuyahoga Soil and Water Conservation District to assist with the inspection of storm water control measures for all construction projects with a disturbance greater than 1 acre in size and provide guidance with project less than 1 acre in size. This has gone up in price from previous years but is something the city needs to continue with the MS4 Permit for the Cuyahoga EPA. Mrs. Morris moved for a rules suspension to pass this legislation this evening, seconded by Mr. Furry.

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

Mrs. Morris moved to seek passage of Ordinance No. 11-24, seconded by Mr. Furry.

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

RESOLUTION NO. 12-24

BY: BRIAN J. SINDELAR

A RESOLUTION AUTHORIZING THE MAYOR TO RENEW OUR AGREEMENT WITH NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) FOR THE NOPEC 2024 ENERGIZED COMMUNITY GRANT AS FURTHER DESCRIBED IN EXHIBIT “A”

2nd READING

Mr. Sindelar said this has been discussed for weeks with little to no discussion. Mr. Sindelar enthusiastically encourages passage of this resolution in two weeks as it has been instrumental in providing the city with energy credits towards energy efficiency and energy infrastructure updates that the city has completed. The city can expect disbursements in 2024 to be about \$57,000 and the current balance in escrow is \$53,000 for a total of \$111,000. In 2022, the city purchased a new generator for the Civic Center with \$193,000 credits. This program is beneficial to the city.

RESOLUTION NO. 14-24

BY: DAVID W. FURRY

A RESOLUTION AUTHORIZING THE CERTIFICATION OF UNPAID PROPERTY MAINTENANCE COSTS TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION IN ACCORDANCE WITH THE LAWS OF THE STATE OF OHIO AND AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

2nd READING

Mr. Furry said this requires councilmanic action to assess the taxes for property maintenance that the city had to contract out and pay. Director Thomas stated that there has been no payment received from the letters mailed out. Mr. Furry said there may need to be amended by substitution, depending on what if any is collected on Exhibit A.

NEW BUSINESS: NONE

CONSENT AGENDA:

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

3rd READING

Mr. Furry said this was an expense neutral as all the money was collected for this, it was just that a P.O. for this was never acquired or requested for this.

ORDINANCE NO. 8-24

BY: CHRISTINA MORRIS

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT BETWEEN THE CITY OF ROCKY RIVER AND ADS ENVIRONMENTAL SERVICES, INC. IN AN AMOUNT NOT TO EXCEED \$380,875.00

3rd READING

Mrs. Morris said that this legislation is for the Flow and Strength Study that is performed every four years to determine each of the city's costs due to the WWTP. This legislation also includes additional monitoring to help further identify inflow and infiltration issues within the WWTP's tributary collection system. RFPs were received by three firms and ADS Environmental Services, Inc. is determined to be the best to perform these services. The Management Committee recommended the contract on January 24th. The WWTP has worked with ADS previously on a similar project.

ORDINANCE NO. 9-24

BY: CHRISTINA MORRIS

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO APPROPRIATE FUNDING FOR SYSTEMS GROUP TECHNOLOGY, LLC, IN AN AMOUNT NOT TO EXCEED \$175,000.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mrs. Morris said this legislation is for professional services to upgrade the WWTP's PLC. There is obsolete equipment hindering operational efficiency. The current capital project is upgrading 1/3 of the PLCs and the remainder will help with the automation and operational efficiency. This equipment will continue to be upgraded throughout this year and into next year. Superintendent Barille will be managing the project which will be based on a time and material basis.

President Furry moved to approve Ordinance Nos. 6-24, 8-24 and 9-24, seconded by Mrs. Gallagher.

Vote: Gallagher – aye Shipp – aye O’Boyle – aye
 Morris – aye Sindelar – aye Furry – aye

MISCELLANEOUS BUSINESS: Councilwoman Morris did a shout out to the Service Garage for coming to pick up her garbage today that she did not get out in time. Mrs. Morris thanked the Service Department.

PUBLIC COMMENT: Mr. Tony D’Agostino, 460 Lynden Drive, Highland Heights, OH is here to introduce himself and Scrambler’s Restaurants. The closest one to Rocky River is in North Olmsted with four in the Cleveland area and have been watching Rocky River diligently and think they found a place to open one up. He will be working with the Planning Commission and Building Department using Chase Bank’s former location and bring Scramblers to the City of Rocky River. The Mayor said he should call the Building Commissioner, Ray Reich and Kathryn Kerber who is the new Director of Planning and Community Development. Mr. D’Agostino said it is a pleasure to see a City Council that gets along. Scramblers opens from 6:30 a.m. until 3:00 p.m., seven days a week. Christmas Day is the only day they are closed. It has a good American style breakfast, oversized bottomless pancakes (he’s told are the best in Cleveland), waffles and French toast. They are hoping to use the drive through of the former Chase Bank for an outdoor patio.

President Furry announced that City Council will move into Executive Session at 7:33 p.m. Executive Session was adjourned at 8:12 p.m.

As there was no further business by members of Council, the Legislative Meeting was adjourned at 8:12 p.m.

David W. Furry
President of Council

Susan G. Pease
Clerk of Council