CITY OF ROCKY RIVER

April 11, 2022

PUBLIC HEARING - ORDINANCE NO. 105-21

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"

Council Members Present: Mr. Hunt, Mr. Shepherd, Mrs. Gallagher, Mr. Furry, Mrs. Morris, Mr. Sindelar, Mr. Moran

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

Assistant Law Director: Mr. Dever

The meeting was opened with the Pledge of Allegiance.

The Public Hearing for Ordinance No. 105-21 was opened at 7:00 p.m. by Mr. Moran, President of City Council. City Council has had an opportunity to receive public comments in the past regarding this ordinance and the Planning Commission has given their recommendation. City Council is holding this Public Hearing for any other public comment regarding Ordinance No. 105-21. If anyone has any questions/comments, please come forward at this time.

PUBLIC COMMENT: NONE

As there was no further comment President Moran moved to close the Public Hearing, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – aye
	Morris – aye	Sindelar – aye	Moran – aye	
	7 ayes		0 nays	**PASSED**

The meeting was adjourned at 7:03 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council

CITY OF ROCKY RIVER

April 11, 2022

The Regular Legislative Meeting of Council was called to order by Mr. Moran, President of Council, immediately following the Public Hearing in the David J. Cook Council Chambers.

Council Members Present: Mr. Hunt, Mr. Shepherd, Mrs. Gallagher, Mr. Furry, Mrs. Morris, Mr. Sindelar, Mr. Moran

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

Assistant Law Director: Mr. Dever

MOTION:

Moved by Mr. Moran seconded by Mr. Furry that the reading of the minutes of the Legislative Meeting of March 28th, be waived and that the minutes be accepted as submitted.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – abstain
	Morris – aye	Sindelar – aye	Moran - aye	
	6 ayes	1-abstain	0 nays	**PASSED**

Moved by Mr. Moran seconded by Mr. Furry that the reading of the minutes of the Special Meeting and the Committee-of-the-Whole Meeting of April 4th, be waived and that the minutes be accepted as submitted.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – abstain	Furry – aye
	Morris – aye	Sindelar – aye	Moran - aye	
	6 ayes	1-abstain	0 nays	**PASSED**

MAYOR'S REPORT:

Mayor Bobst stated that a Construction Review Update was sent out to residents on Friday and is a good review of all the projects going on in the city, thanks to Director Snyder. This Update is also posted on the city's website.

The Mayor discussed the pool closure last week. Glass was found in the pool allegedly from a glass swim mask. This prompted the draining of the pool and the pool is currently being cleaned and then will be refilled. The city hopes to have the pool up and running by this Friday or at the latest, next Monday. The Mayor appreciates the resident that brought that to the administration's attention. Glass goggles will no longer be allowed in either the indoor or outdoor pool.

The Mayor said that Council and the community is aware of the mailbox thefts at the Post Office. There have been two or three pursuits of individuals and this weekend three individuals were arrested, their vehicle was confiscated and all the mail that had been stolen was recovered. These three individuals are from New York. This type of theft has been happening all over the United States. Thank you to our observant officers.

The Mayor stated that later this week, the administration will be submitting a funding request to the Community Project Funding Program through Congressman Gonzalez and Congresswoman Kaptur's offices. This is for the Rockcliff Sewer Project, a very extensive sewer project, but a very important one

as it will deal with the overflow in that area. A big thank you to Director Snyder as this week will be filled with a large grant proposal. The city appreciates the support of several partners: the Cleveland MetroParks, the Cuyahoga County Planning Commission and others for letters of support.

Over the weekend, there was a letter sent to the city mailbox stating that it came from the Mayor's email expressing concern and unhappiness of the condition of Rockcliff Drive. Unfortunately, there was no one to respond to. Please leave your name so the city can respond to your concern. The city looks at these moments as a time to listen and a time to educate the community.

The Mayor spoke about Orphan Gas Wells in Rocky River. The City of Rocky River has 58 Orphan Wells in the city that are all capped. Sometimes an odor is released and is reported to the Ohio Department of Natural Resources. There are 4-5 gas wells that are working and residents use them to heat their home. Any concerns should be addressed to the Fire Chief and the Fire Prevention Officer. With this additional funding, the ODNR will be correcting any problems.

The Computer Round Up is this week. Please place computer equipment on the tree lawn or at the Service Garage so the city can dispose of it properly.

On May 3rd there is a Primary Election. In person voting began on April 5th at the County Board of Elections. Polls will be open on May 3rd from 6:30 a.m. to 7:30 p.m. Residents can also vote by mail by requesting a ballot. The Primary is for Statewide, County and U.S. Congressional and Judicial Candidates and the Democratic State Central Committee. It is not for the Ohio State House, State Senate or State Central Committee for Republicans.

There was a great article Sunday in the Plain Dealer and Cleveland.com about Kaiser Greenhouse that was located on Northview Road. Laura Johnston, Director of Content for the Plain Dealer and Cleveland.com lives in the home and is doing a renovation on the 109-year-old farmhouse. The article has great history about the City of Rocky River.

Tomorrow is the Citizen's Police Academy Graduation. The guest speaker is Dan Riedl, the Assistant U.S. District Attorney. His brother Jim Riedl is very active in the City of Rocky River with the Chamber and other organizations. Dan is the head of Cyber Security and he will speak on various agencies from different levels that work together on various projects and enforcement issues.

There is a free concert on Wednesday at 1:30 p.m. at the Senior Center. It is sponsored by Senior's Council and the Alchemy Vocal Quintet will perform.

Friday, City Hall will be closed in observance of the holiday. The Mayor wished everyone a Happy Easter.

LAW DEPARTMENT: Assistant Law Director Dever was in attendance this evening as Law Director O'Shea is on vacation. Mr. Dever commented that he has been serving as the city's Prosecutor for the last couple of months and is impressed with the level of investigative tools used by the Rocky River Police and the quality of cases they bring over. He looks forward to continued service.

- Councilman Shepherd asked Mr. Dever what these individuals are looking for in the mail. Mr. Dever thinks that they are phishing, looking for checks, credit cards and any information to create false identities and selling the identities to members of organized crime. As the Mayor indicated, this is not unique in the City of Rocky River but is going on across the country.

- Mr. Furry stated that he has been personally victimized by having checks altered as well as with his business.

- Mr. Moran asked if this is a felony. Mr. Dever stated that it would be a referral to the U.S. Attorney's Office and they would make the determination if it should be charged at the County or Federal level.

- Mr. Dever added that when using other delivery services whether it is Fed Ex or UPS, there are limits on liability for lost or stolen mail that is limited to only $100.00. Consumers are taking a risk if not purchasing insurance or some sort of guarantee on delivery.

COMMITTEE REPORTS: **Planning, Zoning and Economic Development:** President Moran said there will be a BZA Meeting this Thursday at 6:00 p.m. Mrs. Gallagher added it will be via Zoom.

COMMUNICATIONS FROM COUNCIL: Mr. Moran said that there will not be a City Council Meeting next Monday. The next meeting is scheduled for April 25, 2022.

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"
3rd 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 recommendation. Councilwomen Morris and Gallagher, Councilman Shepherd and President Moran all had an opportunity to attend some of the meetings where the developers spent time answering resident's questions. There has been a lot of communication. There is a house also being purchased as part of the development. City Council received a letter from the MetroParks this evening from Sean McDermott, Chief Planning and Design Officer. In the letter it states that they encourage development along their border with respect to the park's setting. They also support the redevelopment of the project. There was a question about the design stepping up from Hilliard back to the park. Their suggestion was to go in the opposite direction. President Moran appreciates the letter. The Public Meeting was held this evening with no comments.

- The Mayor stated that the developer met with the MetroParks several times and there have been many changes in response to concerns from the MetroParks and the Hilroc residents.

- The Mayor stated that the project itself does not infringe on any deed restrictions of the MetroParks. They are concerned about the viewshed from down below looking up. The MetroParks are great advocates and want to be sure the city is conscientious about development near the Metroparks. They understand that the city has a frontage that needs to be looked at.

- Mr. Moran said the Planning Commission approved the design along with the Hilroc residents.

- Councilman Shepherd agrees that the Planning Commission did an excellent job and a thorough review. The Developer made substantial concessions with private meetings with the Hilroc and reached a written agreement on certain points that go beyond code requirements. All deed restrictions with the MetroParks were met. The zoning is being changed but it is a compromise zoning. This project is in the spirit of the Master Plan. Mr. Shepherd went down to the MetroParks and this is not at an angle where people will be looking up. It is the best that can be done and it will be a plus for the city and is permitted by the Code. He supports this ordinance.

Mr. Moran moved Ordinance No. 105-21 for passage, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – aye
	Morris – aye	Sindelar – aye	Moran - aye	
	7 ayes		0 nays	**PASSED**

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"
2nd READING

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. 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 ordinance puts an agreement in place with Fairview Park where they will pay Rocky River for their portion, which is approximately 2.7% of the project.

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"
2nd READING

Mr. Hunt said there was an in-depth discussion on this last week. This will be slated for a third read. Please forward any questions within the next week.

- To clarify his position, Mr. Furry said it was nothing to do with Zenith's work, but more his displeasure with Bowen and their oversite.

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"
2nd READING

Mr. Shepherd stated this ordinance is for the crack and joint sealing project on Center Ridge Road between Wooster and Wagar Roads. It was put out to bid and Specialized Construction was the low bidder. References and qualifications are all favorable.

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"
2nd READING

Mrs. Morris stated this allows for the completion of the 2017 WWTP Project. It is being paid for by money received in a settlement and all cities involved are on board. If there are any questions, please let her know. This will be moved for passage in two weeks.

NEW BUSINESS:

ORDINANCE NO. 23-22 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SMITHGROUP FOR BRADSTREETS LANDING PHASE II DESIGN & ENGINEERING IN AN AMOUNT NOT TO EXCEED $139,700.00, AS FURTHER DESCRIBED IN EXHIBIT "A"
1st READING

This agreement covers design and oversight engineering along with oversight through the construction phase. Phase II will be for the boardwalk, pedestrian bridge, revetment, parking lot and access driveway and things associated with those. This was discussed in depth last week. Mr. Shepherd said this launch location is the best on the westside of Cleveland and is concerned about drop off points with time limits. Mr. Shepherd would like to see a good dedication parking lot for the launchers in the final plans.

- Mr. Moran asked about the path of the Water Trail. Will there be more signage for spotlighting these areas? The Mayor assured him there would be signage.

- Mrs. Morris agrees with Mr. Shepherd regarding the launching site consideration.

CONSENT AGENDA:

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

3rd READING

Mrs. Gallagher stated that this resolution supports the placement of a proposed shore structure. This is a concrete deck with stair access at 19722 Frazier Drive. This request is required through ODNR for the support of placement of this structure.

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
3rd READING

Mr. Moran said this is an annual ordinance. This is adjusting rates from the City of Lakewood. The 102 homes in the Valleyview area pay the same as all Rocky River residents and the city pays the difference. This is adjusting the rates in 2022 which was presented by letter by the City of Lakewood to Finance Director Thomas.

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
3rd READING

Mr. Shepherd stated this is an annual resolution. This allows the city to participate and purchase salt through the Ohio Department of Transportation. This year the city will order 2200 tons to bring the storage up to the goal of 4000 tons. During the year the city needs to buy at least 90% of that order and guarantee not to buy more than 110%.

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
3rd READING

Mr. Moran stated this was reviewed before and amends Ordinance No. 1-22. This creates positions and salaries with some small changes. This will be approved so these changes can take place.

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"
3rd READING

Mr. Shepherd said this ordinance authorizes the city to enter into a Collective Bargaining Agreement that has been negotiated by the administration and Teamsters Local 436. Mr. Shepherd commends both bargaining parties for coming to this agreement. The wage increases follow the city pattern set by other collective bargaining units and the other changes are minor and have been discussed and were reasonable.

Mr. Moran moved for passage of Resolution Nos. 14-22 and 17-22 and Ordinance Nos. 15-22, 19-22, 20-22 on the Consent Agenda, seconded by Mr. Furry.

Vote:	Hunt – aye	Shepherd – aye	Gallagher – aye	Furry-aye
	Morris – aye	Sindelar – aye	Moran – aye	
	7 ayes		0 nay	**PASSED**

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: NONE

As there was no further business by members of Council, the meeting was adjourned at 7:47p.m. Mr. Moran wished everyone a Blessed Holiday. The next City Council Meeting will be April 25, 2022 in Council Chambers.

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James W. Moran
President of Council

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Susan G. Pease
Clerk of Council