

CITY OF ROCKY RIVER

October 16, 2023

The Committee-of-the-Whole Meeting of Council was called to order by Mr. Moran, President of Council, at 7:00 p.m. 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. Snyder

Law Director: Mr. O'Shea

The meeting was opened with the Pledge of Allegiance.

MAYOR'S REPORT:

The Mayor said the Business-to-Business Expo was a success. Thank you to Mike Balla, Mary Sawyer and the rest of the staff at the Civic Center for all their hard work. Congratulations to the Chamber of Commerce and its members on another successful Business-to-Business Expo. Thank you also to the Refuse Department that picks up all the garbage following this event.

City Council should have received a Zoning Map in your packets last week. Let the Mayor know if you need additional copies.

The Mayor discussed the hiring of safety forces. This has been a topic of conversation for the City of Rocky River and many other communities. Recently, there have been several interviews on the police side, with six patrolmen moving on in the process. There are fifteen candidates for the fire department that are scheduled for an initial interview.

The Mayor received a letter and a question regarding a rash of robberies in the city and the information has not been disclosed to the residents. Council members know as they receive the police reports day in and day out and it would not be in the best interest of the city to hide this information because residents need to protect themselves and also be the eyes and ears of the safety forces. The Mayor said the letter on Facebook alarms people. More than a year ago, there was an armed robbery of a vehicle located at Race Fuel on Center Ridge and Wagar. That case was solved and those individuals were arrested. There was an uber driver that picked someone up from Cleveland Hopkins Airport and dropped them off on Westway in December 2022. That juvenile individual was arrested. At the Shell Gas Station, a Maserati vehicle was taken. The owner parked it and went in to purchase something from the store and when he returned, individuals were stealing his car. The Mayor applauds the car owner as he went on the news stations to say if you see something unusual, turn around and walk back and wait or call the police or speak to the individuals running the establishment. He used this as a teachable moment for others. These individuals were also arrested. This letter also went on to discuss the use of technology. For more than ten years the city has used license plate readers, there are cameras throughout the city from the County and now the Flock NPR Network has hundreds of cameras throughout the region and United States. Rocky River's neighboring communities have flock cameras. Several months ago, the city deployed ten of the flock cameras with three more to be deployed. This technology along with considerable other technology has helped the city with stolen vehicles and individuals with warrants. It has translated into awareness and some arrests. Cell phones are also an incredible piece of technology for all of us and are extremely helpful for law enforcement. Thank you to City Council for investing in

technology. Recently the City of Rocky River was chosen as the Safest City in Ohio. This recognition means a lot to the police department and the administration. The city was part of the arrest of the “car creepers” which was a large group of individuals that have been carjacking all over the region. The Mayor asked the Chief for this information because things are written and posted with misinformation. On any given day the city is concerned about any crime that might be committed in the community, but the safety forces have the skills, the training and the equipment to address all of it. The Mayor thanked President Moran for his leadership on the license plate readers years ago, which was the beginning of all that technology.

The Mayor announced that leaf collection will begin on October 30th. The city will keep the routes updated daily on the Service Center’s Facebook site, the city’s website and residents can call the Service Department or City Hall to get that information.

The city is hiring several positions in the city. Recreation is always looking for individuals and will be running a Red Cross Lifeguard Training Class. This is a great opportunity for first time job holders. The Recreation Department sends out an updated email weekly highlighting various classes. This week highlights a Spooky Skate on October 29th from 2:00-4:00 p.m. There is also Chess classes, pony camp, learn to swim and rec basketball. It is remarkable what the Recreation Center offers.

The Mayor discussed COVID exposure guidelines. The city is using CDC protocols. A couple employees have tested positive. The day of the test is day 0, the employee needs to wait five days and if the employee is asymptomatic, the employee can return to work.

The November election is coming up. Early voting and vote by mail has commenced. There are three polling locations that remain the same including: The Methodist Church on Detroit; the Presbyterian Church on Detroit; and Memorial Hall.

Congratulations to Facility Manager Mike Balla who received credentials for a certified Facility Manager, passing it on the first time around. Mike is extremely knowledgeable and has saved money by hiring staff with special expertise saving the city from having to hire outside help. This credential confirms what Mike has been doing for many years. This is not an easy test and rarely is passed on the first try. Congratulations Mike!

The deck at Rocky River Park is finished and opened. Friday, before it was open to the public, the Mayor invited the Frost family down to remove the yellow tape and walk on their mom’s and wife’s observation deck for the first time. They were overcome and could not say enough on the quality of the deck, the design and the landscaping. The signage is being worked on now and the Beachcliff Garden Club will be coordinating with Director Snyder to do other things. Mrs. Frost was a member of the Beachcliff Garden Club for many years. Once again, we thank the Frost family for their generous donation in honor of someone so special to the entire community.

The Mayor congratulated the Rocky River Girls’ Soccer Team on their win over the visiting Bay Village Team with the score of 7-2. There was a beautiful photograph of Sophia Sindelar being mobbed by her teammates after their victory over Bay Village. They are conference champs!

The Mayor respectfully requests an Executive Session under Article X, Section VI, Subsection III to discuss a legal matter with legal counsel.

- Mr. Moran asked if applicants should go online to apply for the open positions the Mayor discussed. The Mayor said that the jobs are posted on the city’s webpage. Some are seasonal positions along with regular part time positions.

- Mr. Sindelar congratulated the Rocky River Football Team for beating Bay Village in overtime last Friday.

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: NONE

MOTION:

President Moran moved to hold an Executive Session under Article X, Section VI, Subsection III for a legal matter with legal counsel just before the end of this meeting, seconded by Mr. Furry.

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

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 51-23: Mrs. Gallagher said this ordinance is on hold.

AMENDED ORDINANCE NOS. 63-23, 64-23, 65-23 and 66-23: Mrs. Gallagher stated that these ordinances are intertwined and the Planning Commission has seen the need to propose a change in car washes from permitted to conditional use in general business zoning districts. They are establishing regulations for that conditional use and are increasing the required queuing spaces for a car wash. These amended ordinances will be read for a third time next week and will be on a consent agenda.

ORDINANCE NO. 79-23: Mr. Sindelar said that this has been discussed for a couple of weeks. This was an unforeseen accident and this ordinance will replace equipment that was in a rollover accident. This piece of equipment was old and well used. Mr. Sindelar said the city recouped some money from the insurance proceeds and were able to obtain several discounts which he has described previously. The purchase is made under the Sourcewell Cooperative Purchasing contract. This will be added to the consent agenda.

ORDINANCE NO. 80-23: Mrs. Gallagher stated that this has been modified and updated through the work of Planning and Zoning Coordinator Kate Straub and Chairman Bishop. Everything in red is their proposed revisions to Chapter 1163. A significant part of these changes is proposing a reduction in permitted heights in OB-2 to 110 feet from 150 feet currently. For the new code, if an OB property abuts a residential district, the maximum height is 55 feet and if it is not, 110 will be the maximum. Mrs. Gallagher asked for discussion.

- Mrs. Morris said she thinks 110 feet is a lot for anywhere in River. There are some that already have this designation but not very many at all. One of them, Jan Dell, is looking to get out of OB and revert back to local business. Mrs. Morris wonders if 110 height is more than needed generally, maybe taking it down to 80 feet. The Mayor said that at the next Legislative Meeting, Council can modify the exhibit with what Council will want to send to Planning for their consideration. Mrs. Morris does not suggest that there should never be a 110-foot building, but it should be done on a case-by-case basis.
- Mr. Shepherd added that on the zoning map, every place there is royal blue on the zoning map, that is where there is already OB-2. There are a lot of areas on both sides of Linda, both sides of Allen Court, a segment along the Marion Ramp, the Westlake Hotel and then a high rise on

Center Ridge Road. If the OB-2 is changed to include residential, these areas will have to be looked at seriously as residential is the one area in the city where developers are currently willing to put money into developing. He has not driven to Allen Court yet, but he wants to see how this area is situated and how the section along the Marian Ramp is situated. That area would maybe right for further development with the residential aspect to it. He realizes this is a reduction in height, but currently with the office designation there hasn't been the motivation to develop these properties. He thinks before there is a change, all the areas doing the change, Council needs to be ok with it and Council to determine what the height should be. If there is an issue, try to find a way to separate it out if possible. This week Council should look at it closely. Mr. Shepherd said that if OB-2 criteria is changed, it will apply to these other areas.

- The Mayor said there are a couple of processes. One is changing the details of the zoning in the Development Code, permitted uses, height, etc. It could be setback, lot coverage or all kinds of things. In this case, the focus is on the height and the permitted uses. Councilman Shepherd is correct in that when there is a change in the Development Code, wherever that OB--2 exists today will fall under that different definition of OB-2 with new permitted uses. That may be a positive. Now with more of a mixed-use definition, perhaps it would be. Council needs to look at that and decide. When these changes are made, they are impacting those parcels in a significant way, could be positive, negative or about the same. The Mayor thinks in this case it is positive.
- Mr. Sindelar agrees with Councilman Morris in theory about the heights but is not sure what number to put on the height. The Mayor said this has nothing to do with the current developer. If you think about this, Council could choose a number, whatever makes sense giving the Planning Commission and the BZA the opportunity to work with the developer because there are always variances. Council is not eliminating development that is appropriate from going forward but there is a way to control the height when it impacts in a negative way. The Hilliard residential project and the Roundstone could have had significant height. But because of the way the Code is written the Planning Commission and BZA were able to work with them in stepping back the building. It was used as a negotiation piece.
- Mrs. Morris said that is what she would like to see, is that kind of oversight to make something that high. When she was looking at Ingersol and how tall any kind of building can be there, it would potentially affect that area. She thinks that getting to 100 is a lot. Right now, there are four story buildings there at about 50 feet as it exists right now. Because of the grade there, 80 feet would not be a big deal, but what about someplace else.
- Mr. Hunt said that is the whole issue. Council changes the zoning and the permitted uses on any of those lots, somebody across the street on Linda could purchase a handful of contiguous lots that are OB-2, consolidate those lots and now there is somebody that owns a piece of property that can put up a structure up to 150 feet, as the code stands right now. That is Mrs. Morris' concern.
- The Mayor said that zoning on Center Ridge was reverted as it was impacting neighborhoods, so that office zoning and local business was going north off Center Ridge into the neighborhoods. The Planning Commission reverted much of that back to residential. A continual review of the city, like this discussion, is a separate and important issue in changing zoning. Council needs to look at OB-2 and office; is everything in there as permitted uses and heights, setbacks and coverage is correct but do not think they are zoned appropriately, that is a separate issue. Now there is an issue with property owners that own that property with that zoning now have you impacted the value of that property. That is a legal question as to what extent City Council or a Legislative body can change that. Mrs. Morris said that if Council changes office building zoning

to add the new items listed, she thinks Council will create more value to those properties that exist right now, the Mayor concurred.

- The Mayor said that Council needs to decide what height they are comfortable with and let the land use commissions work with developers on variances. When there are 20-30% variances, that is tough. It must be reasonable.
- Mr. Sindelar said this map is not current as it still shows single family by Breezevale Cove. Kate Straub confirmed that this is the most recent zoning map. The Mayor said it will be changed.
- Mr. Shepherd said that even though there is a building at the corner of Linden and Center Ridge that is OB-2, it could impact that area because that building could be converted to residential possibly just as the former police department building will be residential. Realistically, with heights that are being discussed with residential potential this is a substantial number of apartments that could be added to the city. Council really should think about it to see if there is a consensus as far as a height.
- Mr. Moran said that maybe part of the consensus is that 150 feet is too tall. A couple years ago, Council was able to review variances granted from BZA and could override it. Council no longer has that authority. Council needs to set a threshold. Will there ever be a time that a building should be 110, there could be. This will be discussed more at next week's meeting.

ORDINANCE NO. 81-23: Mrs. Gallagher said this will change the zoning classification of the old Jan Dell property on Detroit Road from OB-2 to local business. It is currently a nonperforming retail use and the new owner would like to redevelop the parcel to allow for use consistent with the city's Master Plan which seeks to promote a walkable commercial district along Detroit Road. This was referred to Planning.

- Mr. Shepherd asked if this parcel has a portion on the back that connects to Parsons Court. When this zoning is changed, it will be for an L shaped lot. The Mayor said it is an L shaped lot unless there is redevelopment along Parsons Court and they want to keep it. She has not heard that and there is a parcel there that is not for sale and they are not purchasing the frontage on Detroit Road at the corner.

RESOLUTION NO. 82-23: Mrs. Gallagher said that the ODNr Division of Real Estate and Land Management requires the city to pass this resolution to support the placement of a proposed shore structure at 19590 Frazier Drive and the city does not need this for future improvements. This will be read for the second time next week.

NEW BUSINESS:

ORDINANCE NO. 83-23: This ordinance is to authorize the city to enter a contract with the Cuyahoga County Board of Health for illicit discharge detection and monitoring for 2024 and 2025 not to exceed \$2,685 per year. This is required by the EPA so the city can obtain the MS4 permit. Last year, they detected 24 outfall locations with dry weather flow and 10 outfalls that will be studied in the next year to determine if there is a presence of E. coli bacteria. This will have three full reads.

ORDINANCE NO. 84-23: Mr. Sindelar notice discussion this week on social media regarding the pier and the amount of bird droppings. This ordinance is to purchase an Avant 760I compact loader from KTS Equipment in the amount of \$97,752 from the Sourcewell Cooperative Purchasing Contract. There is an available unit that will allow for bulk loading materials and a tank spraying attachment that will allow the

city to clean the pier and sidewalks. This piece of equipment can also help with snow removal. This will have three full reads.

- Mr. Moran asked if there is something that could help keep the birds away. Mr. Snyder feels that within the next few weeks, the pier will be open to the public and everyday there will be hundreds of people up and down the pier which will suffice in keeping the birds away. Mr. Snyder will investigate options.

ORDINANCE NO. 85-23: Mr. Sindelar asked for a corrected amount in the memorandum exhibit. This is for a fire detection system, not to exceed \$77,300 for the Service Garage. Silco Fire & Safety were a lower bid but with exceptions. Mr. Sindlear will talk with Mr. Balla to see what the exceptions were. This will have three full reads.

- Mr. Moran said in the second paragraph, states that this proposal is a complete turnkey design. He feels that Silco was not a complete turnkey design.
- Mr. Furry asked Mr. Balla to elaborate on the wide disparity of the bids. Mr. Snyder will get more detail.
- The Mayor asked if there is suppression included. Mr. Snyder said there is currently suppression in place at the Service Garage. When the temperature gets to a certain point, the heads kick on, but the problem is there is no monitoring.

MISCELLANEOUS BUSINESS: NONE

Council moved into Executive Session at 7:51 p.m. The Executive Session was closed at 7:56 p.m.

As there was no further business by members of Council, the meeting was adjourned at 7:56 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council