

CITY OF ROCKY RIVER

September 18, 2023

The Special Meeting of Council was called to order by Mr. Moran, President of Council, at 6:00 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

Law Director: Mr. O'Shea

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

President Moran stated that this evening's Special Meeting is regarding Ordinance Nos. 51-23, 61-23, 63-23 through 67-23, Ordinance Nos. 70-23 through 78-23 and Resolution Nos. 68-23 and 69-23.

The meeting was opened with the Pledge of Allegiance.

UNFINISHED BUSINESS:

PENDING ORDINANCES:

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

This was referred to the Planning Commission and was amended at last week's meeting. This will not be read for a third time this evening. This ordinance will be placed on hold.

ORDINANCE NO. 61-23 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE AUTHORIZING THE RATIFICATION OF THE PAYMENT
TO UNITED SURVEY, INC. IN THE AMOUNT OF TWENTY FOUR THOUSAND FIVE
HUNDRED DOLLARS (\$24,500.00) FOR THE COST OF THE EMERGENCY PARKLAWN
DRIVE SEWER LINER REPAIR AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT
"A"

3rd READING

Mr. Moran stated that this is for the payment of the Parklawn Drive sewer liner repair. United Survey completed their services in April 2023. Mr. Moran moved this 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

ORDINANCE NO. 63-23

BY: JEANNE GALLAGHER

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1167.03 ENTITLED USE REGULATIONS, REGARDING BUSINESS DISTRICT REGULATIONS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A" (REFERRED TO PLANNING) ON HOLD

Mrs. Gallagher moved to amend Ordinance No. 63-23, seconded by Mr. Sindelar.

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

AMENDED ORDINANCE NO. 63-23

BY: JEANNE GALLAGHER

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1167.03 ENTITLED USE REGULATIONS, REGARDING BUSINESS DISTRICT REGULATIONS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A" (REFERRED TO PLANNING) ON HOLD

This ordinance needs to be amended to change the wording in the third whereas to read "Use Regulations" instead of intent and Section 1 to read "Use Regulations" instead of intent.

ORDINANCE NO. 64-23

BY: JEANNE GALLAGHER

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1183.09 ENTITLED CONDITIONAL USES IN THE BUSINESS DISTRICTS, REGARDING BUSINESS DISTRICT REGULATIONS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A" (REFERRED TO PLANNING) ON HOLD

Mrs. Gallagher moved to amend Ordinance No. 64-23, seconded by Mr. Sindelar.

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

AMENDED ORDINANCE NO. 64-23

BY: JEANNE GALLAGHER

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1183.09 ENTITLED CONDITIONAL USES IN THE BUSINESS DISTRICTS, REGARDING BUSINESS DISTRICT REGULATIONS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A" (REFERRED TO PLANNING) ON HOLD

This ordinance needs to be amended to read "Conditional Uses" instead of "the intent" in the third whereas and "Conditional Uses in the Business District" instead of "intent" and to strike the wording of "regarding business district regulations" in Section 1.

ORDINANCE NO. 65-23

BY: JEANNE GALLAGHER

**AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1187.23 ENTITLED OFF-STREET WAITING/QUEUING SPACES FOR DRIVE-THRU FACILITIES, REGARDING BUSINESS DISTRICT REGULATIONS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A" (REFERRED TO PLANNING)
ON HOLD**

Mrs. Gallagher moved to amend Ordinance No. 65-23, seconded by Mrs. Morris.

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

AMENDED ORDINANCE NO. 65-23

BY: JEANNE GALLAGHER

**AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1187.23 ENTITLED OFF-STREET WAITING/QUEUING SPACES FOR DRIVE-THRU FACILITIES, REGARDING BUSINESS DISTRICT REGULATIONS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A" (REFERRED TO PLANNING)
ON HOLD**

This ordinance needs to be amended in the third whereas to read “off-street waiting/queuing spaces for drive-thru facilities” and strike “intent in business district regulations” and in Section 1 to strike “intent” and replace with “off-street waiting/queuing spaces for drive-thru facilities” and strike the wording “regarding business district regulations”.

ORDINANCE NO. 66-23

BY: JEANNE GALLAGHER

**AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1183.11 ENTITLED SUPPLEMENTAL REGULATIONS FOR CERTAIN USES, REGARDING BUSINESS DISTRICT REGULATIONS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A" (REFERRED TO PLANNING)
ON HOLD**

Mrs. Gallagher said there is another change that was not included in this amendment in the Development Code. C8 should read the hours of operation for any drive thru “facility”, to replace the word “service”.

Mrs. Gallagher moved to amend Ordinance No. 66-23, seconded by Mr. Furry.

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

AMENDED ORDINANCE NO. 66-23

BY: JEANNE GALLAGHER

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1183.11 ENTITLED SUPPLEMENTAL REGULATIONS FOR CERTAIN USES, REGARDING BUSINESS

**DISTRICT REGULATIONS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
(REFERRED TO PLANNING)
ON HOLD**

This ordinance needs to be amended as stated above and in the third whereas to strike “the intent in business district regulations” and replace with “Supplemental Regulations for Certain Uses” and in Section 1 to strike “intent” and replace with “Supplemental Regulations for Certain Uses” and to strike “regarding business district regulations”.

ORDINANCE NO. 67-23

BY: CHRISTINA MORRIS

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT BETWEEN THE CITY OF ROCKY RIVER AND BROWN AND CALDWELL
FOR PROFESSIONAL ENGINEERING SERVICES BIOGAS FEASIBILITY STUDY FOR THE
ROCKY RIVER WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED
\$150,320.00**

2nd READING

Mrs. Morris said this is a planning study and will evaluate the return on investment for putting in a combined heat and power unit to make our own electricity. This project will also evaluate improving the quality of the biosolids to “Class A” Biosolids. Moving from the current “Class B” to “Class A” will enable the biosolids to possibly sell for fertilizer or at the very least significantly cut disposal costs. The purpose of this project is two-fold: to develop a long-term sustainable plan to reuse products and save money reducing the plants overall environmental impact while taking advantage of the Inflation Reduction Act (IRA) Funding. As 2022 IRA funding includes anerobic digestion for processing biosolids. This is a time sensitive project which includes a 50% credit if started in 2023, a 40% credit if started in 2024, and a 30% credit if started in 2025. This study was approved in the 2023 budget and there is a NOPEC grant that was applied for in the amount of \$40,000 to help mitigate some of the cost. Through WWTP participation and information gathering associated with the SCOPE of this project we will try to reduce the time committed by the consultant and come in below the \$150,000 not to exceed. The Management Committee has recommended the acceptance of this project on August 11th.

- Mrs. Morris asked if the Planning Study is considered the beginning of this project. Mrs. Morris will speak with Superintendent Barille.

RESOLUTION NO. 68-23

BY: JAMES W. MORAN

**A RESOLUTION ACCEPTING AMOUNTS AND RATES AS DETERMINED BY THE
CUYAHOGA COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY
TAX LEVIES AND CERTIFYING THEM TO THE CUYAHOGA COUNTY FISCAL OFFICER
2nd READING**

Mr. Moran said that this is the tax rate resolution that is a first step in the 2024 budget process each year. The total city millage will be set at 10.55 mills including:

- Senior Center 0.50
- Refuse & Recycling 1.00
- Recreation Center 0.50

- Bond Retirement 0.65
- Fire Pension 0.30
- Police Pension 0.30
- Capital Improvement 1.00

The debt millage has also been reduced over time from 1.0 mills to the amount needed for 2024 to 0.65 mills.

RESOLUTION NO. 69-23

BY: JAMES W. MORAN

A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAXES FROM THE PROCEEDS OF ALL TAX LEVIES FOR THE TAX YEAR 2023 PURSUANT TO THE OHIO REVISED CODE

2nd READING

The city requests the Cuyahoga County Fiscal Officer to advance pay property taxes collected from the various city levies to the city prior to the final reconciliation settlement and disbursement. By making this request, the city will receive the 2023 property taxes, for the first half collection cycle, the monies will be paid first in mid-January with a second payment in February instead of waiting until the final reconciliation disbursement in late March or early April.

ORDINANCE NO. 70-23

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE TWO (2) FORD F350 TRUCKS FROM MIKE BASS FORD FOR THE SERVICE DEPARTMENT AT A COST NOT TO EXCEED \$102,148.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Sindelar moved to amend Ordinance No. 70-23 by replacing Police Department in Section 3 to read the Service Department seconded by Mr. Furry

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

AMENDED ORDINANCE NO. 70-23

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE TWO (2) FORD F350 TRUCKS FROM MIKE BASS FORD FOR THE SERVICE DEPARTMENT AT A COST NOT TO EXCEED \$102,148.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

These trucks will be purchased from the Open Market as opposed to the State Coop. Mr. Sindelar added that additional item is that one of the trucks was totally broken but was repaired by the Service Mechanics to be used by another department. The other truck has frame damage and is well past its useful life. It is 20 years old with 145,000 miles and started in the Streets Department and moved over to the Refuse Department.

ORDINANCE NO. 71-23

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO A CONTRACT WITH SONA CONSTRUCTION, LLC. FOR GENERAL CONSTRUCTION OF THE ROCKY RIVER POLICE FIRING RANGE PROJECT AT A COST NOT TO EXCEED \$814,500.00, AS FURTHER DESCRIBED IN EXHIBIT "A"
2nd READING

Mr. Shepherd noted that the shell of the firing range was completed with the new building. The proposed firing range can be used for rifles. This first ordinance is for the construction buildout and the second ordinance will be for the equipment and fittings necessary for the firing range. This will be discussed further at the Committee-of-the-Whole Meeting.

ORDINANCE NO. 72-23 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE ONE (1) REFUSE SEMI TRAILER FOR THE SERVICE DIVISION FROM REFUSE EQUIPMENT & TRUCK SERVICES, INC., AT A COST NOT TO EXCEED \$141,000.00, AS FURTHER DESCRIBED IN EXHIBIT "A"
2nd READING

Mr. Sindelar said this is a very specific type of trailer that only a few manufacturers make. Only one bid was received. The current one is corroded, rusty, slight frame damage or bending of the support frames of the entire structure. This will be discussed further at the next meeting.

ORDINANCE NO. 73-23 **BY: THOMAS J. HUNT**
AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE ONE (1) EMERGENCY MEDICAL AMBULANCE FROM PFUND SUPERIOR SALES FOR THE FIRE DIVISION AT A COST NOT TO EXCEED \$420,536.00, AS FURTHER DESCRIBED IN EXHIBIT "A"
2nd READING

Mr. Hunt thanked President Moran for introducing this ordinance last week. This will be discussed further at the Committee-of-the-Whole Meeting.

ORDINANCE NO. 74-23 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO A CONTRACT WITH INVERIS TRAINING SOLUTIONS, INC., FOR THE ROCKY RIVER POLICE FIRING RANGE SYSTEMS AND EQUIPMENT PROJECT AT A COST NOT TO EXCEED \$1,050,902.00, AS FURTHER DESCRIBED IN EXHIBIT "A"
2nd READING

This is the ordinance for the fittings and the equipment for the firing range. This also includes a specialized HVAC with filtration for the air. This will be discussed further at the next meeting.

ORDINANCE NO. 75-23 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND TO AMEND AMENDED ORDINANCE NOS. 77-22; 17-23 AND 54-23
2nd READING

Mr. Moran said the need for additional appropriations has arisen in the following areas:

- Safety Service needs appropriations to engage the services of Crain and Langner to prepare to receive proposals for city-wide insurance.
- Computer A Funds for computer workstations for the Judges and from the Computer B Fund a workstation for the Clerk of Court office.
- Commissioner Ray Reich authorized a partial release of the 700 Lake Project \$250,000 deposit in the amount of \$100,000. The city is retaining \$150,000.

This will be discussed further at the next meeting.

ORDINANCE NO. 76-23

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE ONE (1) 2024 FORD E450 BOX TRUCK FOR THE SERVICE DEPARTMENT UNDER THE STATE COOPERATIVE PURCHASING ACT FROM VALLEY TRUCK CENTERS, AT A COST NOT TO EXCEED \$73,003.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Sindelar moved to amend by substitution of the exhibit with a correction on the truck type to an E45, seconded by Mr. Furry.

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

AMENDED ORDINANCE NO. 76-23

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE ONE (1) 2024 FORD E450 BOX TRUCK FOR THE SERVICE DEPARTMENT UNDER THE STATE COOPERATIVE PURCHASING ACT FROM VALLEY TRUCK CENTERS, AT A COST NOT TO EXCEED \$73,003.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

This will be discussed further at the next meeting. This is an essential purchase as the van it is replacing is over 20 years old, has over 76,000 miles on it and has been used by the Sewer Division. The van is currently being used for a concrete truck with forms by the Streets Division. The old van will be sold on Gov.deals.

ORDINANCE NO. 77-23

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH FABRIZI TRUCKING & PAVING COMPANY, INC. FOR THE EMERGENCY REPAIR OF STREETS AND STORM AND SANITARY SEWERS WITHIN THE CITY OF ROCKY RIVER AND THE WASTE WATER TREATMENT PLANT AT A COST NOT TO EXCEED \$325,000.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Shepherd said that an ordinance for sewer repair is passed every year. This year, Council passed an ordinance for \$175,000 for emergency repairs that based on past years should have been enough. There was a series of five repairs that was discussed at last week's meeting. Part of the problem is costs have increased dramatically and Fabrizi has held their rate for material and repairs since 2011 through 2022. For example, on the Center Ridge Rd. repair in 2011, the cost would have been \$32,000 and this year the cost is \$244,000. This ordinance is another \$325,000 for sewer repair, but under the budget it will only be an additional \$100,000 because \$225,000 will be switched from the Capital Improvement Fund over to the Capital Improvement Fund Emergency Sewer Repair account and the WWTP Utility Fund.

NEW ORDINANCE:

ORDINANCE NO. 78-23

BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE AUTHORIZING THE RATIFICATION OF THE PAYMENTS TO SHELLY MATERIALS, INC., IN THE AMOUNT OF FIFTEEN THOUSAND EIGHT HUNDRED SIXTY SIX DOLLARS AND 00/100 (\$15,866.00) FOR THE COST OF STONE AND CEMENT FOR THE SERVICE DEPARTMENT AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

1st READING

Mr. Moran discussed this with Director Snyder and this was purchased and used for road repairs. This will be discussed further at the next meeting.

Mr. Moran moved to close the Special Meeting, 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 6:35 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council

CITY OF ROCKY RIVER

September 18, 2023

The Committee-of-the-Whole Meeting of Council was called to order by Mr. Moran, President of Council, immediately following the Special Meeting 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

Law Director: Mr. O'Shea

MAYOR'S REPORT:

The Mayor stated that the Fall Arts Festival was a success this past weekend. It was a beautiful weather day and was well attended. Thank you to everyone who attended and participated in the event. The Parks and Recreation Foundation did a great job. Director Bob Holub and his staff from the Recreation Department along with the Rocky River High School Hockey players make things very easy for all the exhibitors. The merchants are giving up a day for parking in front of their stores, but it was a good day for many of them. Thank you to the merchants, the Police Department, Civic Organizations, the Green Team, the Historical Society, Seniors Council and the Parks and Recreation Foundation.

The Mayor discussed the bike infrastructure planning that was mentioned last week. Andrea Mediate, from the Green Team mentioned a few things in the Master Plan and certainly the city has been looking at that. The work on Hilliard, the Clifton/Lake connector and the city has engaged the engineering firm that has been working on the Clifton/Lake connector. There are preliminary designs being worked on. There are plans for Lake Road and several options for Lake Road that move on to Hilliard to connect to Westlake, down Hilliard to Wooster and Rockcliff and down. There is a lot of work being done and the city cares about educating the youngest members of the community. Safety Town has been very successful and will stay open all year round to practice safe cycling techniques. Andrea mentioned a thought prior to meeting with the Green Team to look at connectors that could be promoted to the community. About 95% of the side streets do not allow parking on the hydrant side providing a great opportunity for safe cycling. The Green Team is considering that and probably has learned a lot from the work with the Chamber of Commerce. The city has asked the Green Team to look at connectors to the lake, the library, the schools and to shopping areas. What would be the path the city could promote to cyclists in the community. The Mayor hears from both sides of this issue that cyclists and the motoring public need to create a greater understanding about safe travel through the city, obeying traffic signals and giving cyclists their three feet of space. The city and the Green Team will continue to educate the public on these things. Director Snyder has looked at each project on how to accommodate cycling in various ways.

There will be testing of the fire equipment this week. This is an annual evaluation of all the equipment from the hoses to the apparatus. This is very important for safety response for fire and EMS and the ISO rating. The city has improved by one point which is significant to the insurance companies and the residents.

The surface course on Center Ridge Road should be completed this Friday.

The Mayor is requesting a report comparing the police auction to gov.deals. Council will be amazed at the additional revenue that gov.deals produces for the city and also lifts a burden and responsibility for the police department.

An organization called Lend EDU evaluated communities with a population over 5,000 throughout the state looking at safety indicators both within the state and national/federal benchmarks. The City of Rocky River was deemed the safest community in Ohio. The Mayor is very pleased to receive this designation and appreciates the thorough work done in evaluating stats.

The Mayor shared Building Stats through August:

- A total of 1,173 permits were pulled: under last year at this time by 20.
- The valuation is \$40.5 million compared to \$34.7 million this time last year.
- The only other time the city was at \$40 million in valuation was in 2013 due to a major project.

The city is outpacing recent past years. These stats do not include Roundstone, the Kennedy Project or Ingersoll Drive.

The Mayor requested that Law Director O'Shea give a short report this evening regarding recent news with the schools.

LAW DIRECTOR'S REPORT:

Over the weekend, we received several inquiries and are aware of concerns being expressed by community members regarding the police investigation of Kensington School Principal Dr. Heath Horton. It has also come to the attention of City Officials at Rocky River City Hall that there may be some misunderstandings about what the City of Rocky River can and cannot do when it comes to Dr. Horton, who is currently suspended as the Kensington School principal.

First, the officials at the City of Rocky River including the Mayor, the Police Department, the Law Department and City Council, have no authority over what the officials at the Rocky River School District can do about the hiring, employing and disciplining employees of the District. The District is an entirely different and independent administrative political body from the City.

Second, once the Police Department was notified of the possible actions of Dr. Horton (June 2023), the Police Department took all immediate and thorough investigative efforts to track down the facts and the truth. Detectives were diligent in their investigative efforts, including interviewing a number of witnesses and examining digital evidence. The 66-page report and other data from that investigation has been turned over to the Cuyahoga County Prosecutor's Office for their review. That review is pending. The report and other data will also be delivered to the proper authorities in Lorain County given the geography concerning the events that have been uncovered.

Third, it is the hope of the City that all who have information that might be helpful to the investigation contact the Rocky River Police Department. They can do so privately. Further, it is the hope of the City that all people who have knowledge of the student names (and families of the students involved) use the utmost discretion and dignity to try and protect their privacy.

COMMITTEE REPORTS: Parks, Recreation and Health: Mr. Furry said there was a Parks and Recreation Commission meeting on September 14th at 7:45 a.m. The only fees for approval were for the youth basketball league that increased \$5.00 for a cost-of-living adjustment. The cavs reversible jerseys increased by \$5.00 so that amount was passed on to the fee price. Also discussed Safety Town and the huge impact that has had. Everyone loves it. Pickleball was discussed. A concern is the hour restriction at Tri-C with the hours starting at 8:30 a.m. Initially people were there by 6:30 a.m. and the ping

noise was a problem. For the most part it has been observed. Linden does not have time restrictions and that is being looked into to mirror the same time constrictions as Tri-C to keep it consistent.

- Mr. Shepherd asked if there were complaints from residents near Linden. The Mayor has not. President Moran added that members of the Pickleball Sound Mitigation Subcommittee have been visiting sites. The Mayor added that Director Holub has been working very closely with them.

COMMUNICATIONS FROM COUNCIL: NONE

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 51-23: Mrs. Gallagher said this has been referred to the Planning Commission. This was discussed at their Public Meeting on July 26th. The discussion had was on the obsolescence of the service manufacturing and the need for the zoning to be changed on the obsolescence of the manufacturing on these parcels. It was zoned office at one time with a 100-foot height permitted. This zoning would be a continuation of the zoning of the adjacent OB-2 properties which would make the area more cohesive. Planning moved to recommend the amended ordinance to City Council on August 10th. Planning discussed permitted height in OB-2 and are revising heights permitted in these districts. This Amended Ordinance will be on hold and an invite to Commissioner Reich, Kate Straub and Bill Bishop to attend a City Council meeting if needed. The next Planning Commission Meeting will be Tuesday, September 26th.

- The Mayor added in the new Development Code that this may collide. To get ahead of that, this project will take some time and the rezoning should be consistent with future thoughts. The Building Department has been working with the Cuyahoga County Planning Commission. The Building Department wants to be sure that they are not interfering with the Building Code as desired by residents as it relates to the Master Plan.
- Mrs. Morris asked about the space being mixed use or possibly mixed use not just office. The Mayor said there are conditional and permitted uses under certain zoning classifications that become mixed use.
- Mr. Hunt noted that Amended Ordinance No. 51-23 was not on the agenda. President Moran said this alteration was made during the Special Meeting.
- Mr. Moran commented that there are many meetings with the Building Department and thanked Councilwoman Gallagher for all her time attending these meetings. Thank you for all your work keeping Council updated.

AMENDED ORDINANCE NO. 63-23: This ordinance is to amend Section 1167.03 regarding teller machines or drive thru's in general business zones to Conditional Use from Permitted Use.

AMENDED ORDINANCE NO. 64-23: This ordinance is to amend Section 1183.09 to include #3 Car Wash in the schedule and the requirements set forth by Planning for regulations for Uses in Business Districts.

AMENDED ORDINANCE NO. 65-23: This ordinance is to amend Section 1187.23 #1 to change the minimum number of waiting and queuing spaces from 6 to 12 in establishments serving and or selling food and or drinks. To change #2 automatic car washes from 5 to 12 queuing waiting spaces and to change the language allowing Planning to reduce or add spaces on a case-by-case basis so as not to spill

on the street at peak times.

AMENDED ORDINANCE NO. 66-23: This ordinance is to amend Section 1183.11 Supplemental Regulations for Certain Uses to include car washes and to replace the word service with facility in C6 of the Development Code.

ORDINANCE NO. 67-23: Mrs. Morris will call Superintendent Barille with the questions about why this consulting firm and how likely are we to receive the 50% credit. This will be added to the consent agenda.

RESOLUTION NO. 68-23: Mr. Moran said that this is the tax rate resolution that is a first step in the 2024 budget process each year. This is the same as last year and was outlined in the Special Meeting. This will be discussed one more time and will be on the consent agenda.

RESOLUTION NO. 69-23: The city requests the Cuyahoga County Fiscal Officer to advance pay property taxes collected from the various city levies to the city prior to the final reconciliation settlement and disbursement. By making this request, the city will receive the 2023 property taxes, for the first half collection cycle, the monies will be paid first in mid-January with a second payment in February instead of waiting until the final reconciliation disbursement in late March or early April. This will be on the consent agenda next week.

AMENDED ORDINANCE NO. 70-23: This is for the purchase of two Ford F350 trucks from Mike Bass Ford for the Service Department. This is the flexibility of the state coop that the city can purchase when a better deal is found. These are in stock and can be delivered soon. Mr. Snyder stated that he typically handles the vehicle purchases in the city and a consistent statement he is hearing is manufactures are no longer increasing productivity for fleets as they are making more money on the retail side. Their thought is why make more when selling for more money to make less. This will be on the consent agenda.

ORDINANCE NO. 71-23: Mr. Shepherd said this is for the building of the firing range. The concrete floor and HVAC were put in with the police station. The city was awarded a grant from the Cuyahoga County Council from ARPA totaling \$1.217 million for this project. SONA was the second lowest bidder, but the lowest bidder had fatal anomalies in their bid. SONA was \$85,000 less than the engineer's estimate. SONA was the prime plumbing contractor for the police station and the city had a good experience with them. Two of the subcontractors, Hercules Fire Prevention and Plumbing and Imperial HVAC were used with the original police station and the city had no problems with them. The masonry contractor and electrical subcontractor received favorable recommendations when checked by Bowen. From their bid the city deducted the installation of unistrut framing for \$39,000 for the sound dampening ceiling panels. That item was added to Ordinance No. 74-23 at a cost of \$6,923 saving \$32,000. Mr. Snyder explained that it was done that way as an alternative to see if it would be cheaper for the general contractor to work around the firing range fit-out contractor or better if the fit-out contractor installed it. It was in both bid packages as alternates. This will be on the consent agenda.

- Mrs. Morris asked if the ARPA funds are the grant the Police Chief wrote. Mr. Snyder confirmed that it is from Cuyahoga County Council.

ORDINANCE NO. 72-23: Mr. Sindelar said this is for the purchase of a special trailer that only a few manufacturers make. Only one bid was received. The trailer being replaced has corrosion and bending of the frame. The mechanics have helped to make this last longer, but it is past its useful life. This will be on the consent agenda.

ORDINANCE NO. 73-23: Mr. Hunt said again using foresight anticipating the increased cost and build out time with delivery in 2025, this is for the purchase of a new ambulance. The vehicle will be purchased from Pfund Superior Sales at a cost not to exceed \$420,536.00. The ambulance was publicly bid for two weeks and bid information was sent to four manufacturers. Only one bid was received. Chief Lenart reviewed the bid, and it was determined to be complete. The last ambulance purchase was \$255,000, a significant increase. This new vehicle will have the \$50,000 powered auto loader. Based upon build out time, this needs to be made now to receive in 2025. Historically both Chief Flynn and Lenart, Safety Service Directors Linden and Costello and current administration have always talked about redundancy, but unfortunately Mr. Hunt has had family members in the last four months that have needed this service and he cannot imagine not having a back up emergency squad. Mr. Hunt hopes Council will join him in voting for this legislation. This will be read for a third time next week and despite the fact it is a significant purchase, based upon the need and no objection, Mr. Hunt would like this on the consent agenda.

ORDINANCE NO. 74-23: Mr. Shepherd said this is for the equipment and HVAC filtration and fittings for the shooting range as discussed. The city advertised this bid and received two acceptable bids. The lowest was InVeris. This bid was \$154,000 under the other bid and \$153,000 under the engineer's estimate. References were contacted in the City of Brecksville, Elizabeth, New Jersey and Sussex County, New Jersey. All provided good references. This will be a third read and will be on the consent agenda.

- Mrs. Morris asked about the alternatives 1 & 2 that were declined. Mr. Snyder said it was determined to be less cost to purchase from a separate vendor.
- Mr. Shepherd asked what mobile bullet traps are. Mr. Snyder said the walls will have ballistic wall panels, and the police will be able to move targets and bullet traps around to be able to shoot to the sides to allow move and shoot to practice felony stops. The double doors in place allow a patrol vehicle to enter the range to practice felony stops. This will maximize training capabilities. The police have played a part in designing this system. Detective Asbury and Patrolman DiMatteo have taken it all back to the members of the department.

ORDINANCE NO. 75-23: Mr. Moran said the need for additional appropriations has arisen in the following areas:

- Safety Service needs appropriations to engage the services of Crain AND Langner to prepare to receive proposals for city-wide insurance.
- Computer A Funds for computer workstations for the Judges and from the Computer B Fund a workstation for the Clerk of Court office.
- Commissioner Ray Reich authorized a partial release of the 700 Lake Project \$250,000 deposit in the amount of \$100,000. The city is retaining \$150,000.

This will be placed to the consent agenda. (Note: This will need to be removed from the consent agenda due to an amended exhibit).

AMENDED ORDINANCE NO. 76-23: Mr. Sindelar said this is for the box truck. The van being replaced is a 2003 and is over 20 years ago with 76,000 miles on it and is beyond its useful life. This is ready for delivery. The vehicle being replaced will be sold on gov. deals. This will be on the consent agenda.

ORDINANCE NO. 77-23: This was discussed at the Special Meeting this evening. This is to increase the emergency sewer repair budget from \$175,000 by allocating \$100,000 new money to it and transferring \$200,000 from Capital Improvements Emergency Repair Fund. This will be on the consent agenda.

- Mr. Snyder said this was put out to bid and sent to many contractors. Only one bid was received. Mr. Snyder has ideas to potentially incorporate in 2024 so the city does not have to rely on one contractor. These truly were emergency sewer repairs and time sensitive. Mr. Shepherd added that with the two rainfalls this summer, all of Council is behind the administration on this ordinance.

ORDINANCE NO. 78-23: Mr. Moran said this will be read a second time next week. This is for material already acquired from Shelley Materials for repair work.

- Mr. Furry asked if the city does work with Shelley and why this is an ordinance for \$15,000. The materials were needed, and the purchase order was not in place at the time.

NEW BUSINESS: NONE

MISCELLANEOUS BUSINESS: Next week's meeting will begin at 7:00 p.m.

This meeting was adjourned at 7:22 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council