

CITY OF ROCKY RIVER

May 5, 2025

The Committee-of-the-Whole Meeting of Council 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,
Mrs. Morris, Mr. Sindelar, Mr. Furry

Council Members Absent: Mr. O'Boyle

Administration: Mayor Bobst, Mr. Snyder

The meeting was opened with the Pledge of Allegiance.

Discussion with Chief Lichman and Judge Hagan

The Mayor introduced Chief Lichman and Judge Hagan who are in attendance this evening to put into context the public comment made last week regarding the city's role in terms of immigration enforcement, et cetera. The Mayor added that statements were shared on Social Media, so this is to be sure Council has all the information from the Building Department regarding Landlord Tenant Information, the Police Department's Protocol and Policy as well as the Court. To begin, the answer to the question "does the city collect tenant information and provide that to any Federal Agency?" The Mayor responded that the city does not. The city did change the Municipal Tax Section of the city's code but that has always included, as do many municipalities, a provision for landlords when applying for their rental permit to provide the city with a list of tenants whether they have lived there six months, live there currently or not. The simple information asked is for is their full name, their address and at times they have provided a phone number. This information goes directly to R.I.T.A., the Regional Income Tax Agency and is not retained by the city. The city can manage this information in the new Building Department System, which the city will do. Some municipalities collect far more information but it is only collected for municipal income tax purposes. The Code Section is 171.0704 and titled The Rental and Tenant Notification Section.

Chief Lichman discussed the Police Department's protocol and policy. The Chief's entire tenure at the police department until recently, did not have a written policy but had a practice that the department adhered to regarding immigration violations. This has recently been put into policy as it was approved by the Law Department and pushed out. It is Lexipol's approved policy, which is the policy company the department subscribes to, to ensure all the policies are consistent with federal and state laws. Basically, the police department does not detain people for any civil immigration infractions and does not inquire about immigration status. If someone is detained for a state or local criminal violation, if there is cause, the police may inquire with Immigration Customs if the person is here legally but cannot detain them any longer than they could for the state or local criminal investigation. Once they are free to go on the state or local laws, the department cannot detain them any longer. An exception to that would be if there is a federal criminal warrant or court order that they be detained, the same as any other warrant from a state court or a warrant from another state in the United States, the police would be able to detain the person until they could be picked up. Chief Lichman said that it has been many years since this was dealt with in Rocky River. The last time the Chief remembered calling the Federal Authority, they asked if we had a state crime or a reason to hold the person, and if the answer was no, they would not even look up the person. They are fully aware of what the requirements are also. This is the Police Department's Immigration Violation Policy, Policy No. 413 in the Manual and it also includes a training component. It

defines for the personnel the difference between a criminal immigration violation and a civil immigration violation. The department does not touch civil violations but the criminal violation could change but would require a Federal Criminal Warrant for arrest in order for the department to do any type of detention.

- Mr. Shipp asked what the policy is if there was a call from a Federal Enforcement Agency and there is not a warrant but they are asking the department to hold someone beyond what the policy would typically have them hold. The Chief explained that if there was not a criminal warrant, the department would not have the authority to hold that person, therefore they would not. That would create problems for the department.
- Mr. Sindelar recalls years back, there was a gentleman stopped in his car, what was the difference regarding that incident. Chief Lichman said the department did not apprehend that individual; the federal agents apprehended that person. The police were called there to keep the peace and be a uniformed presence while the Federal Agents affected an arrest based on their warrant. If federal agents call and ask for assistance to keep the peace and be a uniformed presence, the department will do that. They were affecting their own warrant in that instance and not the police department affecting that arrest or detention.
- Law Director O'Shea added that the Chief and Mayor were smart enough to forward to the Law Department in January, requesting that he review what the immigration policy would be in situations like this and he did not give it the proper amount of triage but finally did get back to the Chief this past week and authorized the use of Lexipol Policy and it sounds good and reasonable. If there was any delay in communicating the city's specific written policy, it is the Law Department's fault.
- The Mayor commented that she likes the training component and thinks that it is important.

Judge Hagan said that the Court deals with zero immigration in the Municipal Court, however they do deal with citizenship. Since 1989 the Ohio Revised Code requires Courts to inquire relative to citizenship. The Judges have taken great strides to ensure that individuals understand what they are going through when they are entering pleas after they negotiate with the prosecutors of the five cities. Especially that they have the exact due process that is guaranteed to them not only by the state constitution, but the statutes and ordinances. In their colloquy with any defendant, regardless of who it is, the judges would still inquire about their citizenship. When Judge Hagan has an individual that is not a citizen which is given up by their Counsel, Judge Hagan inquires from their Counsel if they have obtained a legal advisory from an immigration attorney whether or not a plea to this offense could jeopardize that individual's right to citizenship here in the United States. If that attorney does not have an opinion the case is continued until he or she does. The court guarantees that hopefully the individuals when they are making pleas, that they are knowingly, voluntarily and intelligently putting a plea in knowing what the consequences would be if they are not a citizen at this time. In the majority of cases, their plea is for cases that will not affect citizenship. But as long as they have an immigration lawyer opine on that, they are satisfied and can continue on in that way. The Court has had zero ICE detentions out of the courtroom.

President Furry thanked Chief Lichman and Judge Hagan for coming to this evening's meeting.

MAYOR'S REPORT:

The Mayor thanked all of Council for taking the time to listen to the Chief and Judge Hagan about some of the details of this as people can become concerned about due process, cooperation, et cetera. The

Mayor wanted to be sure that Council had all the facts. If there are any questions going forward, the Mayor is happy to answer those.

The Mayor announced that the city has a new Assistant Finance Director, Jonathon Lindow. The thought is that he will eventually be taking the place of Finance Director Mike Thomas over the next few months. He comes to the city with considerable public finance experience. He was in the City of Bedford, moved to Upper Arlington and most recently he has been serving as an Assistant Director in Brecksville. He has an excellent background and has done a lot with Collective Bargaining; Rating Agencies and he knows MUNIS. The city is very fortunate to have him. He will attend one of the next City Council meetings so everyone can meet him.

The Mayor said that Arbor Day was last Friday and the city planted a wonderful tree thanks to Director Snyder. This Friday, the city will be receiving the 41st Tree City U.S.A. Award and the city's 7th Growth Award in recognition of going above and beyond and caring for, planting and maintaining the urban canopy. Congratulations to Director Snyder who will be in attendance in Avon this Friday.

The Mayor shared that there are many property maintenance calls in the spring. The Mayor said that the Building Department has broken up the city into the four wards with a designated individual to assist Council with their ward. Council can call anybody at any time but there will be one individual that will work all those property maintenance issues that Council receives. In Ward 1 will be Ray Reich; Ward 2 will be John Peters; Ward 3 will be Luke Markovich; and Ward 4 will be Aaron Hare. The city sent out a notice about "No Mow May" which is causing a lot of phone calls. Director Snyder did a great job explaining the "No Mow May" and that it is not exactly as positive as one might think. The city will stay at it as the Codified Ordinances prohibit grass from growing to great lengths. This has been hard with all the rain as grass is growing quickly and the city understands that, but the issues are beyond that.

The Mayor said that the Yacht Club Drive bridge, that has been closed for several weeks, is now open to one way traffic. By the end of the month, it will be open to two-way traffic. That project is on schedule or slightly ahead of schedule and now the city will be able to get the fire trucks and other emergency vehicles down there if needed.

Beginning this Friday, the city will be providing a construction update through Director Snyder's office and Mark Filipic. These are done every construction season. Along with that, not only the current projects that are underway or almost underway but also the other projects slated for 2025. There will be detailed information on the website, but everyone will know where the city is doing waterlines and sewer projects to prepare residents for future projects.

The Mayor discussed Next Gen 911 which is the 911 System that can send a cellular 911 call directly to the closest Dispatch Center. Part of that important work is the County doing Geographical Information System Mapping of every home in the County. This work is completed in Rocky River thanks to Director Kerber and Dylan Minek in the Planning and Community Development Department. They have gone through and completed all the information and have returned everything to the County so the City of Rocky River is done. Several other communities are done with it and there is even one and soon to be two Dispatch Centers that are already accepting calls. This is important for two reasons. One, the call does not have to go to CECOMS and then back out to a local Dispatch Center; and two, there will be more efficiency and greater, quicker response times. There is compensation for every one of those calls and the State Legislature is looking right now at increasing that fee each month. It is minimal, but extremely important and could be meaningful to Dispatch Centers in the future. A big shout out to Dylan and Kathryn for doing the city's part of this project to keep it moving along.

Additionally, the Planning and Community Development Department is working on two grants. They are the Lake Erie Protection Grant from the State of Ohio and a Federal Grant for the National Coastal Resiliency Fund that will be going out this week. Director Snyder is working on the Healthy Urban Tree Canopy Grant for the eastern portion of Ward 1, which has significant tree canopy loss. This grant will be for planting on private property.

The Mayor announced that the Recreation Department has the ball fields ready to go. The scoreboards at Elmwood Park will be in next week with the dugouts being poured this week or next depending on the weather.

The Mayor met with Harlan Radford regarding the Swim-A-Thon that he heads with a lot of support from many people most notably the Rotary Clubs. They raised more than \$15,000.00 with more than \$6,800 of that going to the Rocky River Assistance Program and the Rocky River Fire Department received more than \$2,000. A big thank you to Harlan Radford who does these amazing fund raisers for the community.

The Eagle Scout Project, consisting of the Monarch Habitat and the Monarch Waystation will hopefully turn into a certified wildlife habitat location and is in Elmwood Park near the ballfields. They are beginning the cleaning up on Saturday and will come back to do the planting of species that will attract Monarch butterflies. The city is on the migration pattern and the Eagle Scout hopes this will be a catalyst to members of the community who would want to replicate habitats for Monarchs and other butterflies as well. The Mayor will let Council know when it is completed.

The Senior Center Art Show begins this Saturday. There are 76 artists with more than 200 works of art. The Mayor encourages everyone to stop by and look on Saturday. The art display will be up for a couple of weeks for anyone to stop in.

The Mayor said that Election Day is tomorrow, Tuesday May 6th. The polling locations open at 6:30 a.m. and close at 7:30 p.m.

- Mr. Sindelar asked if the Storybook Project at Linden Park was completed. The Mayor said it is all done and the Eagle Scout received a grant for that and worked with the library and the Service Department. It is located along the new trail at Linden Park. Mrs. Morris asked if solar lights were recently added. The city is looking at a more permanent lighting situation that won't disrupt the nearby residents. The Mayor said this was a great project along with the Gaga Ball Pitt Project at Elmwood Park.

COMMUNICATIONS OR ANNOUNCEMENTS: President Furry said that the Mayor sent a Fraud Reporting and Training link in an email to himself and Sue, that every employee along with City Council needs to complete. It is an eight-minute video with a certificate at the end that will need to be forwarded to the Finance Department. The Mayor is asking that it be completed by this Friday. There is a link in the attachment with a registration followed by an eight-minute video about fraud reporting and what the requirements for that are and the importance of it. It is very well done and very quick. Sue will forward this email to City Council immediately following this meeting.

- Mrs. Gallagher asked if this needs to be done every two years. The Mayor said this is every four years. The Mayor said that there is also an Ethics and Sunshine certification. The Mayor said that the city will need a copy of the certificate which will be added to the new MUNIS system under the payroll portion so it documents that the training has been completed.

UNFINISHED BUSINESS:

Ordinance No. 22-25: Mr. Shipp said this was read for the first time last week. This is an emergency ordinance to authorize the Mayor and the Director of Public Safety Service to enter into an agreement with G & B Electric Company for the Civic Center Elevator Modernization Project through the Sourcewell Cooperative Purchasing Contract with the cost not to exceed \$148,764.68. The short history was that in 2012 the elevator had issues and was not going to pass inspection. It was a secondary elevator and because the funds were not in the budget that year, it was not repaired. More recently, it was decided to put it back into operation to have as a backup in case the other elevator goes down. It must be brought up to current code. This elevator is in the gymnasium. Mr. Balla forwarded to Mr. Shipp the G & B Electric agreement explaining what the price includes and what it does not include. There is also a Thyssen Krupp elevator scope of work attached. Sourcewell Cooperative through the State of Ohio allows public agencies to obtain better prices and services all in one spot, as opposed to each city getting their own. Mr. Shipp noted that funding will come from the Capital Improvement Fund, Building Maintenance and Parts Account.

Ordinance No. 23-25: Mr. Sindelar said this was introduced last week but it has been discussed for several weeks. It's been something that has been approached even further back months ago. Mr. Sindelar has expressed his thoughts and there has been an official discussion on this topic. Everyone has received the redline exhibit although Council did not see any difference between the copies. Mr. O'Shea will resend a pdf of that to City Council. Mr. Snyder said that the key difference between the original and the red line was language that states that the municipality and the County agree that:

1. The municipality shall not be obligated to provide any funds other than the municipality obligation limit; and
 2. The county shall complete the project at a minimum as set forth in the project plans and specifications. It says the city is not going to spend more than \$540,000 and they must complete the project as set forth.
- Mr. Furry was looking for clarity under C1 for funding. It says the municipality hereby agrees to participate with the County and the cost of the improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the project. He wants to clarify that it is not coming out of the resident's dime being offset, in other words we are paying twice. The Mayor sent Mr. Furry a contact number. Mr. Snyder's understanding is that it is the same as the Hilliard Road Bridge and it does not come out of the city's, it is just stating they are using the license plate tax to pay (their funds). The Mayor sent June Gaus an email that states there are no proceeds from the City of Rocky River.

Mr. Sindelar said there are two more reads and another discussion in between and his only comment is that the administration does a great job of being stewards of the city's tax dollars. On top of that, when the city goes for projects, you see the collaboration and obtaining money from various sources which the city has continually done a great job with even since Director Costello. On top of that too, when the major focus is infrastructure and discussions regarding the sewers which have been going on since Mr. Sindelar became a resident, if you look over the last years the city has added a nice group of amenities and it is step by step looking forward and having a plan. Mr. Sindelar has asked about bike trails since he's been on Council and now it seems to be a ball of steam rolling. Hopefully this turns into a plan and not to just have a bike lane to nowhere and ending at Linda Street.

President Furry said that there may be a Special Meeting on May 19th for possible passage or vote on Ordinance No. 23-25.

MISCELLANEOUS BUSINESS: President Furry said that there is a Liquor License Request for SunMart on Lake Road with information being circulated late this afternoon from Chief Lichman. This is a license being transferred to another family member at 100%. Council approved this request.

Mr. Shipp relayed that today was the start of the “Bike to School Challenge” and continues through May 23rd for the schools. He has been thinking more about bike safety because of the Bike Rocky River and Green Team’s testimony and Councilman Sindelar’s piece of legislation, so keep an eye out for the students riding their bikes to school. The Mayor is glad Mr. Shipp mentioned it. The city was not notified and the city will send out a ReadyNotify to residents to pay special attention to the bike riders. Mr. Shipp said it was in the most recent newsletter from the schools.

President Furry said that the next meeting will be a Legislative Meeting on Monday, May 12th, 2025, beginning at 7:00 p.m.

The meeting was adjourned at 7:37 p.m.

David W. Furry
President of Council

Susan G. Pease
Clerk of Council