

CITY OF ROCKY RIVER

January 23, 2023

The Regular Legislative 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

Absent: Law Director O'Shea

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

The meeting was opened with a Pledge of Allegiance.

MOTION:

Moved by Mr. Moran seconded by Mr. Furry that the reading of the minutes of the Legislative Meeting of January 9th be waived and that the minutes be accepted as submitted.

Vote: Hunt – abstain	Shepherd – aye	Gallagher – aye	Furry – abstain
Morris – aye	Sindelar – aye	Moran - aye	
5 ayes	2 abstain	0 nays	PASSED

MAYOR'S REPORT:

The Mayor reported that Crain's Cleveland Business had an article about the project beginning on Linden Road where the police station was temporarily housed. This project has made its way through the Boards and Commissions. The project is good to go and will commence shortly. There will be 100 additional residential units. There was a 7% variance on the size of 7 of the units with one on each floor that is smaller than 750 square feet. There will be additional storage space in each of the units. There are eight floors, seven of living. There are 67 one bedrooms, 26 two bedrooms and these all exceed the minimum square footage requirements. There will be plenty of parking with 236 covered spaces. There will be a considerable amount of renovation and reconstruction along with landscaping, clean up, energy efficient windows, storm water management, et cetera.

The Mayor announced that Cuyahoga County Property Tax bills were delayed and the County has extended the deadline from January 26th to February 9th, 2023. The Property Tax bills can be viewed and paid online.

The Mayor said that Director Snyder shared this morning that District One Public Works ranked their projects. Some of the largest infrastructure projects that were submitted included the sewer project on Rockcliff which did not score well in comparison to other critical projects. DOPWIC has rescored with project alignments and the Rockcliff project is now third on the contingency list which generally receive funding. Thank you to Director Snyder, City Engineers Kim Kerber and Mike MacKay for their work on this funding request.

The Mayor is excited to announce that five proposals were received for the Senior Center renovation and expansion. The proposals will be independently evaluated with several people reviewing them. After the projects are scored, the process of interviews or discussions with the top scoring firms will begin.

The Mayor announced that bid openings for the WWTP Project will be this Thursday. This project is estimated to be over \$30 million dollars.

The Mayor informed City Council that there will be several pieces of upcoming legislation including the Soil and Water Conservation District, Minimum Control Measures 1 & 2 and 4 & 5 which are the Public Education, Public Information and the oversight of construction sites. In a quick review there does not seem to be an increase on any of these.

The city is purchasing three Explorer vehicles; two will be outfitted for the police and purchased with POPAS funds and the third will be for the Fire Chief. The Fire Chief's explorer will be passed down to the Fire Prevention Officer for his use.

The Mayor said that the Solid Waste District Annual Recycling Grant will be submitted with two components. One is the Refuse and Recycling CRAG Grant for \$6,000 to be used to print the Refuse Calendar along with the recycling information for the city. The two recycling dates scheduled for this year are April 1 and October 7, 2023. Director Snyder and Maureen Nakonek submitted an additional Special Project Grant requesting \$25,000 for the installation of a small storage building for household hazardous waste and other special collection items like computers. The building is estimated to be around \$55-60,000 and the \$25,000 grant will be helpful. Thank you for taking this step towards additional funding. The City of Rocky River's Special Collections is always one of the top communities on the County's Recycling report. The storage building will enable Service a place to store these items.

The Mayor said that Meals on Wheels is celebrating their 50th anniversary. They have been around since April 1973 delivering freshly made food and nutritious meals to thousands of individuals in the Westshore with many volunteers. Many Rocky River residents were involved in the inception of Meals on Wheels. Equally as important as delivering the meals is the daily visit to residents to help with minimizing senior isolation. Meals on Wheels prepare these meals at Good Soil Lutheran Church and serve Fairview Park, Lakewood and Rocky River. This program serves residents regardless of age and income. There have been Eagle Scout projects that made emergency meal packs in the event meals cannot be delivered due to weather. The packs are made up of non-perishable food. Scouts have done a number of things for Meals On Wheels along with school and church groups that create greeting cards, notes and special favors that are delivered with the meals. The Mayor and the Mayor's assistant, Mary Ellen Umerley composed a Certificate of Special Recognition on behalf of City Council and the Administration, thanking Meals on Wheels for their years of service and their continued service to the community.

Harlan Radford, a member of Rotary, will be using the proceeds from this year's Swim-a-Thon to benefit Safety Town and Elle's Enchanted Forest. Harlan has been working with Chief Lichman and Ann, Elle's mother. The Swim-A-Thon will be held on March 5th.

The Mayor announced that the interior of City Hall will be painted, signage updated and repairs made beginning this week. City Hall will be open during this project.

- President Moran suggested the possibility of an additional group of people ready to assist Meals on Wheels when the weather makes it hard for volunteers to deliver the meals. The Mayor agreed and said there should be more discussion regarding this idea. The Mayor added that from time-to-time requests for volunteers for Meals On Wheels has been sent out on ReadyNotify.

LAW DEPARTMENT: President Moran said that Mr. O'Shea called and is a bit under the weather and will not be at this evening's meeting.

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: NONE

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 85-22

BY: JEANNE GALLAGHER

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1123.02 OF THE DEVELOPMENT CODE ENTITLED “DEFINITIONS”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

2nd READING

This ordinance will amend the Codified Ordinance Section 1123.02 of the Development Code Entitled Definitions to define the attached garage. This was referred to the Planning Commission. The Planning Commission met on January 19th and after much discussion tabled this for further discussion.

- Mr. Furry asked what precipitated this change. Mrs. Gallagher said there are large garages being built in the city under the pretense of being attached garages because the height can be much taller if attached to the house, per the Mayor and Mrs. Gallagher. There have been some garages built that are attached by a breezeway and the additional language is to prevent that from happening.
- Mrs. Morris asked if the discussion is about the intent or the language. Mrs. Gallagher said the language and the Planning Commission did not want to rush through it.
- Mr. Moran said that this is a second read and City Council is waiting for a final amended exhibit for this ordinance.

ORDINANCE NO. 86-22

BY: JEANNE GALLAGHER

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER SECTION 1153.15(d) ENTITLED “DETACHED GARAGES”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

2nd READING

Mrs. Gallagher said that this ordinance is to amend Codified Ordinance Section 1153.15(d) of the Development Code entitled Accessory Uses in Structures and was referred to the Planning Commission. The Planning Commission met on January 19th and discussion ensued. The Planning Commission has approved it with their modifications. Mrs. Gallagher stated that after the words abutting lots it will read “A Garage attached by a porch, breezeway or other similar means of connecting a dwelling to the garage shall not for the purposes of this Code be considered to constitute an attached garage.” This is the approved new language for this Ordinance.

- President Moran asked Mrs. Gallagher to distribute a copy of this modification prior to a third read.
- Mr. Shepherd said that when this comes back it will be scheduled for a third read, but it will be the first time with the changed language. Mr. Moran said there will be an opportunity to discuss this change at the next Committee-of-the-Whole Meeting prior to the third reading.
- Mr. Furry asked if the Planning Commission technically needs to approve the minutes of their meeting prior to Council taking action. The Mayor said it should be amended so that it is on the

agenda as amended.

Mrs. Gallagher moved to amend Ordinance No. 86-22 to modify the third whereas with the date and to state amended and recommended for passage along with amending the attached exhibit, seconded by Mr. Furry and Mrs. Morris.

AMENDED ORDINANCE NO. 86-22

BY: JEANNE GALLAGHER

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER SECTION 1153.15(d) ENTITLED “DETACHED GARAGES”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

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

ORDINANCE NO. 87-22

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN CUYAHOGA COUNTY DIVISION OF CHILDREN & FAMILY SERVICES (“CCDCFS”) AND THE CITY OF ROCKY RIVER POLICE DEPARTMENT REGARDING REPORTING AND INVESTIGATIONS OF ABUSE AND NEGLECT, ATTACHED HERETO AS EXHIBIT A
3rd READING

Mr. Hunt thanked Mr. President for having this read in his absence on January 9, 2023. Mr. Hunt said that Law Director O’Shea and Prosecutor Dever mentioned this in the last couple of months regarding the importance of streamlined changes to this MOU. Mr. Hunt stated that this is a proposed authorization for the Mayor to enter into a Memorandum of Understanding with the County, Division of Children and Family Services and on behalf of the Rocky River Police Department regarding investigations of abuse and neglect for young residents in the community which is required by the Ohio Revised Code. There has been a MOU in place and after HB 4 that was effective last year, requirements to the MOU needed to be updated. There are new specific requirements to the MOU that upon passage Council would authorize the Mayor to enter into on behalf of the city. Primary goals will remain the same. Mr. Hunt reiterated the points of the MOU to read: To ensure the prompt reporting of all incidents of suspected child abuse or neglect including human trafficking; to conduct comprehensive and coordinated investigation of suspected child abuse or neglect including human trafficking; and to eliminate all unnecessary interviews with children subject to reports of child abuse or neglect. Mr. Hunt stated that this is an important piece of legislation for the prosecutors and the police department to have in hand when investigating these types of allegations. Mr. Hunt moved for passage of Ordinance No. 87-22, 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. 1-23

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
2nd READING

Mr. Moran said this has been read once and has to do with the Valleyview District where the sewer flows into the City of Lakewood. It would be millions of dollars to reverse the flow back into the City of Rocky River. Instead, the city pays the City of Lakewood for approximately 102 homes at the rate of \$113.37 which includes \$15.70 along with a \$98.28 mcf millage. The rate increases every year for the residents of

Lakewood and the Valleyview residents of Rocky River. The residents pay the same as other Rocky River residents of \$38.00 mcf, and the City of Rocky River picks up the balance.

- Mr. Furry asked what an estimated cost would be to build an additional pump station for this area as Lakewood's fees continue to increase. The Mayor stated that the administration will provide a good estimate. The Mayor said it would require a pump station at the end of Valley View. The structure would be the same size as Falmouth but it would be the evaluation of the pumping capacity. The issue of pumping up to Shoreland to Wooster to the t-track where it constricts as it travels north would be a problem. It is not just the pump station and the 102 homes but the city would need to build capacity all along the way especially the capacity that would go north from Shoreland to the t-track sewer. It is a significant undertaking.
- Mr. Moran added that the increases are slightly higher than 8% a year. Mr. Moran said that although the increase is substantial, the alternative would be millions of dollars.

ORDINANCE NO. 2-23

BY: CHRISTINA MORRIS

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO APPROPRIATE FUNDING FOR SYSTEMS GROUP TECHNOLOGY, LLC, IN AN AMOUNT NOT TO EXCEED \$40,000.00, AS FURTHER DESCRIBED IN EXHIBIT "A"
2nd READING

As discussed before, Mrs. Morris said the WWTP has been upgrading their supervisory control and data acquisition software which enables the plant to be controlled from any computer in the network on the property. Currently they are using obsolete software that works but is not as effective as the new software would be in collecting data and is very expensive to maintain. The software has been transitioning since 2018 with the same company, SG Tech, but will need to accelerate the final push to finish before the capital project begins. This needs to be upgraded due to new EPA regulations. This has been approved by the WWTP Management Committee.

ORDINANCE NO. 3-23

BY: JEANNE GALLAGHER

AN ORDINANCE AMENDING ROCKY RIVER CODIFIED ORDINANCES SECTION 1181.13 ENTITLED "LIGHTING REGULATIONS", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
2nd READING

Mrs. Gallagher said this has been referred to the Planning Commission. The Planning Commission met on January 19th and discussion ensued. The Planning Commission approved this ordinance as it is written. This is to amend section 1181.13 of the Development Code because the current code has been misinterpreted to mean all light sources needed a shield so it cannot be seen in the distance.

ORDINANCE NO. 4-23

BY: JEANNE GALLAGHER

AN ORDINANCE AMENDING VARIOUS SECTIONS OF ROCKY RIVER CODIFIED ORDINANCES CHAPTER 1351 ENTITLED "ARTIFICIAL LIGHTING DEVICES", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
2nd READING

Mrs. Gallagher said this ordinance is in tandem with Ordinance No. 3-23 in regards to the light shield required section of the Code. The light trespass code is enforced by using a light brightness measurement. This will be read for a third time at the next meeting.

NEW BUSINESS:

ORDINANCE NO. 5-23**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO EXTEND A CONTRACT FOR ONE (1) YEAR FOR FULL-SERVICE VENDING WITH METROPOLITAN VENDING COMPANY FOR THE CITY OF ROCKY RIVER RECREATION DEPARTMENT, AS FURTHER DESCRIBED IN EXHIBIT "A"
1st READING

Mr. Shepherd said that in 2021 Council approved a two-year contract with Metropolitan Vending Company for vending machines located in the Umerley Civic Center. It consists of four snack machines, one food machine, one ice cream machine, two coffee machines, two change machines and one microwave. Under that proposal they agreed to a one-year extension. Under this ordinance, the city is proposing to extend this contract for one year under the same terms and conditions. Mr. Shepherd remembers a few years ago determining that the contract was fair and the commission rates are set forth in an attachment that is 28% in gross sales on snacks and food, 30% gross sale on coffee and ice cream. The vendor is willing to extend under the same terms for an additional year commencing February 8, 2023 through February 7, 2024. Mr. Snyder said that Director Holub said the vendor is ok to have three full reads. Also, the vendor is open for new ideas for products if anyone has a particular product or food to suggest.

ORDINANCE NO. 6-23**BY: THOMAS J. HUNT**

AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO TO ACCEPT A GRANT UP TO \$35,000.00 FOR THE OPERATION OF THE MARINE PATROL FOR THE YEAR 2023 AS FURTHER DESCRIBED IN EXHIBIT "A"
1st READING

Mr. Hunt said that Council is familiar with the Marine Patrol Program and every year the City receives grant funds from ODNR. Mr. Hunt reached out to Director Snyder for more information which was today. Mr. Hunt will review this and will discuss it further at the next meeting. This will have three full reads.

PUBLIC COMMENT: NONE

MISCELLANEOUS BUSINESS: Mr. Moran said that next Monday is the fifth Monday of the month so Council will not meet again until Monday, February 6, 2023. As there was no further business by members of Council, the meeting was adjourned at 7:46 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council