

CITY OF ROCKY RIVER

October 23, 2023

The Regular Legislative Meeting of Council was called to order by Mr. Moran, President of Council in the David J. Cook Council Chambers at 7:00 p.m.

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

The meeting was opened with the Pledge of Allegiance.

MOTION:

Moved by Mr. Moran seconded by Mr. Furry that the reading of the minutes of the Legislative Meeting of October 9th and the Committee-of-the-Whole Meeting of October 16th, be waived and that the minutes be accepted as submitted.

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

MAYOR'S REPORT:

The Mayor reported that Bradstreet's Landing is getting very close to completion. The fencing out front is down, the new east side driveway has had site prep done along with planting. The final course of asphalt on the driveway will be placed soon. The sculpture the city received a grant for is a large fish sculpture with a recycling component. The sculpture looks like it is jumping out of the water with all of its fins and has been installed on the lakefront without obstructing the view. The artist is an incredibly talented man. The Mayor had an opportunity to meet with the Superintendent of the job at Bradstreet's Landing and he had many compliments for Director Snyder. During the rainstorm in July, the contractor's generator ended up in the lake and Director Snyder took a kayak out and tied it off so they could pull the generator out of the lake. They really appreciated Director Snyder as he would do anything to move Bradstreet's Landing along. The considerable site prep there makes it look like a park. Residents and others will be able to enjoy it soon. There are still benches and tables to put out along with finishing touches on the pedestrian bridge, but it is moving along.

The Mayor announced that Inspector Aaron Hare received certification from the International Code Council for passing the second test for certification for residential building inspector on the first try. It is very difficult to find building inspectors, chief building officials, finance directors, recreation directors and senior center directors so when there are individuals that want to train, learn and apply that to their jobs for the City of Rocky River, the city is very fortunate. Congratulations to Aaron.

The Cuyahoga County sent out a ReadyNotify today alerting residents to sign up for scam alerts. The Mayor encourages all residents to sign up. It is extremely important. The city has sent out a few alerts through the police department as they have been identified, but this will be a more robust notification system.

The insurance process is proceeding. The RFP has been sent out. There are several companies receiving the RFP directly, but any insurance company that can write insurance for the city's scope of means can request the RFP. The city hopes to have the proposals back by early to mid-November. The responses will be reviewed with a recommendation and then to Council. Hopefully, there will be an opportunity for three full reads. In the past, they would like to be within the 30-to-60-day window to bid on the city's insurance which includes the city itself, the multijurisdictional municipal court and the regional WWTP.

Halloween will be celebrated on Halloween, October 31st from 6:00 p.m. until 8:00 p.m. Information will be sent out to alert residents regarding increased activity on the streets and sidewalks.

The Mayor respectfully requested an Executive Session under Article X, Section VI, Subsection I of the Rocky River City Charter to discuss two personnel matters.

LAW DEPARTMENT: NONE

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: NONE

MOTION:

President Moran moved to hold an Executive Session prior to the end of the Legislative Meeting under Article X, Section VI, Subsection I to discuss personnel matters, seconded by Mr. Furry.

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

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 51-23 **BY: JEANNE GALLAGHER**
AN EMERGENCY ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTIES KNOWN AS AUDITOR'S PERMANENT PARCEL NOS. 301-17-082, 301-17-083, 301-17-048, 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 remains on hold.

ORDINANCE NO. 80-23 **BY: JEANNE GALLAGHER**
AN ORDINANCE AMENDING VARIOUS SECTIONS OF ROCKY RIVER CODIFIED ORDINANCES CHAPTER 1163 ENTITLED: OFFICE BUILDING DISTRICT REGULATIONS", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
1st READING

Mrs. Gallagher is leaning towards keeping this on hold until Council has a definitive consensus regarding height restriction before it is referred to the Planning Commission. She is not comfortable referring this until she has received input from all of Council. Mrs. Gallagher stated that the majority of OB-2 is located in Ward 3 and it will affect the neighborhood she represents. She has spoken to many on Council

that feel the proposed change of 110 feet is too high and she agrees. She is more comfortable with 60 – 70 feet at most. She requested and received the Cuyahoga County Planning Commission document where they recommended a 55-foot maximum height when abutting residential districts. Mrs. Gallagher also looked at similar population cities such as Bay Village, Berea, Hudson, Chagrin Falls, Broadview Heights and Oxford, Ohio and the maximum height is 50 feet in Hudson and Broadview Heights. Mrs. Gallagher asked for further discussion.

- Mr. Sindelar stated he does not have an opinion as far as height as there is a point as to why the city has the commission it has to suggest certain things and feels he is not in a position to give an opinion on height yet.
- Mr. Shepherd stated he made a trip to Ingersol and Allen Court along with other members of Council to check out the OB-2's in these areas, the Westlake Hotel and the OB-2 building on Center Ridge. He concludes that he is comfortable including all those areas with this area if the change is made to this area, bearing in mind that this will affect that part of Ingersol if the zoning is changed to OB-2, which is the impetus for all this. The Ingersol project is an exciting project to get mixed use in this area. The current zoning for light manufacturing is obsolete and is not a well-kept area. When he walked around that area looking at reference points, he agreed that 110 feet is too much for that area. He notes that the OB-2 currently has a height of 150 feet set well before any of the current Council was on Council. It surrounds the area on Ingersol plus it surrounds Linda and Allen Court. He feels whatever is decided on here will be a transformative project, the largest project for the city since he has been on Council. He has had discussions with other people and Council and the height of 70 feet may have a consensus.
- Mr. Furry walked the property also and feels that 150 is an office building, but who is going to build an office building now. He was wrestling with 75/80 feet. He would be fine with 70 feet.
- Mrs. Morris said she would like to see the project as a step-up project rather than one continuous height. Step-up projects are good for views, so she is wondering if there is some way to ensure that it is not 70 feet or whatever height everywhere, but rather an average of differing heights. The Mayor stated that this needs to be looked at without talking about specific projects. Mrs. Morris said for any project, she would like to see that kind of thoughtfulness.
- Mr. Shepherd said Council is changing the height restriction of a zoning classification which may be a single parcel or a group of parcels. He agrees with Mrs. Morris and would like to see differentiation and he thinks the Boards usually make an effort to get that and so far, have done a good job on that. This has been presented to Council addressing just this classification and later to transfer the light manufacturing to this classification would be unwieldly for us to do that. He would have faith in the Boards that they would try to do that and maybe grant some concessions that way.
- Mr. Moran said these are numbers not to exceed and Council needs to step back and look at the entire Rocky River area and see if there is any place where some things would not fit at 150 feet. Council needs to have a number that they would be comfortable with any place in the city. Council needs to be careful not to look at this one project but try to think of the big picture in the big scheme of things. Think long term.
- Mr. Sindelar said that if 70 feet is the decision, far be it for him to blockade, but to Councilman Shepherd's point, he does not think this serves the Planning Commission and the Design Review Board as this is their profession. He is not looking to legislate design as it is not Council's role.

- Mr. Hunt is looking at the zoning map and at the various individual lots as they exist in OB-2 and there are certain areas that give reason to pause at the 110 feet. He is on board with a significant decrease. He asked if Council has looked at the permitted uses in this ordinance. He wants to be sure everyone is on board with that. Having looked at the individual parcels as they are zoned OB-2 now would be affected by the change not only by the height restriction proposed, so is everyone ok with the amended uses. In deference to the Boards and Commissions they have a vision of what those parcels can be utilized for. He would be on the lower end of a maximum height as discussed.
- Mr. Moran has reviewed it and feels that 110 feet is taller than what he would be comfortable with but thinks 60-70 feet is restrictive. He would push more for 80 feet. He thinks Council should see what the Commission will come back with.
- Mrs. Gallagher said she is comfortable with 70 feet. The Mayor said Council could send it to Planning with the change but to request details if they do not accept this height as to why. They have already modified it to 110 feet from 150 feet. There are minutes from the meeting where it was amended to 110 but this Council deserves that answer. The Mayor said this ordinance could be read this evening, amend the exhibit and then refer it. It will not be on October's agenda and the next Planning Commission meeting is November 21st.
- Mr. Snyder said this is not a hard and fast number. If somebody comes through with a knock it out of the park plan and asks for a variance, the height could change. The Mayor added that substantial variances are very difficult because the commissions honor what all of you have said.
- Mr. Shepherd feels it would pass if amended to 70 feet tonight to keep the ball rolling and hear what they have to say.

MOTION:

Mrs. Gallagher moved to amend Exhibit A for Ordinance No. 80-23, Section 1163.09, Height Requirements A2 to read OB-2 to 70 feet, seconded by Mr. Furry.

VOTE: Hunt – aye	Shepherd – aye	Gallagher – aye	Furry – aye
Morris – aye	Sindelar – nay	Moran – aye	
6 ayes	1 nay		PASSED

AMENDED ORDINANCE NO. 80-23 **BY: JEANNE GALLAGHER**
AN ORDINANCE AMENDING VARIOUS SECTIONS OF ROCKY RIVER CODIFIED
ORDINANCES CHAPTER 1163 ENTITLED: “OFFICE BUILDING DISTRICT
REGULATIONS”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
1st READING

Mrs. Gallagher referred this to the Planning Commission.

ORDINANCE NO 81-23 **BY: JEANNE GALLAGHER**
AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL
PROPERTIES KNOWN AS AUDITOR’S PERMANENT PARCEL NO. 301-18-083 FROM ITS
PRESENT CLASSIFICATION OF OB-2 OFFICE TO LB LOCAL BUSINESS, AS FURTHER
DESCRIBED IN EXHIBIT “A”
REFERRED TO PLANNING

Mrs. Gallagher said this ordinance will change the zoning classification of the old Jan Dell property on Detroit Road from OB-2 to Local Business. This was referred to the Planning Commission and will be discussed at the meeting tomorrow evening beginning at 6:00 p.m.

RESOLUTION NO. 82-23 **BY JEANNE GALLAGHER**
A RESOLUTION SUPPORTING THE PLACEMENT OF A PROPOSED SHORE STRUCTURE
AND APPROVAL OF A LAKE ERIE SUBMERGED LAND LEASE FROM OHIO
DEPARTMENT OF NATURAL RESOURCES (ODNR) ADJACENT TO PERMANENT
PARCEL NO. 301-08-004 AT 19590 FRAZIER DRIVE, ROCKY RIVER, OHIO
2nd READING

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 a third time in a couple of weeks.

NEW ORDINANCES AND RESOLUTIONS:

ORDINANCE NO. 83-23 **BY: CHRISTINA MORRIS**
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH
THE CUYAHOGA COUNTY BOARD OF HEALTH AND THE CITY OF ROCKY RIVER FOR
PHASE II STORMWATER SERVICES FOR 2024 AND 2025, AS FURTHER DESCRIBED IN
EXHIBIT “A”
1st READING

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 outflow locations with dry weather flow and 10 outflows that will be studied in the next year to determine if there is a presence of E. coli bacteria.

ORDINANCE NO. 84-23 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF
PUBLIC SAFETY SERVICE TO PURCHASE AN AVANT COMPACT LOADER FOR THE
SERVICE DIVISION UNDER THE SOURCEWELL COOPERATIVE PURCHASING
CONTRACT FROM KTS EQUIPMENT, INC., AT A COST NOT TO EXCEED \$97,752.00, AS
FURTHER DESCRIBED IN EXHIBIT “A”
1st READING

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. The city was spending to the tune of \$8,000 to assist in clearing sidewalks during the winter months. This purchase will alleviate this cost. An attachment will help to get into tight areas and will help the city out in many different ways.

ORDINANCE NO. 85-23 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF
PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH G & B ELECTRIC
COMPANY, FOR THE SERVICE DEPARTMENT FIRE ALARM INSTALLATION AT A COST
NOT TO EXCEED \$73,300.00, AS FURTHER DESCRIBED IN EXHIBIT “A”
1st READING

The city did not go with the lowest bid due to exceptions. Mr. Balla explained that Silco Fire was the lowest bid but the bid included a detailed bill for all materials with the stipulation that additional materials and services would be billed to the city, which was open ended. Also, the city would have had to outfit the 120 electrical lines with a main panel and booster panels. These items were built into the other packages. Silco said they were not responsible for fire stopping wall penetrations. Zenith was the highest proposal due to a different brand of system that included trenching underground to out buildings as opposed to pulling wire overhead. Lastly, Joe Denk with Denk Engineering had a lengthy call with G & B to clarify that they would do all the work including the 120 electrical line. For a turnkey system with installation, labor and design services, the bidding price is well worth it.

ORDINANCE NO. 86-23

BY: DAVID W. FURRY

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 951.01 ENTITLED FEES, PERTAINING TO THE MUNICIPAL SWIMMING POOL, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

1st READING

Mr. Furry stated that Ordinance 86-23 is an ordinance amending the Codified Ordinances of the City of Rocky River specifically 951.01 entitled "Fees" pertaining to the municipal swimming pool. The Recreation Department has established the need to continue a bi-annual increase in outdoor pool fees. The rate increases are basically a rounded 10% for all membership categories and a flat \$1.00-\$2.00 increase on daily admissions. The 10% is a little higher than previous increases but was precipitated by higher wages for lifeguards, supplies and chemicals. The Recreation Department has also tweaked the family max cost which was formerly 6+ to now 5+. They also changed the pricing for large private parties from a flat rate to the daily admission rate. Director Holub feels that although questions will occur over these new rates, he does not foresee any attrition of people renewing their memberships. Mr. Furry is expecting three full reads.

ORDINANCE NO. 87-23

BY: DAVID W. FURRY

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 954.01 ENTITLED FEES, PERTAINING TO THE CIVIC CENTER RECREATION FACILITIES, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

1st READING

Mr. Furry stated Ordinance 87-23 is an ordinance amending the Codified Ordinances of the City of Rocky River specifically 954.01 entitled "Fees" pertaining to the Civic Center Recreation Facilities. This is for an increase effective 1/1/24 for all admission and membership rates and is a rounded 10% for all membership categories and a flat \$2.00 increase on all daily rates. Again, we are singing out of the same hymnal as the outdoor pool increase is due to higher staff wages, chemicals, utilities, supplies, etc., Also like the outdoor pool, the revised family max is for a family of 5 as opposed to 6. These rates were last increased three years ago effective January 1, 2021. The attached fee structure was submitted, reviewed and approved by the Parks and Recreation Commission on Thursday October 12th, 2023.

- Mr. Shepherd asked if the closing time of 8:00 p.m. has been discussed to expand to a later time. Mr. Furry said it has been discussed. The Mayor will have Director Holub respond to Council regarding this matter.

CONSENT AGENDA:

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”

3rd READING

Mrs. Gallagher said this amended ordinance is to amend Section 1167.03 regarding teller machines, drive thru's in general business zones to conditional use from permitted use.

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”

3rd READING

Mrs. Gallagher said that this amended ordinance is to amend Section 1183.09 to include car washes in the schedule in the requirements set forth by Planning for regulations for uses in business districts. This is for car wash criteria which requires a minimum lot size of 2 acres and 125-foot frontage.

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”

3rd READING

Mrs. Gallagher said this amended ordinance is to amend Section 1187.23 letter i. to change the minimum number of waiting and queuing spaces from 6 to 12 in establishments serving and or selling food and/or drinks and #2 automatic car washes from 5 to 12 queuing spaces. This allows Planning to reduce or add on a case-by-case basis so as not to spill out on a street at peak times.

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”

3rd READING

Mrs. Gallagher said that this amended ordinance is to amend Section 1183.11, Supplement Regulations for certain uses to include car washes and to change letter c 8 to read the operation for any drive thru facility (which replaces the word service) shall not begin before 7:00 a.m. or later than 11:00 p.m. for any site adjacent to any residential district.

ORDINANCE NO. 79-23

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE SAFETY-SERVICE DIRECTOR TO PURCHASE A CATERPILLAR MINI EXCAVATOR FOR THE SERVICE DIVISION UNDER THE SOURCEWELL COOPERATIVE PURCHASING CONTRACT FROM OHIO CAT EQUIPMENT DIVISION AT A COST NOT TO EXCEED \$152,526.48, AS FURTHER DESCRIBED IN EXHIBIT “A”

3rd READING

Mr. Sindelar said that this was an insurance claim due to an accident. There have not been major questions and looks for passage.

Mr. Moran moved for passage of the consent agenda for Amended Ordinances 63-23 through 66-23 and 79-23, seconded by Mr. Sindelar.

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

MISCELLANEOUS BUSINESS: Next Monday is the fifth Monday of October and there will not be a City Council meeting. The next meeting will be held on November 6, 2023.

Mr. Sindelar announced that the RRHS girls' soccer team won 8-0 this evening to advance in the playoffs. The RRHS boys' soccer team won their first playoff game and will play Hawken tomorrow evening at RRHS at 6:00 p.m.

PUBLIC COMMENT: NONE

MOTION:

President Moran moved that Council move into Executive Session at 7:58 p.m. and thanked everyone for attending this evening's meeting. The Executive Session was closed at 8:27 p.m.

As there was no further business by members of Council, the meeting was adjourned at 8:27 p.m.

James W. Moran
President of Council

Susan Pease
Clerk of Council