

## CITY OF ROCKY RIVER

**October 9, 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

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 Committee of the Whole Meeting of October 2<sup>nd</sup>, be waived and that the minutes be accepted as submitted.

|                  |                    |                 |               |
|------------------|--------------------|-----------------|---------------|
| Vote: Hunt – aye | Shepherd – aye     | Gallagher – aye | Furry – aye   |
| Morris – aye     | Sindelar – abstain | Moran – aye     |               |
| 6 ayes           | 1 abstain          | 0 nays          | <b>PASSED</b> |

Moved by Mr. Moran seconded by Mr. Furry that the reading of the minutes of the Legislative Meeting of September 25<sup>th</sup>, be waived and that the minutes be accepted as submitted.

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| Vote: Hunt – aye | Shepherd – aye | Gallagher – aye | Furry - aye   |
| Morris – aye     | Sindelar – aye | Moran - aye     |               |
| 7 ayes           |                | 0 nays          | <b>PASSED</b> |

### **MAYOR'S REPORT:**

The Mayor reported that 150 cars lined up for the shredding truck Saturday. This continues to be very popular with the residents. A big thank you to Mark Filipic and the Safety-Service Director's Department, the Police Auxiliary and one of the CSO's that helped to manage the vehicles. The city will continue to schedule the shredding event. The city has received grants from the Solid Waste District to hold this event.

The Mayor shared that she met with staff from the Aerozone Alliance, the Business Retention and Expansion Group along with Jobs Ohio, Team NEO etc. They met with Earnest Machine and World Shipping and discussed their pain points and what it is that they need to remain in Ohio, expand in Ohio and certainly in Rocky River. Talent acquisition, skill sets that are required in advanced manufacturing especially for Ernest Machines was discussed. There were very interesting discussions with a lot of take aways that now sit with Jobs Ohio and Team NEO and the greater Cleveland Partnership to assist two of these incredible businesses in our community that are looking to expand. World Group has acquired companies and had a very interesting conversation about their global footprint and the kinds of things they are doing.

The Mayor shared Building Stats through the month of September 2023:

- Total permits are 1373 which compares favorably, up slightly from this time last year.
- Total investment dollars are significant: Valuation is more than \$64,000,000 in new investment valuation as compared to almost \$37,000,000 at this time last year. That out paces the total for many years. Investment is continuing. This does include Roundstone's investment, but not TRG Investment.

The Mayor said that the Pedestrian Bridge is being set and placed at Bradstreet's Landing this week.

The Mayor reported that the Senior Center Staff and Administration have been working with an architect on the expansion project to the Senior Center. This was discussed at last year's budget meetings regarding the gymnasium and various spaces associated with that and the addition of a lecture hall and a refresh on the exterior of the Senior Center. This was built into the budget last year and plans are ready to go to the Planning Commission and the Architectural Review Board. There will not be a BZA component included with this. The Mayor shared renderings of the plans which were shared with Seniors Council, staff, instructors and other stakeholders first. They have been a part of this because the Strategic Plan was a big part of the lead up to the reaccreditation that they completed. There has been a lot of work and a lot of thought put into where the plans are at this point. The Mayor explained the renderings to City Council. During construction, the Senior Center will remain open and there will be usable restrooms. The Mayor said that the last edition of the Quill punctuates the need for these expansions. There are historical lectures and art lectures making the Center a place for lifelong learning. The fitness classes: chair volleyball, pool noodle hockey, dance classes, yoga will be moved to the new gymnasium. There has been good stakeholder engagement of the seniors, staff and instructors. The Mayor thanked City Council for their support for this project during the budget process.

- Mr. Sindelar asked if the expansion will tie into the existing roof where part of it was replaced a few years ago. The Mayor said they are using the existing roof and building off of it.
- Mrs. Morris congratulated the architects and designers on the shape of the building as it echoes the Police Station and City Hall. It looks cohesive with the other buildings.
- The Mayor said that when the Senior Center was built, they wanted it to have a Frank Lloyd Wright kind of look. They took that and were respectful to honor what already exists there and to tie things in.

**LAW DEPARTMENT: NONE**

**COMMITTEE REPORTS: PARKS, RECREATION and HEALTH:** Mr. Furry said that Parks and Rec will meet this Thursday at 7:45 a.m.

**COMMUNICATIONS FROM COUNCIL:** President Moran discussed the notices received from the Liquor Control Board regarding Thai Cravings on Detroit Road and Empire Foods, Gourmet Guy on Lake Road. Chief Lichman reported no police concerns with either establishment.

- Mr. Furry asked that since it is a transfer for Thai Cravings is it necessary to approve for moving 100 yards. Mr. Moran said that since it is a change of address it needs to go through the process.

City Council agreed to approve both Liquor License requests.

**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. This ordinance remains on hold.

**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"**  
**2<sup>nd</sup> READING**

Mrs. Gallagher said this ordinance has been recommended back to Council. The next four ordinances are intertwined. The Planning Commission has seen a need to propose a change in car washes from permitted to conditional use in general business zoning districts. This is to amend Section 1167.03 regarding the teller machines and drive thru 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"**  
**2<sup>nd</sup> READING**

Mrs. Gallagher said that this 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"**  
**2<sup>nd</sup> READING**

Mrs. Gallagher said this 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 drinks and 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 during 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”  
2<sup>nd</sup> READING**

Mrs. Gallagher said that this ordinance is to amend Section 1183.11, Supplement Regulations for certain uses to include car washes and to change C8 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. 78-23**

**BY: JAMES W. MORAN**

**AN EMERGENCY ORDINANCE AUTHORIZING THE RATIFICATION OF THE PAYMENTS TO SHELLEY 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”  
3<sup>rd</sup> READING**

Mr. Moran said this was discussed the last couple of weeks. This was the stone and cement needed for a street repair. Shelly had it in stock at the time and there was an immediate and necessary need for it. It was purchased and this ordinance is to pay Shelly for the cost of the supplies needed. Mr. Moran moved for passage, seconded by Mr. Furry.

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|-------------------------|----------------|-----------------|---------------|
| <b>VOTE:</b> Hunt – aye | Shepherd – aye | Gallagher – aye | Furry – aye   |
| Morris – aye            | Sindelar – aye | Moran – aye     |               |
| 7 ayes                  |                | 0 nays          | <b>PASSED</b> |

**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”  
2<sup>nd</sup> READING**

Mr. Sindelar said that this was an unforeseen need as it replaces equipment that was in a rollover accident. The previous excavator was purchased in 2012. The damaged excavator was sold for parts on Gov.Deals in the amount of \$15,600. The city received \$58,786 from insurance plus the \$15,600 went towards the purchase price. The purchase is made under the Sourcewell Cooperative contract and received a 20% discount and an 11% discount working with Ohio CAT. This equipment will be primarily used by the Sewer Department.

**NEW ORDINANCES AND RESOLUTIONS:**

**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” ON HOLD**

Mrs. Gallagher said she would like to put this on hold.

- Mr. Shepherd said that if this is a change in an OB-2, he cannot tell if there are any other areas in the city that are OB-2. It looks like it is the Ingersol area and OB-2 goes around Allen Court and on Center Ridge Road. Mr. Shepherd said he wants to be clear that changes in OB-2 need to apply to other areas in the city. Mr. Shepherd requested a copy of the zoning map of the city for all council.
- Mr. Moran asked if this will be referred back to Planning. Mrs. Gallagher said not yet since she has not seen the Development Plan yet.

**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”****1<sup>st</sup> READING**

Mrs. Gallagher said that this ordinance will change the zoning classification of the old Jan Dell property on Detroit Road from OB-2 to Local Business. It is currently a non-conforming retail use and the new owner would like to redevelop the parcel to allow for a use consistent with the City’s Master Plan which seeks to promote a walkable commercial district on Detroit. Mrs. Gallagher would like to refer this to Planning.

- Mr. Sindelar asked if this parcel includes the portion of gravel by Jan Del. The Mayor said no, that it was for sale.

**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****1<sup>st</sup> READING**

Mrs. Gallagher said that the Ohio Department of Natural Resources real estate and land management requires the city to pass this resolution to support the placement of a proposed shore structure adjacent to 19590 Frazier Drive. The city does not require this for any future improvements.

- Mrs. Morris asked when the next Planning Commission meeting is. Mrs. Gallagher said Tuesday, October 24<sup>th</sup>.
- Mrs. Morris commented on Ordinance No. 81-23 that there is a lot going on right now and residents should understand what is happening. In the past, the city has not been as transparent as

they needed to be. She wants to be sure residents are aware with a larger notification. Mrs. Gallagher stated that the zoning must be changed. Mr. Moran said there will be a lot of discussion and all points need to be clarified to be sure residents understand what is going on.

- The Mayor added that the City follows the Code and there are private property rights. If Council wants to modify, so that any developer understands that the city will notice a wider footprint. When items are posted on the website, residents need to go to the website to look for it.

#### **MISCELLANEOUS BUSINESS: NONE**

**PUBLIC COMMENT:** Mrs. Jody Hobson, 19441 Riverwood Avenue said she is excited about the renovations of the Senior Center. It will be a jewel in Rocky River's crown. Jody worked for the Senior Center for 7 years and instructed art classes. The Senior Center means a lot to her. One of the questions she has is why it is open only on weekdays. Can that be changed? Jody is asking to rent the Senior Center for her small Church fellowship. The Mayor said there are no rental spaces in the Senior Center. Jody asks if there could be rental spaces. The Mayor explained that once a space is open, that space can be rented by anyone. The cost would be prohibitive because the building would need to be staffed, maintained etc. The Mayor will discuss this with the Director and staff.

Ms. Anne Douglas, 22160 Detroit Road, Rocky River, thanked Council and the Administration for their public service. She is here regarding the scandal revolving around Officer Bernhardt. The police report has come out and it is another troubling thing with an Officer who is paid to protect our students and school and is messing around with girls. This is not what we want for our kids. Her concern is why his phone was not subpoenaed. It seems like an inconsistent application of justice compared with what is going on with Principal Horton. It looks corrupt like someone is protecting Officer Bernhardt. It looks like he has friends on the force or in the law department. It does not look good. She wants a thorough investigation of this Officer and all the information that has been obtained to get to the bottom of it. She also wants to know what his consequences are. She wants these people to be held accountable. Mr. O'Shea responded that the city utilized an outside independent investigator for a reason because people are grossly suspicious if you are investigating your own. When that decision is made, the city cannot have their hands on the steering wheel. We cannot say this is what we want you to do or not do. The city needs to defer entirely to his or her judgement when an outside independent investigator is hired. If you do otherwise, you taint the process. The investigator had access to her phone and have all the messages she saved. Snap Chat messages disappear in a short period of time. Regarding what happens now, the CBA, Collective Bargaining Unit has a process that the administration must follow very closely to initiate an administrative investigation, which is now in process. The city must complete this and afford the person being investigated all the due process rights, otherwise the union will say the city did not follow protocol. The city needs to be very careful and meticulous adhering to this process. The administration is engaged in this process now. Ms. Douglas asked why the report was released. Mr. O'Shea said the city received the report and the report was requested by Ed Galek. Once the report was released to the Union, it became a public record. Once that happens, the city must disclose the report to whoever asks for it.

President Moran said it takes time and there are steps to follow. No one is covering anything up, but trying to make sure it is right. The rest will come out when it comes out. The Mayor added it needs to be thorough, accurate and the results definitive. Officer Bernhardt is on administrative leave.

Mr. O'Shea begs everyone to use a great amount of discretion because of what this poor young woman and family have already been through. Please respect the dignity of this family.

As there was no further business by members of Council, Mr. Moran adjourned the meeting at 7:54 p.m. The next meeting will be a Committee-of-the-Whole Meeting on October 16<sup>th</sup>.

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James W. Moran  
President of Council

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Susan Pease  
Clerk of Council