

CITY OF ROCKY RIVER

May 13, 2024

The Legislative Meeting was called to order by Mr. Furry, President of Council, immediately following the Public Hearing and CIC Meeting in the David J. Cook Council Chambers.

Council Members Present: Mr. Hunt, Mrs. Gallagher, Mr. O’Boyle,
Mrs. Morris, Mr. Sindelar, Mr. Furry

Council Members Absent: Mr. Shipp

Administration: Mayor Bobst, Mr. Thomas

Law Director: Mr. O’Shea

MOTION:

Moved by President Furry seconded by Mrs. Morris that the reading of the minutes of the April 22nd Legislative Meeting be waived and that the minutes be accepted as presented.

Vote:	Hunt – aye	Gallagher – aye	O’Boyle – aye	
	Morris – aye	Sindelar – abstain	Furry - abstain	
	4 – ayes	2 – abstain	0 - nays	PASSED

Moved by President Furry seconded by Mrs. Morris that the reading of the minutes of the May 6th Public Hearing and the Committee-of-the-Whole Meeting be waived and that the minutes be accepted as presented.

Vote:	Hunt – aye	Gallagher – aye	O’Boyle – aye	
	Morris – aye	Sindelar – aye	Furry - aye	
	6 – ayes	0 - nays		PASSED

MAYOR’S REPORT:

The Mayor said that the Consolidated Dispatch Report, it’s an alternatives analysis and the Operational Plan Report draft has been received by the WestShore Communities. The Mayors along with the Chiefs are reviewing it. They will be convening on May 23, 2024 to have a full discussion so that document can be finalized and determine a path forward. This is the consolidation of Police into the Fire Dispatch Center that the cities currently have.

The Sewer Flow and Strength Study has commenced. The Mayor reported that this is ongoing with several monitors in the entire system which includes Fairview Park, Westlake, Rocky River and Bay Village. There has been a lot of rainfall which is extremely important to the accuracy going forward with the Sewer Flow and Strength Study. When the study is complete, it takes some time to evaluate all the data. The study is important as it indicates the percentage of the cost to operate the plant that each community will pay for the processing of wastewater treatment. This is done on a regular basis.

The City of Fairview Park wants to establish a Regional Sewer Task Force. They are working on that and as soon as the Mayor receives information on how this will be pursued for a unified voice to ask State and Federal Officials for additional dollars to work on infrastructure interests, specifically sewers, to help with the flooding issues that Fairview experienced and to some extent Rocky River. The City of Rocky River has worked on sewers diligently for 20 plus years with fourteen overflows that is now down to under two. We’ve made great progress but there is always opportunities for additional funding.

The Mayor announced a Police Entrance Exam on a day that all are a bit saddened about the events over the weekend in Euclid and the death of a young, dedicated officer. As a City Council and a City Administration our hearts and prayers go out to his family, the Euclid Police Force along with our own Police Force that understand some of these dangers that can happen on any day at any time. The National Entrance Exam begins June 1st through June 30th, with the opportunity to designate the City of Rocky River. At the same time, there are lateral transfers posted so experienced officers could apply to the City of Rocky River to fill positions. The City of Rocky River is in good shape but there are a couple of retirements looming. The City wants to be sure that there is a full complement of officers in the Police Department to answer the needs of the residents and keep the community safe.

The Mayor shared Building Stats through the end of April:

- 494 building permits have been pulled compared to 434 building permits in 2023, so is up 60 permits.
- The added valuation this year is \$16.5 million as compared to last year at \$21.6 million. As the summer months approach, this tends to grow. The growth is mostly in residential investment, with additions and improvements to resident's homes. The Mayor is thrilled that residents are investing in the community as they believe this is a community worth investing in.

Mr. David Allen, an esteemed member of the Planning Commission and in attendance this evening, sent the Mayor a notation that his mom who lives in Rocky River was going through old files and came across an attached clipping dated at or around 1979. It lists the appointment of Ernest Himebauch to the Planning Commission by Mayor Martin who was the Mayor for twenty-four years in the City of Rocky River. Mr. Himebauch is the grandfather of David Allen. Thank you for sharing that.

The Northern Lights on Friday night brought many visitors to Bradstreet's Landing, Rose Point and beyond. It was busy and everyone stayed safe.

The ice is off the ice rink and the flooring is being placed which will be used for Summer Camps and Summer Activities. There is new lighting at the rink and the Mayor encourages Council to visit the rink to view the improvements.

The Spray Ground will be open prior to Memorial Day with the outdoor pool opening the first week of June, coinciding when school is let out.

Tree City U.S.A. is this Thursday. This will be the occasion of the City of Rocky River receiving it's 40th Consecutive Tree City U.S.A. Designation and the ninth consecutive Growth Award which is going above and beyond in Urban Forestry. The Mayor thanked the Parks Department, all the arborists and Director Rich Snyder.

Seniors Council, which is a group of Seniors that serve in Leadership roles for the Senior Center and provide great guidance to the Senior Director as well as staff. They had a fund raiser and raised \$8,352 from their "Night at the Races". This is for extras over at the Senior Center. Thank you to all of Council that supported this event.

The Mayor mentioned that the non-profit "Carry the Load" will be visiting the Rocky River Fire Station tomorrow. "Carry the Load" is a National Relay to honor the sacrifices of our Nation's Hero's. They are stopping by the Rocky River Station tomorrow to show their appreciation for the sacrifices our Safety Forces make daily. "Carry the Load" is a non-profit dedicated to providing active meaningful ways to honor and celebrate the sacrifices made by our nation's hero's, Military, Veterans, First Responders and their families. The relay begins in Minneapolis and spans the month of May traveling across the country until they reach Dallas by foot. They have visited in the past along with the group "Tour of Duty".

LAW DEPARTMENT: NONE

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: NONE

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

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"
3rd READING

Mrs. Gallagher said Amended Ordinance No. 51-23 has been on the agenda for eleven months now. Mrs. Gallagher thanked everyone for being so patient and conscientious of this ordinance. It is to change the zoning classification of four parcels currently zoned Service Manufacturing. Auditor's Permanent Parcel 301-17-082 at 19851 Ingersoll Drive, Parcel 301-17-083 at 19871 Ingersoll Drive, 301-15-048 at Smith Court and Parcel 301-17-084 on Ingersoll Drive. This zoning request was the impetus for Ordinance No. 80-23 whereas various sections of Chapter 1163 of the Development Code were amended, particularly sections addressing use regulations, lot regulations, setback regulations and height regulations. These changes were approved by the Planning Commission and recommended for passage by this body. Mrs. Gallagher was very involved with this as a committee member on Planning as well as the representative for Ward 3 where this area is located. Mrs. Gallagher did her best to make residents aware and to be completely transparent in this very important change to the Code and what the changes would mean for redevelopment in the future. There were Public Hearings before the Planning Commission and before City Council to be sure all voices that wanted to be heard, were heard. Mrs. Gallagher thanked everyone involved in these two ordinances for their engagement and their patience. Mrs. Gallagher has to trust the decision on 80-23 even though her personal comfort level was on the lower end of the maximum height allowance in OB-2. Chairman Bishop and the Board assured Council that the reason for these changes were to limit or eliminate requests for variances. She has to trust that they are truthful in that statement and there will be no height variances requested or granted for these OB-2 Districts going forward and Council wishes and resident wishes be honored. Mrs. Gallagher moved to approve amended Ordinance 51-23 which changes the zoning classification of these four parcels from Service Manufacturing to OB-2 Office. This zoning classification will foster cohesion with the surrounding properties in this area. Mr. Furry said that Mrs. Gallagher moved for passage of Amended Ordinance No. 51-23 seconded by Mr. Sindelar and asked for discussion:

- President Furry poured through 1135.21 which is the guideline for amendments to change zoning and it checked all the boxes. There were a couple boxes that weren't applicable, or he is trusting the Boards and Commissions that whatever the project comes out they will do their due diligence. Mr. Furry also reiterated what he said when this was first read that Northern Title did the transfer on this to Ingersoll Development Partners LLC, but it was seller driven. Law Director O'Shea said Mr. Furry has disclosed this but does not need to be recused from voting.
- Mrs. Morris said that she too is putting a lot of trust in the Planning Commission and she believes they will do their best to make sure that this property once the zoning is changed is going to be a really great property. She thinks they have high expectations and she appreciates that. Mr. Furry said that we can all agree that Service Manufacturing is obsolete.
- Mr. Hunt has had the opportunity over many months to contemplate this ordinance and take a look at the application of 1135.21 and the subsections with regard to rezoning and he feels Council President and the Mayor hit the nail on the head that the current zoning is not appropriate and is incompatible and one could argue that it would be less appealing to have some type of new business under the current zoning of Service Manufacturing than it certainly would with some other type of development. In looking at that

area, it should be noted that the Linda Street area and Ingersoll area has changed complexion over the course of the years in terms of the uses there and what has become a more walkable area for Mitchell's and the various shops and establishments on Linda Street. Mr. Hunt thinks the proposed change is appropriate. Finally, the adjacent property within that snapshot of an area is currently zoned OB-2. It would be more consistent to have the four parcels being discussed line up in terms of zoning. After careful consideration of those concepts and the application of 1135.21, he is in favor of the passage of 51-23.

Vote: Hunt – aye	Gallagher – aye	O'Boyle – aye
Morris – aye	Sindelar – aye	Furry - aye
6 – ayes	0 - nays	

PASSED

AMENDED ORDINANCE NO. 7-24

BY: MICHAEL J. O'BOYLE

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 1135.09 ENTITLED PUBLIC HEARING AND NOTICE BY PLANNING COMMISSION AND SECTION 1135.13 ENTITLED PUBLIC HEARING AND NOTICE BY CITY COUNCIL, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
3rd READING

Mr. O'Boyle said that given the fact that the Planning Commission has thoroughly looked at this ordinance and they had their Public Hearing on March 19th and referred it back to City Council and the fact that we had a Public Hearing tonight on the very same topic, he is ready to proceed to move this ordinance for passage, seconded by Mrs. Gallagher. The Mayor added that this has been used while it has been in process and had some positive feedback so thank you to Council members who encouraged the City to do this. It will happen in two situations; (1) is a rezoning and (2) is any changes to the Development Code, which Amended Ordinance No. 7-24 is. It leaves everything else in place and is just additive. Thank you for all your good work, both with the website as well as this.

Vote: Hunt – aye	Gallagher – aye	O'Boyle – aye
Morris – aye	Sindelar – aye	Furry - aye
6 – ayes	0 - nays	

PASSED

ORDINANCE NO. 21-24

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH AMERICAN STRUCTURE POINT, INC. FOR THE CENTER RIDGE GATEWAY IMPROVEMENT PROJECT DESIGN AND ENGINEERING SERVICES AT A COST NOT TO EXCEED \$406,271.00 FOR BASE SERVICES AND SIGNAL DESIGN AND \$25,000.00 FOR NECESSARY SCOPE WORK, AS FURTHER DESCRIBED IN EXHIBIT "A"
3rd READING

Mr. Sindelar said this has been discussed for several weeks as he refers to this as a transformative project and something the city has been looking towards from several years ago starting out with a grant to look over the signaling and the walkability and the availability of change on Center Ridge including traffic studies. Looking forward this is the start of the capstone to those studies and it is appropriately titled as the Center Ridge Road Gateway Improvement Project. As he has discussed, it involves pedestrian signal, green infrastructure improvements between Spencer Road and Pease Drive with resurfacing and pedestrian improvements from Spencer Road to Wooster Road totaling about 1.5 miles of Center Ridge Road. As he has said, it really is going to change and add beauty and depth to an otherwise mundane and plain entrance to the city. Mr. Sindelar moved for passage of Ordinance No, 21-24, seconded by Mr. Furry. Mrs. Morris stated that she is very excited about this and appreciates that this is happening. Mr. Furry said that the City of Fairview Park is also contributing financing for their portion. The Mayor said this is the quad-fecta of funding with four outside funding sources to complete this project along with some city resources and funding as well. Very pleased to see this finally takeoff as it has been a large focus in the Master Plan and has not been the easiest lift but we are here.

Vote: Hunt – aye	Gallagher – aye	O'Boyle – aye
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Morris – aye
6 – ayes

Sindelar – aye
0 - nays

Furry - aye

PASSED

RESOLUTION NO. 22-24

BY: THOMAS J. HUNT

AN EMERGENCY RESOLUTION APPROVING THE CUYAHOGA COUNTY 9-1-1 PLAN DATED MARCH 6, 2024

2nd READING

Mr. Hunt said this has been discussed for a few weeks and will continue discussion next week and have a third read at the next Legislative Meeting.

RESOLUTION NO. 23-24

BY: THOMAS J. HUNT

AN EMERGENCY RESOLUTION VOTING FOR A MAYORAL REPRESENTATIVE FOR APPOINTMENT ON THE CUYAHOGA COUNTY 9-1-1 PROGRAM REVIEW COMMITTEE

2nd READING

Mr. Hunt said that unless there are any questions on this, this will be discussed again next week prior to a third read. This is a companion piece to the prior resolution regarding appointing a Mayoral Representative on behalf of members of the 9-1-1 Program Review Committee.

ORDINANCE NO. 24-24

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH RMH CONCRETE & FOUNDATIONS, INC., FOR THE 2024 STREET REPAIR PROGRAM PHASE I AT A COST NOT TO EXCEED \$1,224,730.81, AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Sindelar said that with the ongoing maintenance of the streets and annual repair projects, this is one of the many in the cycle. As discussed, the city does an adept job at rating based on the curbs, the quality of the asphalt through a ranking system that is updated continually. The streets as they are done, are given an A and the other ones are moved up so it is a continuous cycle. This will be discussed next week and a third read the following week. The Mayor added that after the ranking is done and the objective criteria are applied to the streets, the city looks at what has to happen underneath the street. That includes contact with Dominion, the Water Department, looking at the sewer and televising it to make sure there isn't any work that has to happen underneath the roadway before paving. This is a two-step process and sometimes there are full-depth repairs needed.

ORDINANCE NO. 25-24

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH F. P. ALLEGA CONCRETE CONSTRUCTION CORPORATION FOR THE 2024 SIDEWALK PROGRAM IN AN AMOUNT NOT TO EXCEED \$564,281.70, AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Sindelar said this is becoming an annual program and F. P. Allega has the knowledge to complete this work. They are a previous contractor and the city was satisfied with their work. The price they charge the city is the same for the private side when they must pay for their own.

ORDINANCE NO. 26-24

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH CARRON ASPHALT PAVING, INC., FOR THE CIVIC CENTER AND LINDEN PARK ASPHALT PATH REPLACEMENT PROJECT AT A COST NOT TO EXCEED \$160,880.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Sindelar said that one of the parts of this project that is exciting is the path replacement project around the Recreation Center and continues around to the Senior Center and the Linden Park path replacement. There is a young man in the city, Evan Baisch, that will complete his Eagle Scout Project, “Storybook Trail” once the path is replaced. The Mayor said that Evan received a grant from the State of Ohio for the “Storybook Trail”. Mr. Furry said that similar to 25-24 there were a lot of competitive bids on these projects.

NEW BUSINESS:

RESOLUTION NO. 28-24

BY: PAUL SHIPP

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ADMINISTER A NATUREWORKS GRANT FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR ELLE’S ENCHANTED FOREST

1st READING

The Mayor said the city will apply for a Natureworks Grant, with a maximum on the grant is \$150,000 with a 25% match. The city is finalizing what the project will entail, and Council will have that information before this resolution is passed. The administration wanted the resolution before Council as a parallel process, so once they have all the details for Elle’s Enchanted Forest, the resolution would already be before Council. There have been a lot of dollars donated for this project. This is an all-inclusive playground for those with disabilities, mobility issues and sensory needs because of the Cleveland Clinic Autism Center at the Recreation Center.

- Mrs. Gallagher asked when the grant is due. The Mayor said the grant is due at the beginning of June. There have been discussions with the Recreation Department and a small group doing fund raising and some of the planning for this playground. Elle is a young lady who was born in the City of Rocky River and they continue to contribute to this effort. There is a tree on the playground that lists all the entities and individuals that have contributed to this beautiful playground.
- Mr. O’Boyle asked where the playground is located. The Mayor said it surrounds the gazebo on City Hall Campus. If children are in a wheelchair or need special assistance, it is all built to accommodate them and anyone with mobility issues.

COMMITTEE REPORTS: NONE

COMMUNICATIONS: NONE

MISCELLANEOUS BUSINESS: Mr. Hunt wanted to add to the record regarding 51-23, he wanted to add to his other comments regarding 51-23, that despite the Public Hearing where folks appeared and made comments, he said for the record he hasn’t received one comment in opposition of 51-23 and that has been pending since last year. He thinks it is important to note that he did not receive any communications in opposition or disfavor of that ordinance. Mr. Furry did not either. The Mayor said that the important work that Council did on the Development Code regarding OB-1, OB-2, OB-3 and the Planning Commission, the Mayor thinks that was the critical part of the issue. Focusing on that and getting that right was so important and the rezoning followed. Mr. Hunt agrees but it should not be lost that there was nothing heard in opposition after those determinations were made.

PUBLIC COMMENT: Mr. Robert McCrae, 19313 Shoreland Avenue, has concerns about the Community Improvement Corporation which met earlier tonight. He requested that the Articles of Organization of the CIC be reconsidered, specifically the 6th article refers to the allowance of members to conduct financial transactions with the CIC. Although he appreciates that the organization does not have any current activity, it is worth noting that a lot of other cities where the CIC organizational documents sometimes completely prohibit financial transactions

between the members and the CIC. In the case of Rocky River, our city allows reasonable compensation for transactions. Hopefully it is a worthwhile organization but, in the future, he would like to see if there is not full transparency in public meetings as to the finances of the CIC then in exchange, he would like to see the articles of organization amended to disallow financial transactions like this. The reasonableness test is very difficult for all the members of the organization to assess, especially if it is regarding professional services or real estate services. It would require the members of Council to determine what is reasonable or not in an invoice that is submitted for payment. Who knows if \$1,000 or \$10,000 is reasonable. It is a very difficult judgement call. For full transparency, he would like the city to take the high road here and disallow those types of transactions. Mr. McCrae stated that Mr. Furry indicated earlier that there is a need for the Ethics Commission Disclosure as members of the CIC and he knows that three of the six current members did disclose it on the recent form and he would like to ask that all six to disclosed on their form their membership in the CIC in the future. Mr. Furry read Article VI and he read: Books, Records and Accounts: The corporation shall keep correct and complete books and records of accounts. The corporation shall also keep minutes of the proceedings of the members. The Board of Directors and Committees of the Board of Directors all funds of the corporation shall be deposited in account or accounts credited to and in the name of the Corporation and no disbursements therefrom shall be made except upon checks or withdrawals orders bearing the signature of signatures specified by resolution of the Board. Mr. McCrae said he is referring to a copy that was on the State of Ohio website. Certainly, if that is an obsolete copy, that's fine. Mr. Furry said that is a good point and it will be looked into, but that is not the intent. The Mayor said the city received a confidential draft of the auditor's report stating that the Corporation had no cash, assets, liabilities, revenues, or expenses in 2023 or 2022. That audit will be released shortly. Mr. McCrae said he would add that the audit is testing compliance with the state laws, and perhaps might not disclose unreasonable expense amounts and also the latest auditors state report is three years old on their website. It could be accomplished with full disclosure in public meetings of the expenditure if a project is started. He appreciates Council's time.

Mr. Roland Straubs, 22564 Sunnyhill Drive, is here representing the neighbors on the north side of Sunnyhill that are affected by the Kreuger project specifically the lighting and the fencing. The fence was put in today. He has the minutes of a meeting in November of 2021 where they had promised a three-foot mound with a six-foot fence. The mound has not been put up. He thinks that was an important part of the project for the neighbors who now have 200 new neighbors quickly. That has not been done and he is not sure what is happening from there. There should be some acoustical considerations as far as not just a cedar fence. The Mayor was kind enough to offer a meeting with Kreuger and other parties involved concerning the lighting. The Mayor said shields have been ordered for the lighting. The Mayor has minutes from October 2021 minutes and it quotes you came forward and would like to reinforce the recommendation for a fence because a three-foot mound won't do it. There is not a mention of a mound and a fence. Mr. Straubs said that was an error as the discussion was a three-foot mound with a fence on top of it. Also, they were going to put quite a bit of trees that over time would benefit acoustically. He heard from the grapevine that the budget was cut by \$30,000 for plants. The Mayor said whatever they submitted and agreed to with the Planning Commission, is enforced. The Mayor said she will set up another meeting. The Building Commissioner looked up all the minutes on what was said and what was agreed to.

As there was no further business by members of Council, the Legislative Meeting was adjourned at 8:03 p.m., seconded by Mr. Hunt and Mrs. Morris. There will be a Committee-of-the-Whole Meeting on May 20th.

Vote: Hunt – aye	Gallagher – aye	O'Boyle – aye
Morris – aye	Sindelar – aye	Furry - aye
6 – ayes	0 - nays	

PASSED

David W. Furry
President of Council

Susan G. Pease
Clerk of Council