

CITY OF ROCKY RIVER

July 22, 2024

The Legislative Meeting 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. O’Boyle,
Mr. Shipp, Mr. Sindelar, Mr. Furry

Council Members Absent: Mrs. Morris

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

Law Director: Mr. O’Shea

The meeting was opened with a Pledge of Allegiance.

MOTION:

Moved by President Furry seconded by Mr. Hunt that the reading of the minutes of the July 8th Legislative Meeting, the Special Meeting and Committee-of-the-Whole Meeting of July 15th, be waived and that the minutes be accepted as presented.

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

MAYOR’S REPORT:

The Mayor announced that Tri-City Park’s playground will be removed this week by the City of Rocky River, the site work will be completed by the City of Westlake and on August 5th the new playground equipment will be installed. This Wednesday evening the movie “A Christmas in July” will be hosted at Tri-City Park by the Cities of Rocky River, Fairview Park and Westlake.

The Mayor also announced that the intersection at Wagar Road and Hilliard Blvd. is complete. Thank you to Director Snyder for moving it along and completing it ahead of schedule.

The Recreation Department began their yearly shut-down today. The Fitness Area is open this week, with refurbishing being done in other parts of the building. The refurbishing will continue for two weeks. The gymnasium will be closed from July 22nd through September 2nd.

The Mayor is happy to report that the Firing Range in the Police Department Building is substantially complete, with a few punch list items to address. The city received funds from Cuyahoga County for this project.

The Mayor announced that the administration was notified by Enbridge Gas Ohio, the new name of Dominion, that a gas line project will be mobilized in early August on Riverwood from Lakeview to Wooster and Wooster to Detroit. The city is hopeful that there will not be any trenching and they will be able to do their work without disturbing tree lawns. The gas line is located under the road and not in the tree lawns. Residents in that area will be notified.

The Mayor shared that the zoning map that is sponsored by Councilman O'Boyle and has been referred to the Planning Commission, will be holding a Public Hearing at 6:00 p.m. on August 6th. The notifications for the Public Hearing were mailed on Friday with 325 notifications being mailed. The notification will also be sent out by ReadyNotify. There were a couple of different sets of communications because on Exhibit B many of those listed had already been rezoned several years ago, but the changes were not memorialized on the zoning map as they should have been. This was done to be comprehensive, transparent and provide one document with all the information. All the necessary individuals have been notified.

The Mayor respectfully requested an Executive Session this evening under Article 10, Section 6, Subsection 1 regarding the employment, dismissal and discipline of a public employee.

President Furry moved for Council to meet in Executive Session this evening under Article 10, Section 6, Subsection 1 regarding the employment, dismissal and discipline of a public employee, seconded by Mr. Hunt.

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

LAW DEPARTMENT: Law Director O'Shea will give his report during the Executive Session.

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 32-24 **BY: MICHAEL O'BOYLE**
AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP (EXHIBIT A) REFERENCED WITHIN PART ELEVEN OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER CONCERNING LAND USE PLANNING AND ZONING AND FURTHER KNOWN AS THE DEVELOPMENT CODE ON HOLD

Mr. O'Boyle said this is an ordinance to amend the official Zoning Map of the city. As the Mayor just discussed, this remains pending and is on hold with the Planning Commission and will be discussed during a Public Hearing on August 6th, after which he hopes to have enough information to vote on this amended ordinance.

President Furry said that City Council will hold off on scheduling their Public Hearing regarding this ordinance until Council is back from recess.

RESOLUTION NO. 38-24 **BY: DAVID W. FURRY**
A RESOLUTION AUTHORIZING THE CERTIFICATION OF DELINQUENT SANITARY SEWER ACCOUNTS TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION, IN ACCORDANCE WITH THE LAWS OF THE STATE OF OHIO AND AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
3rd READING

Mr. Furry said that Council received the revised exhibit for this resolution. The parcels went from 532 total parcels to 322 parcels with dollars to be assessed at a little over \$158,000 to slightly over \$119,000. This is a yearly resolution to certify special assessments to the County Fiscal Officer for unpaid delinquent sanitary sewer accounts. The County charges a 1% fee. Mr. Furry moved to amend by substitution Exhibit A for the Special Assessment Certification List, seconded by Mrs. Gallagher.

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

AMENDED RESOLUTION NO. 38-24**BY: DAVID W. FURRY**

A RESOLUTION AUTHORIZING THE CERTIFICATION OF DELINQUENT SANITARY SEWER ACCOUNTS TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION, IN ACCORDANCE WITH THE LAWS OF THE STATE OF OHIO AND AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

3rd READING

Mr. Furry said this has been discussed and it has been amended. Mr. Furry moved the amended resolution for passage, seconded by Mr. Hunt.

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

PASSED**ORDINANCE NO. 42-24****BY: BRIAN J. SINDELAR**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH QUALITY CONTROL INSPECTION, INC. FOR THE SENIOR CENTER ADDITION CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES IN AN AMOUNT NOT TO EXCEED \$316,370.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Sindelar said this ordinance needs to be amended to correct a scrivener’s error in the dollar amount. Mr. Sindelar moved for this to be amended, seconded by Mrs. Gallagher.

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

PASSED**AMENDED ORDINANCE NO. 42-24****BY: BRIAN J. SINDELAR**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH QUALITY CONTROL INSPECTION, INC. FOR THE SENIOR CENTER ADDITION CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES IN AN AMOUNT NOT TO EXCEED \$316,670.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Sindelar said there has not been a lot of discussion and has been discussed for several weeks. The city has worked with Quality Control Inspection, Inc. before and is highly recommended to get this project moving along.

Mr. Sindelar moved for passage, seconded by Mr. Furry.

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

PASSED**NEW BUSINESS:****ORDINANCE NO. 46-24****BY: THOMAS J. HUNT**

AN ORDINANCE ENACTING SECTION 521.13, ENTITLED "SMOKING RESTRICTIONS AT CITY PROPERTIES" IN CHAPTER 521 OF THE ROCKY RIVER CODIFIED ORDINANCES, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

1st READING

Mr. Hunt said this ordinance is restricting smoking on city properties. The Mayor discussed this last week and discussed that the formal presentation and first reading would be this week for both 46-24 and 47-24, the companion

piece to this ordinance. Based upon the fact that this will be read three full times, Council will have an extensive amount of time to discuss this in detail.

ORDINANCE NO. 47-24

BY: THOMAS J. HUNT

AN ORDINANCE AMENDING SECTION 557.01, ENTITLED “PARK REGULATIONS EXCLUDING TRI-CITY PARK” OF CHAPTER 557 OF THE ROCKY RIVER CODIFIED ORDINANCES, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

1st READING

Mr. Hunt said this is a companion piece to the previous ordinance regarding smoking prohibition in Tri-City Park. This will be discussed further when Council returns from recess in September. This will have three full reads.

RESOLUTION NO. 48-24

BY: MICHAEL O’BOYLE

A RESOLUTION SUPPORTING THE PLACEMENT OF A PROPOSED SHORE STRUCTURE AND APPROVAL OF A LAKE ERIE SUBMERGED LAND LEASE FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) ADJACENT TO PERMANENT PARCEL NO. 302-01-012 AT 22658 BREEZEVALE ROAD, ROCKY RIVER, OHIO

1st READING

Mr. O’Boyle said that this is supporting the placement of a proposed shore structure and approval of a Lake Erie submerged land lease from the ODNR adjacent to Permanent Parcel No. 302-01-012 at 22658 Breezevale Road. This is an emergency resolution and Council has been requested to expedite this as quickly as possible. It concerns the placement of a proposed shore structure on submerged land that is pictured in the attached exhibit.

- Mr. Furry asked if there was an existing break wall there. Mr. Snyder said that there is an existing concrete structure, but he is not sure of the extent.

Mr. O’Boyle continued saying this is a case of where Brickhaus Breezevale, LLC is requesting that Council draft a formal written resolution approving a shore structure be placed at the location. This letter is included to Ray Reich from James Schilens. In the letter he asks that Council does not try to identify the proposed shore structure any more than that statement itself so it would have better reception by the ODNR.

The Mayor added that Section 1 indicates what Council’s role is in a submerged land lease. They want to be sure that the city does not need it for any public purpose or future improvements or navigation issues presented. That is why in Section 1 they want to confirm that the city does not have an issue. For example, that there would be a sewer outfall right there that the city would need to protect.

- Mr. O’Boyle asked if Council needs to identify the proposed structure. The Mayor said they are the ones that present the application to ODNR. ODNR just wants to know if the city needs it for any reason, and it is private property.
- Mr. Furry asked if this needs to be fast tracked. The Mayor said no. This can have three reads.

RESOLUTION NO. 49-24

BY: BRIAN J. SINDELAR

A RESOLUTION AUTHORIZING THE MAYOR AND HER DESIGNEE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND LOCAL TRANSPORTATION IMPROVEMENT PROGRAM FOR THE BEACHCLIFF BOULEVARD AND CORNWALL ROAD STORM SEWER, SANITARY SEWER, WATER MAIN AND PAVEMENT REPLACEMENT AND TO EXECUTE CONTRACTS AS REQUIRED

1st READING

Mr. Sindelar said that any time there is a chance to file an application for either a grant or whatever, Council is on board with it especially when it is improving the infrastructure. He does not expect much or any discussion or debate regarding this. This will have three full reads.

CONSENT AGENDA:

RESOLUTION NO. 37-24

BY: DAVID W. FURRY

A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAXES FROM THE PROCEEDS OF ALL TAX LEVIES FOR THE TAX YEAR 2024 PURSUANT TO THE OHIO REVISED CODE

3rd READING

Mr. Furry said this is requesting the Cuyahoga County Fiscal Officer to advance taxes from the proceeds of all taxes for the tax year 2024 pursuant to the Ohio Revised Code. Basically, it is asking the County to give the city its money early.

ORDINANCE NO. 39-24

BY: CHRISTINA MORRIS

AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) IDENTICAL WESTECH DIGESTER MIXER FROM BISSNUSS INC. FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$165,000

3rd READING

Mr. Furry said this is for a new digester for the WWTP. The mixer goes to the digester and mixes it up so it can process waste faster. Currently there are four mixers that have a life span each of four years. The WWTP schedules to rebuild one every two years. This was in the budget.

ORDINANCE NO. 41-24

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH ANGELO BENEDETTI, INC. FOR THE 2024 ASPHALT SURFACE RECYCLING PROJECT IN AN AMOUNT NOT TO EXCEED \$126,874.50, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Sindelar asked when this project is expected to kick off. Mr. Snyder said next week. Mr. Sindelar said this has been discussed for several weeks. It is very advantageous to the environment and the city's finances. It is a process that happens on site and is drivable within 10 minutes.

ORDINANCE NO. 43-24

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH CROSSROADS ASPHALT RECYCLING, INC. FOR THE 2024 STREET REPAIR PROGRAM PHASE II AT A COST NOT TO EXCEED \$440,750.25, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Sindelar said this has been discussed for several weeks. There has not been much discussion other than his own advocacy as he has stated prior the city has a great street paving program, and this is just a continuation of that.

ORDINANCE NO. 44-24

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SMITHGROUP, FOR THE DEVELOPMENT OF THE ROCKY RIVER PARK MASTER PLAN IN AN AMOUNT NOT TO EXCEED \$99,996.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Sindelar said this is another exciting project for the City of Rocky River. These recent projects are transformative for the future by freshening up areas and brightening areas but also improving upon them and making them overall better for the residents. This is the start of a future project. The city has worked with SmithGroup before and is highly recommended. He looks forward to this project.

ORDINANCE NO. 45-24

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE A REPLACEMENT FOR THE EXISTING FUEL SYSTEM UNDER THE STATE COOPERATIVE PURCHASING ACT FROM COLLINS EQUIPMENT CORPORATION, AT A COST NOT TO EXCEED \$661,014.63, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Sindelar said the most discussion about this was last week when location and configuration were discussed. Mr. Sindelar showed a picture of what the tanks and pumps will look like including a chain link fence around the tanks. The pumps will be outside of the tanks. The reason the tanks are being replaced is they are almost at their useful life and the city wants to be ahead of this so as not to be faced with a catastrophic problem in the future.

President Furry said there were six items on the Consent Agenda. Mr. Furry moved for the passage of Resolution No. 37-24 and Ordinance Nos. 39-24, 41-24, 43-24, 44-24 and 45-24 seconded by Mr. Sindelar.

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

PASSED

MISCELLANEOUS BUSINESS: Mr. Furry discussed the Liquor License Request for a transfer to Rocky River Mart & Deli (the former Martin’s Corners). Mr. Hunt asked why it was just a local review and maybe it should be looked at with more of an expansive background of these individuals as opposed to just local records. Chief Lichman will be asked for more details regarding this request.

- Mrs. Gallagher asked if the “Gathering” on Lake Road is putting something on the ballot. The Mayor said that it is, for a Sunday liquor license and the precinct votes on it. Mrs. Gallagher asked how many signatures are needed. The Mayor said they do not need signatures; they just apply to the Board of Elections.

COMMITTEE REPORTS: NONE

COMMUNICATIONS: President Furry reminded Council that August 4th is Dog Days at City Hall Campus. City Council members should be there by 6:00 p.m. City Council’s next scheduled meeting will be September 9th. Mr. Furry wished Mr. O’Boyle a happy birthday.

PUBLIC COMMENT: Mr. Mark Szabo, 18501 Hilliard Blvd., said that on August 10th, Rocky River will be celebrating its third annual Pride March beginning at Westshore Universal Unitarian Church on Hilliard Blvd. beginning at 1:30 p.m. and end at the Rocky River Public Library for their Pride Festival. Mr. Szabo said that last month he spoke to Council about a resolution that was passed recently in Fairview Park and other communities. He continued to read Fairview Park’s resolution to oppose Ohio House Bill 68 which restricts gender affirming healthcare and sports participation for transgender youth, undermining the judgement of medical professionals, the recommendations of the Ohio High School Athletic Association and the loving intuition of their families who support transgender youth. Mr. Szabo urges Council to please introduce and pass a resolution condemning HB 68. These are members of our community. They may not be here because they are afraid because this bill targets them for discrimination. It goes against the constitution and was passed with two issues which violates the constitution’s single subject rule. It violates the constitution that the government is not supposed to be making healthcare

decisions. This amendment was passed in 2011. It should be between families and their doctors. He urges Council to please introduce and pass this resolution.

Susan Ballard, 1790 Rockland Avenue; said she is here also to ask City Council to propose a resolution to oppose House Bill 68. She moved to Rocky River 32 years ago and she was very excited to be in such a community that really seemed to take care of all their residents. She has slowly, happily seen the city become more inclusive, maybe not as much as it should be, and she herself have friends and family that are non-binary or transgender and she would hate for the government to make any of those very hard decisions that anybody must make to align with what they truly feel is their gender. That is not a choice, research has shown that it is a biological glitch, so to speak, and she thinks that if Rocky River is a community that is welcome to all and takes care of everyone, they should oppose a law that would interfere with the privacy that the constitution has given us. These are decisions that are private and just for the family or individual to make. She also encourages City Council to make a resolution to oppose HB 68.

MOTION:

Moved by President Furry to meet in Executive Session this evening under Article 10, Section 6, Subsection 1 regarding the employment, dismissal and discipline of a public employee, seconded by Mr. Hunt, beginning at 7:41 p.m.

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

The Executive Session was adjourned at 7:57 p.m. As there was no more business, Mr. Furry moved to adjourn the Legislative Meeting, seconded by Mr. Sindelar at 7:58 p.m.

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

David W. Furry
President of Council

Susan G. Pease
Clerk of Council