

CITY OF ROCKY RIVER

September 23, 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,
Mrs. Morris, Mr. Furry

Council Members Absent: Mr. Sindelar

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 Mrs. Gallagher and Mr. O'Boyle that the reading of the minutes of the September 9th Legislative Meeting be waived and that the minutes be accepted as presented.

Vote:	Hunt – aye	Gallagher – aye	O'Boyle – aye	Shipp – aye
	Morris – aye	Furry – abstain		
	5 – ayes	1 – abstain	0 - nays	PASSED

Moved by President Furry seconded by Mrs. Morris that the reading of the minutes of the September 16th Special Meeting 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	Shipp – aye
	Morris – aye	Furry – aye		
	6 – ayes		0 - nays	PASSED

MAYOR'S REPORT:

The Mayor said that Friday's Homecoming Parade was a great success. Thank you to everyone who attended and took part in the festivities. It is a great tradition on a beautiful night and the RRHS football team won resoundingly against Lakewood High School.

The Mayor updated City Council regarding Tree Lawn Tree Plantings from last week's Mayor's Report. The tree lawns that will be planted in the next season are on Erie, South Bend, Telbir, Rocky River Oval and River Lane. Director Snyder and Luke Markovich, the city's Rental Building Inspector, are going to speak to the residents in the apartment complexes on South Bend to discuss the Tree Lawn Tree Planting Program.

The Mayor announced that the Lakeview bridge is now closed for thirty days. This is an ODOT Project and is not controlled by the City of Rocky River. There is no pedestrian access on Lakeview. The schools have been notified and they have been sharing this information with the school community. It is closed for thirty days, but if the weather cooperates, it might be completed sooner. There are detour signs in place.

The Rocky River Park Master Plan working group has had their first meeting. The working group includes Director Bob Holub, the Parks and Recreation Director; Mr. Dave Allen, a member of the Planning Commission;

Mr. Christopher Klym, the President of the Recreation Foundation; Ms. Kim Kerber, the City Engineer; Chief Lichman of the Police Department and Director Snyder, Safety Services Director. This is the core group that will put together the details with SmithGroup leading the way. Tomorrow evening, there will be a neighborhood meeting of residents who are near Rocky River Park and SmithGroup. Stakeholder meetings will follow and the entire community is invited to attend. At any time, anyone who would like to provide feedback is invited to go through the website or directly to Kathryn Kerber. The result after this meeting will be the start of work renderings including the seat wall that is an erosion control project by the playground and the lakefront, off the parking lot below the deck, where there is sewer infrastructure and parking. The land that is directly across the street from Rocky River Park, where the pump station is located, is not owned by the city but is owned by the Beachcliff Trust.

The Mayor discussed airport noise. Thank you to Councilwoman Morris for passing along a message from a resident as the city has not received any complaints regarding the noise disturbance. The Mayor called the airport and spoke with the Director of Noise Control. The increase in noise does not have anything to do with construction at the airport but is an airline F.A.A. issue. The Metroplex Project from several years ago directed all the planes to proceed over the valley thousands of feet over Lake Erie before turning west. The Director of Noise Control pulled up the flight patterns of recent departing flights showing that the planes are turning close to Hilliard Blvd. and Lorain Avenue. The Mayor is hopeful the residents will receive relief from the airplane noise. If there are any other complaints, the information can be sent to the airport along with forwarding it to the city including information regarding the time and date and any identifying information about the planes. The Noise Control Hotline is back up and working.

The Mayor announced that the Jan Dell demo has commenced. Commissioner Reich is on top of the project.

The Mayor announced that Director Snyder will be an honored guest and panelist at the Tree Summit later this week. He will be speaking on planting trees on private property.

The Safety Town Survey was returned with glowing remarks along with good ideas for things that could be added to Safety Town. The Mayor will send Councilman Hunt a copy of the survey results as he is the Chair of the Safety Committee.

The Mayor mentioned that the Senior Center had a zipline outing at Common Ground in Oberlin. The participants ziplined from treetop to tree top and repelled down. Also, on October 3rd there will be an Octoberfest Celebration with lunch served followed by the Chardon Polka Band beginning at 1:30 p.m.

The Mayor announced that forty-four individuals have signed up to take the Fire Entrance Exam for the City of Rocky River.

- Mr. Shipp asked if there have been any reports about the Spotted Lantern Fly in Rocky River. Director Snyder said there has been. The city found the first one at the Service Garage about a month ago along with other reports throughout town. Director Snyder plans to put something out to the community discussing management of the insect. The Spotted Lantern Fly is an invasive insect and is here to stay so now needs to be managed.

LAW DEPARTMENT: NONE

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. A Public Hearing is set for Monday, October 7th, 2024, regarding this ordinance.

ORDINANCE NO. 56-24 **BY: THOMAS J. HUNT**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
WITH PERSPECTUS ARCHITECTURE, FOR ARCHITECTURAL DESIGN AND ENGINEERING
SERVICES FOR THE FIRE STATION IN AN AMOUNT NOT TO EXCEED \$836,000.00, AS FURTHER
DESCRIBED IN THE ATTACHED EXHIBIT "A"
ON HOLD

Mr. Hunt said this was scheduled for a third read this evening, but he has been asked by the administration to hold this ordinance. There is a final review being conducted concerning the language in the contract.

ORDINANCE NO. 60-24 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC
SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH AECOM TECHNICAL SERVICES FOR
PRIVATE PROPERTY DYE TESTING IN AN AMOUNT NOT TO EXCEED \$91,932.00, AS FURTHER
DESCRIBED IN EXHIBIT "A"
3rd READING

Mr. Furry said this needs to be amended as there were changes in the General Conditions recommended by Law Director O'Shea. The change of language was approved by AECOM and everyone is now in agreement. Mr. Furry moved to amend Ordinance No. 60-24 by substitution, seconded by Mrs. Morris.

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

AMENDED ORDINANCE NO. 60-24 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC
SAFETY-SERVICE TO ENTER INTO AN AGREEMENT WITH AECOM TECHNICAL SERVICES FOR
PRIVATE PROPERTY DYE TESTING IN AN AMOUNT NOT TO EXCEED \$91,932.00, AS FURTHER
DESCRIBED IN EXHIBIT "A"
3rd READING

Mr. Furry said this has been discussed over the last several weeks. This is for the private dye testing in the Frazier Kensington area that has been continuing as part of the Sewer Overflow Nos. 302 and 306. Mr. Furry moved for passage, seconded by Mr. Hunt.

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

ORDINANCE NO. 63-24 **BY: DAVID W. FURRY**
AN EMERGENCY ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE
CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING THE FISCAL YEAR
ENDING DECEMBER 31, 2024 AND TO AMEND AMENDED ORDINANCE NO. 95-23
3rd READING

Mr. Furry said that the change started off as an \$8,000 correction taking the “Summer of Fun” appropriation out of Planning and Community Development and putting it back into the Recreation Department. This ordinance is also for additional supplemental appropriations being amended to include additional appropriations. Mr. Furry explained that the initial exhibit was a housekeeping issue and the additional amendments are:

- the Law Department incurred some additional fees for outside legal counsel for any future or potential cost through the end of the year;
- Fire is for professional services provided by the Ambulance Billing Company from a higher level of rescue squad runs;
- the Service Garage is for wages and benefits relating to Ordinance No. 59-24 for the remainder of the year;
- the Recreation Center is for additional part time program employees including Pension and Medicare costs, program activity and other overhead costs including the credit card fees, through the end of the year.

Mr. Furry moved to amend by substitution, seconded by Mrs. Morris.

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

AMENDED ORDINANCE NO. 63-24

BY: DAVID W. FURRY

AN EMERGENCY ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2024 AND TO AMEND AMENDED ORDINANCE NO. 95-23

3rd READING

Mr. Furry said this has been amended and he has discussed the supplemental appropriations. Director Thomas has vehemently stated that there will not be any additional supplemental appropriations through the end of the year.

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

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

NEW BUSINESS:

ORDINANCE NO. 64-24

BY: DAVID W. FURRY

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE HERITAGE HOME LOAN PROGRAM WITH THE CLEVELAND RESTORATION SOCIETY, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

1st READING

Mr. Furry said the Mayor discussed this last week. This is something the city has participated in in the past, dropped out of it and there is now increased interest in participating again. This will be discussed more at the next Committee-of-the-Whole Meeting in two weeks.

ORDINANCE NO. 65-24

BY: PAUL SHIPP

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SMITHGROUP, FOR THE BRADSTREET’S LANDING SPENCER CREEK STREAM RESTORATION TASK TWO THROUGH FOUR IN AN AMOUNT NOT TO EXCEED \$75,000.00 AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

1st READING

Mr. Shipp asked if in Section 3, line 3, should it say Rocky River Park or Bradstreet's Landing? Director Snyder said it is a typo and it will need to be amended to say Bradstreet's Landing. Mr. Shipp moved to amend Ordinance No. 65-24 to read Bradstreet's Landing and not Rocky River Park, seconded by Mr. Furry.

Vote: Hunt – aye Gallagher – aye O'Boyle – aye Shipp – aye
Morris – aye Furry – aye **PASSED**

AMENDED ORDINANCE NO. 65-24

BY: PAUL SHIPP

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SMITHGROUP, FOR THE BRADSTREET'S LANDING SPENCER CREEK STREAM RESTORATION TASK TWO THROUGH FOUR IN AN AMOUNT NOT TO EXCEED \$75,000.00 AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

1st READING

Mr. Shipp said that the city received four proposals from AECOM, GPD Group, OHM Advisors and SmithGroup. SmithGroup was chosen for having the best average scores and their familiarity of the project having done the design of the pier and the development of the Bradstreet's Landing Master Plan. SmithGroup outlined four tasks to carry out the project from field work through engineering/design, to implementation and construction for the restoration of Spencer Creek. Task 1 was separated from the remaining tasks and authorized via purchase order for a lump sum fee of \$48,000. This ordinance concerns tasks 2 through 4 which incorporates modeling to determine the preferred design, permitting, preliminary design preparation of construction documents, bid assistance services and construction phase services at a cost not to exceed \$75,000 for a total project cost not to exceed \$123,000. The city will be utilizing two grants for the restoration in the amount of \$300,000 from the Ohio EPA and \$200,000 from the State Capital Fund of House Bill 2.

- Mrs. Morris asked what Tasks 2 to 4 are. Director Snyder said that Task 1 was the wetland delineation, all the field work that outlines what needs to be done; Task 2 is the design recommendations and to create renderings and get everything together for the predesign portion; Task 3 is completing the design and the permitting process, prepare the construction plan and bid documents; Task 4 is the construction implementation assistance where submittals are evaluated, requests for information and anything the contractor may have and they will provide limitless assistance with task 4. Mr. Snyder asked Clerk Pease to forward his email to all of Council outlining this.

CONSENT AGENDA:

ORDINANCE NO. 50-24

BY: PAUL SHIPP

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH SAFE SLIDE RESTORATION FOR THE REMOVAL AND REPLACEMENT OF OUTDOOR POOL FEATURES IN AN AMOUNT NOT TO EXCEED \$257,464.00, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

3rd READING

Mr. Shipp said this is for part one of two projects being done at the outdoor pool. This is with Safe Slide Restoration to remove and replace five pool features in the amount of \$257,464.00.

ORDINANCE NO. 51-24

BY: PAUL SHIPP

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH AQUA POOLS AND CONCRETE FOR OUTDOOR POOL RESURFACING IN AN AMOUNT NOT TO EXCEED \$220,000.00, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

3rd READING

Mr. Shipp said this is the second part of the projects at the outdoor pool with resurfacing being completed by Aqua Pools & Concrete in the amount of \$220,000.

ORDINANCE NO. 52-24

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO PURCHASE THREE (3) STRYKER LIFEPAK 35 HEART MONITOR DEFIBRILLATORS FOR THE FIRE DEPARTMENT, UNDER THE SOURCEWELL COOPERATIVE PURCHASING CONTRACT FROM STRYKER SALES, LLC, AT A COST NOT TO EXCEED \$166,136.78, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Hunt said this contract will allow the city to purchase Stryker AED Lifepaks that will be compatible with the rest of those in the city. The amount is less than what was budgeted and set aside for the purchase of these items. These are portable monitors with straps and lead EKGs for each of the squads. These are critically important for the services the Fire Department provides to cardiac care patients. They will provide real-time information to the emergency rooms as patients are being transported. Mr. Hunt stated that these are very important pieces of equipment and he hopes everyone will join him in passage of this ordinance.

ORDINANE NO. 53-24

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO PURCHASE TWO (2) FORD F550 TRUCKS FOR THE SERVICE DEPARTMENT UNDER THE STATE COOPERATIVE PURCHASING ACT FROM VALLEY TRUCK CENTERS, AT A COST NOT TO EXCEED \$261,962.00, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

3rd READING

Mr. Furry said this ordinance is for the Service Department. The city is a service business and needs trucks in the service department. Two Ford F550 trucks that will eventually have plows are being purchased under the State Cooperative Purchasing agreement from Valley Truck Centers.

RESOLUTION NO. 54-24

BY: THOMAS J. HUNT

A RESOLUTION AUTHORIZING THE MAYOR AND HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO OFFICE OF BUDGET AND MANAGEMENT TO RECEIVE AN APPROPRIATION GRANT OF \$500,000.00 FOR THE ROCKY RIVER FIRE STATION IMPROVEMENTS, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

3rd READING

Mr. Hunt said Council should be eager to get this passed. The city will be receiving a grant in the amount of \$500,000 for the use of planning the Rocky River Fire Station improvements from the Office of Budget Management from the state.

RESOLUTION NO. 55-24

BY: MICHAEL O'BOYLE

A RESOLUTION SUPPORTING THE PLACEMENT OF A PROPOSED SHORE STRUCTURE AND APPROVAL OF A LAKE ERIE SUBMERGED LAND LEASE FROM OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) ADJACENT TO PERMANENT PARCEL NO. 301-04-005 AT 60 KENSINGTON OVAL, ROCKY RIVER, OHIO

3rd READING

Mr. O'Boyle said that this resolution has been discussed at the last two meetings. He underscored the fact that it is a resolution that the city is offering to the ODNR that the city does not have need of this property at the present time for the needs of the city.

ORDINANCE NO. 57-24**BY: BRIAN J. SINDELAR**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO AN AGREEMENT WITH FABRIZI TRUCKING & PAVING COMPANY, INC. FOR THE 2024 AVALON DRIVE STORM SEWER OUTFALL REPLACEMENT PROJECT AT A COST NOT TO EXCEED \$404,460.00 AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

3rd READING

Mr. Furry said there were four bids received for this ranging from \$404,460 to \$597,769. The city has worked with Fabrizi a fair amount and has had a good relationship with them. The engineer's estimate was \$500,000 and Fabrizi is not on the Unresolved Findings of the State Auditor's Database.

ORDINANCE NO. 58-24**BY: BRIAN J. SINDELAR**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO AMEND THE AGREEMENT WITH MACKAY ENGINEERING AND SURVEYING COMPANY A DIVISION OF WALLACE & PANCHER, INC. FOR PROFESSIONAL CONSULTING AND ENGINEERING SERVICES FOR 2024 AND 2025 AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Furry said the city has had the two-year agreement that is in place until the end of next year, but this is acknowledging that MacKay Engineer is now MacKay Engineering, a Division of Mannik and Smith. None of the terms of the contract will change and employees will remain the same.

ORDINANCE NO. 59-24**BY: DAVID W. FURRY**

AN EMERGENCY ORDINANCE AMENDING ORDINANCE 101-23, FOR POSITIONS AND FIXING OR ESTABLISHING THE ANNUAL SALARIES AND HOURLY RATES COMMENCING JANUARY 1, 2024 FOR THE APPOINTED EMPLOYEES IN THE SEVERAL DIVISIONS AND DEPARTMENTS OF THE CITY OF ROCKY RIVER

3rd READING

Mr. Furry said this is adding the Service Operations Manager, which is basically reinstating this position. This ordinance gets the appropriations in place through the end of the year.

ORDINANCE NO. 61-24**BY: DAVID W. FURRY**

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO RATIFY CREDIT CARD CHARGES ACCRUED IN THE MONTHS OF AUGUST AND SEPTEMBER, 2024 AND AUTHORIZE ADDITIONAL CHARGES FROM GLOBAL PAYMENTS DIRECT, INC., IN AN AMOUNT NOT TO EXCEED \$40,000.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

3rd READING

Mr. Furry said this is to get the city through the end of the year with the credit card charges that have accrued with the monthly charges for the Recreation Center.

ORDINANCE NO. 62-24**BY: PAUL SHIPP**

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO MAKE APPLICATION TO AND AUTHORIZE FUNDS FOR THE CUYAHOGA COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND COMMUNITY DEVELOPMENT SUPPLEMENTAL GRANT (CDSG) PROGRAMS FOR THE SHORELAND / WOOSTER NEIGHBORHOOD PARK PROJECT

3rd READING

Mr. Shipp said this has been discussed before regarding the Shoreland/Wooster Neighborhood Park Project in Councilwoman Jean Gallagher's Ward. This has been a project of hers that she is passionate about and is moving forward seeking grants for the park.

Mr. Furry moved to pass Ordinance Nos. 50-24, 51-24, 52-24, 53-24, 57-24, 58-24, 59-24, 61-24 and Resolution Nos. 54-24, 55-24 and 62-24, seconded by Mrs. Gallagher and Mr. O'Boyle.

Vote:	Hunt – aye	Gallagher – aye	O'Boyle – aye	Shipp – aye
	Morris – aye	Furry – aye		PASSED

MISCELLANEOUS BUSINESS: NONE

COMMITTEE REPORTS: NONE

COMMUNICATIONS: Mr. Furry said that it was a great Homecoming Parade. He was also at the Constitution Day Parade on Saturday with about 40 other people in attendance. The Mayor said that President Furry read the Constitution Day Proclamation. Mr. Furry also stated that there will not be a City Council Meeting next Monday as it is the fifth Monday of September.

PUBLIC COMMENT: NONE

Mr. Furry moved to adjourn this evening's meeting, seconded by Mrs. Morris.

The Legislative Meeting was adjourned at 7:41 p.m.

David W. Furry
President of Council

Susan G. Pease
Clerk of Council