

CITY OF ROCKY RIVER

September 18, 2023

The Special Meeting of Council was called to order by Mr. Moran, President of Council, at 6:00 p.m. in the David J. Cook Council Chambers.

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

President Moran stated that this evening's Special Meeting is regarding Ordinance Nos. 51-23, 61-23, 63-23 through 67-23, Ordinance Nos. 70-23 through 78-23 and Resolution Nos. 68-23 and 69-23.

The meeting was opened with the Pledge of Allegiance.

UNFINISHED BUSINESS:

PENDING ORDINANCES:

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"
ON HOLD

This was referred to the Planning Commission and was amended at last week's meeting. This will not be read for a third time this evening. This ordinance will be placed on hold.

ORDINANCE NO. 61-23 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE AUTHORIZING THE RATIFICATION OF THE PAYMENT
TO UNITED SURVEY, INC. IN THE AMOUNT OF TWENTY FOUR THOUSAND FIVE
HUNDRED DOLLARS (\$24,500.00) FOR THE COST OF THE EMERGENCY PARKLAWN
DRIVE SEWER LINER REPAIR AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT
"A"

3rd READING

Mr. Moran stated that this is for the payment of the Parklawn Drive sewer liner repair. United Survey completed their services in April 2023. Mr. Moran moved this for passage, seconded by Mr. Furry.

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

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” (REFERRED TO PLANNING) ON HOLD

Mrs. Gallagher moved to amend Ordinance No. 63-23, seconded by Mr. Sindelar.

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

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” (REFERRED TO PLANNING) ON HOLD

This ordinance needs to be amended to change the wording in the third whereas to read “Use Regulations” instead of intent and Section 1 to read “Use Regulations” instead of intent.

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” (REFERRED TO PLANNING) ON HOLD

Mrs. Gallagher moved to amend Ordinance No. 64-23, seconded by Mr. Sindelar.

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

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” (REFERRED TO PLANNING) ON HOLD

This ordinance needs to be amended to read “Conditional Uses” instead of “the intent” in the third whereas and “Conditional Uses in the Business District” instead of “intent” and to strike the wording of “regarding business district regulations” in Section 1.

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” (REFERRED TO PLANNING)
ON HOLD**

Mrs. Gallagher moved to amend Ordinance No. 65-23, seconded by Mrs. Morris.

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

**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” (REFERRED TO PLANNING)
ON HOLD**

This ordinance needs to be amended in the third whereas to read “off-street waiting/queuing spaces for drive-thru facilities” and strike “intent in business district regulations” and in Section 1 to strike “intent” and replace with “off-street waiting/queuing spaces for drive-thru facilities” and strike the wording “regarding business district regulations”.

**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” (REFERRED TO PLANNING)
ON HOLD**

Mrs. Gallagher said there is another change that was not included in this amendment in the Development Code. C8 should read the hours of operation for any drive thru “facility”, to replace the word “service”.

Mrs. Gallagher moved to amend Ordinance No. 66-23, seconded by Mr. Furry.

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

**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” (REFERRED TO PLANNING)
ON HOLD**

This ordinance needs to be amended as stated above and in the third whereas to strike “the intent in business district regulations” and replace with “Supplemental Regulations for Certain Uses” and in Section 1 to strike “intent” and replace with “Supplemental Regulations for Certain Uses” and to strike “regarding business district regulations”.

ORDINANCE NO. 67-23

BY: CHRISTINA MORRIS

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT BETWEEN THE CITY OF ROCKY RIVER AND BROWN AND CALDWELL FOR PROFESSIONAL ENGINEERING SERVICES BIOGAS FEASIBILITY STUDY FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$150,320.00

2nd READING

Mrs. Morris said this is a planning study and will evaluate the return on investment for putting in a combined heat and power unit to make our own electricity. This project will also evaluate improving the quality of the biosolids to “Class A” Biosolids. Moving from the current “Class B” to “Class A” will enable the biosolids to possibly sell for fertilizer or at the very least significantly cut disposal costs. The purpose of this project is two-fold: to develop a long-term sustainable plan to reuse products and save money reducing the plants overall environmental impact while taking advantage of the Inflation Reduction Act (IRA) Funding. As 2022 IRA funding includes anaerobic digestion for processing biosolids. This is a time sensitive project which includes a 50% credit if started in 2023, a 40% credit if started in 2024, and a 30% credit if started in 2025. This study was approved in the 2023 budget and there is a NOPEC grant that was applied for in the amount of \$40,000 to help mitigate some of the cost. Through WWTP participation and information gathering associated with the SCOPE of this project we will try to reduce the time committed by the consultant and come in below the \$150,000 not to exceed. The Management Committee has recommended the acceptance of this project on August 11th.

- Mrs. Morris asked if the Planning Study is considered the beginning of this project. Mrs. Morris will speak with Superintendent Barille.

RESOLUTION NO. 68-23

BY: JAMES W. MORAN

A RESOLUTION ACCEPTING AMOUNTS AND RATES AS DETERMINED BY THE CUYAHOGA COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE CUYAHOGA COUNTY FISCAL OFFICER

2nd READING

Mr. Moran said that this is the tax rate resolution that is a first step in the 2024 budget process each year. The total city millage will be set at 10.55 mills including:

- Senior Center 0.50
- Refuse & Recycling 1.00
- Recreation Center 0.50
- Bond Retirement 0.65
- Fire Pension 0.30
- Police Pension 0.30
- Capital Improvement 1.00

The debt millage has also been reduced over time from 1.0 mills to the amount needed for 2024 to 0.65 mills.

RESOLUTION NO. 69-23

BY: JAMES W. MORAN

A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAXES FROM THE PROCEEDS OF ALL TAX LEVIES FOR THE TAX YEAR 2023 PURSUANT TO THE OHIO REVISED CODE

2nd READING

The city requests the Cuyahoga County Fiscal Officer to advance pay property taxes collected from the various city levies to the city prior to the final reconciliation settlement and disbursement. By making this request, the city will receive the 2023 property taxes, for the first half collection cycle, the monies will be paid first in mid-January with a second payment in February instead of waiting until the final reconciliation disbursement in late March or early April.

ORDINANCE NO. 70-23

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE TWO (2) FORD F350 TRUCKS FROM MIKE BASS FORD FOR THE SERVICE DEPARTMENT AT A COST NOT TO EXCEED \$102,148.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Sindelar moved to amend Ordinance No. 70-23 by replacing Police Department in Section 3 to read the Service Department seconded by Mr. Furry

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

AMENDED ORDINANCE NO. 70-23

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE TWO (2) FORD F350 TRUCKS FROM MIKE BASS FORD FOR THE SERVICE DEPARTMENT AT A COST NOT TO EXCEED \$102,148.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

These trucks will be purchased from the Open Market as opposed to the State Coop. Mr. Sindelar added that additional item is that one of the trucks was totally broken but was repaired by the Service Mechanics to be used by another department. The other truck has frame damage and is well past its useful life. It is 20 years old with 145,000 miles and started in the Streets Department and moved over to the Refuse Department.

ORDINANCE NO. 71-23

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO A CONTRACT WITH SONA CONSTRUCTION, LLC. FOR GENERAL CONSTRUCTION OF THE ROCKY RIVER POLICE FIRING RANGE PROJECT AT A COST NOT TO EXCEED \$814,500.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Shepherd noted that the shell of the firing range was completed with the new building. The proposed firing range can be used for rifles. This first ordinance is for the construction buildout and the second ordinance will be for the equipment and fittings necessary for the firing range. This will be discussed further at the Committee-of-the-Whole Meeting.

ORDINANCE NO. 72-23

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE ONE (1) REFUSE SEMI TRAILER FOR THE SERVICE DIVISION FROM REFUSE EQUIPMENT & TRUCK SERVICES, INC., AT A COST NOT TO EXCEED \$141,000.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Sindelar said this is a very specific type of trailer that only a few manufacturers make. Only one bid was received. The current one is corroded, rusty, slight frame damage or bending of the support frames of the entire structure. This will be discussed further at the next meeting.

ORDINANCE NO. 73-23

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE ONE (1) EMERGENCY MEDICAL AMBULANCE FROM PFUND SUPERIOR SALES FOR THE FIRE DIVISION AT A COST NOT TO EXCEED \$420,536.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Hunt thanked President Moran for introducing this ordinance last week. This will be discussed further at the Committee-of-the-Whole Meeting.

ORDINANCE NO. 74-23

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO A CONTRACT WITH INVERIS TRAINING SOLUTIONS, INC., FOR THE ROCKY RIVER POLICE FIRING RANGE SYSTEMS AND EQUIPMENT PROJECT AT A COST NOT TO EXCEED \$1,050,902.00, AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

This is the ordinance for the fittings and the equipment for the firing range. This also includes a specialized HVAC with filtration for the air. This will be discussed further at the next meeting.

ORDINANCE NO. 75-23

BY: JAMES W. MORAN

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, 2023 AND TO AMEND AMENDED ORDINANCE NOS. 77-22; 17-23 AND 54-23

2nd READING

Mr. Moran said the need for additional appropriations has arisen in the following areas:

- Safety Service needs appropriations to engage the services of Crain and Langner to prepare to receive proposals for city-wide insurance.
- Computer A Funds for computer workstations for the Judges and from the Computer B Fund a workstation for the Clerk of Court office.

- Commissioner Ray Reich authorized a partial release of the 700 Lake Project \$250,000 deposit in the amount of \$100,000. The city is retaining \$150,000.

This will be discussed further at the next meeting.

ORDINANCE NO. 76-23

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE ONE (1) 2024 FORD E450 BOX TRUCK FOR THE SERVICE DEPARTMENT UNDER THE STATE COOPERATIVE PURCHASING ACT FROM VALLEY TRUCK CENTERS, AT A COST NOT TO EXCEED \$73,003.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Sindelar moved to amend by substitution of the exhibit with a correction on the truck type to an E45, seconded by Mr. Furry.

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

AMENDED ORDINANCE NO. 76-23

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE ONE (1) 2024 FORD E450 BOX TRUCK FOR THE SERVICE DEPARTMENT UNDER THE STATE COOPERATIVE PURCHASING ACT FROM VALLEY TRUCK CENTERS, AT A COST NOT TO EXCEED \$73,003.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

This will be discussed further at the next meeting. This is an essential purchase as the van it is replacing is over 20 years old, has over 76,000 miles on it and has been used by the Sewer Division. The van is currently being used for a concrete truck with forms by the Streets Division. The old van will be sold on Gov.deals.

ORDINANCE NO. 77-23

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH FABRIZI TRUCKING & PAVING COMPANY, INC. FOR THE EMERGENCY REPAIR OF STREETS AND STORM AND SANITARY SEWERS WITHIN THE CITY OF ROCKY RIVER AND THE WASTE WATER TREATMENT PLANT AT A COST NOT TO EXCEED \$325,000.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Mr. Shepherd said that an ordinance for sewer repair is passed every year. This year, Council passed an ordinance for \$175,000 for emergency repairs that based on past years should have been enough. There was a series of five repairs that was discussed at last week's meeting. Part of the problem is costs have increased dramatically and Fabrizi has held their rate for material and repairs since 2011 through 2022. For example, on the Center Ridge Rd. repair in 2011, the cost would have been \$32,000 and this year the cost is \$244,000. This ordinance is another \$325,000 for sewer repair, but under the budget it will only be an additional \$100,000 because \$225,000 will be switched from the Capital Improvement Fund over to the Capital Improvement Fund Emergency Sewer Repair account and the WWTP Utility Fund.

NEW ORDINANCE:

ORDINANCE NO. 78-23

BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE AUTHORIZING THE RATIFICATION OF THE PAYMENTS TO SHELLY 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"

1st READING

Mr. Moran discussed this with Director Snyder and this was purchased and used for road repairs. This will be discussed further at the next meeting.

Mr. Moran moved to close the Special Meeting, seconded by Mr. Furry.

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

The meeting was adjourned at 6:35 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council