

CITY OF ROCKY RIVER

April 22, 2024

The Legislative Meeting was called to order by Mr. Hunt, President Pro-Tem of Council, at 7:00 p.m. in the David J. Cook Council Chambers.

Council Members Present: Mr. Hunt, Mrs. Gallagher, Mr. Shipp,
Mr. O'Boyle, Mrs. Morris

Council Members Absent: Mr. Furry, Mr. Sindelar

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

Law Director: Mr. O'Shea

The meeting was opened with the Pledge of Allegiance.

MOTION:

Moved by President Pro-Tem Hunt seconded by Mrs. Gallagher that the reading of the minutes of the April 1st Committee-of-the-Whole Meeting and the Committee-of-the-Whole and Special Meetings of April 15th, be waived and that the minutes be accepted as presented.

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

MAYOR'S REPORT:

The Mayor wished Council a Happy Earth Day.

The Mayor announced that the Arbor Day celebration will be this Friday in front of City Hall, beginning at 10:00 a.m. and all residents are invited.

The Mayor discussed the gas well situation on Hilliard Blvd. They achieved the full depth of the gas well at 2,360 feet deep. This week they will fill it with concrete and should be completed by May 1st if the weather cooperates. Thank you to all the residents for their patience as the odor was disruptive to many residents and thank you to the Fire Department for monitoring the gas well along with the Building Department.

Bulk leaf collection will be mobilized the week of May 6th. Residents can place their leaves out after their spring clean-up that week with one truck making it through the entire city for pick-up.

There was a disruption of electric service to some of the residents this weekend. The substation on Center Ridge had some issues that have been fully addressed and repaired. Please contact City Hall if the disruption continues.

The Mayor announced that Detective Michael Asbury has received the "Law Enforcement Officer of the Year Award" from County Prosecutor Mike O'Malley. This highlights his forensic analysis of cars, computers and mobile devices. Because of his efforts, there were crimes solved within 20 jurisdictions including car thefts, car jackings and a shooting. Congratulations to Detective Asbury.

The Mayor met virtually with the Army Corps of Engineers along with other Mayors and Stakeholders around the Great Lakes, including recreational harbors and safe harbors for the United States. Mayor Bobst's interest is in dredging as the city has been seeking funding for the dredging of the Rocky River which includes the City of Rocky River, the City of Lakewood, the MetroParks and the Cleveland Yachting Club. The city received a Congressionally Directed Spending earmark for about \$900,000 and is working to escalate it into an emergency situation as the depth of the Rocky River desperately needs to be dredged. The Army Corps of Engineers will do all the monitoring of the depth. There are three ways to be funded, including: the Congressionally Directed Spending, a Harbor Maintenance Trust Fund that contains resources in it that can now be extended to recreational harbors and safe harbors and the Bipartisan Infrastructure Bill. The city is working on all of these to secure funding sooner than later. In 2024, the Recreational Boating Study of the Federal Government will be updated to confirm and highlight the impact that recreational boating has on the Great Lakes and the importance it has to the Great Lakes.

The Mayor shared the water levels in the Great Lakes that are monitored for the average water levels over a long period of time. Lake Superior is down two inches, Lakes Michigan and Huron are up two inches, Lake Ontario is even and Lake Erie is 13 inches above its average. They expressed concerns about ice not covering the lake, there is a lot of evaporation, decreased precipitation from snow and rain which impacts runoff. They are concerned that some of the numbers may drop even lower. It is monitored, but there is nothing that can be done about it as it is a result of nature in our region.

Martin Park Restrooms have been refreshed with a new roof and new paint. The Rotary provided a grant to the city to purchase AED's and one is placed at Linden Park by the restrooms, another in Elmwood Park by the ball fields. The outdoor pool lobby renovation is nearing completion.

Last Friday was Wild Flour Bakery's 30th anniversary. They have been a tremendous business in the community. They began at what is now known as the Wine Bar and moved to Lake Road. On behalf of City Council and the Administration, the Mayor presented Sue Johansen with recognition for her longevity in the city, expansion, as an employer and being a part of so many celebrations in the city. All the Lake Road businesses see Wild Flour Bakery as a major anchor. They were all open Friday, serving refreshments in honor of Sue Johansen, making it a special celebration. There was a coloring contest for the youngest up to age 12 to color a cake sheet. Wild Flour selected five of the colored pages and replicated the artwork onto cakes. The first page selected was colored by a one-and-a-half-year-old. Congratulations to Sue Johansen for another thirty years in our community.

May 4th is Little League Opening Day with the parade kicking off at 9:30 a.m.

The Chamber of Commerce will be at City Hall continuing their "Planting our Roots" effort and will be mulching at City Hall Park and Linden Park which is a big help to the Parks Crews.

The Mayor also mentioned that the Senior Center Art Show will be opening the May 4th weekend also.

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”
ON HOLD**

Mrs. Gallagher said this amended ordinance is to change the zoning classification of four parcels located on Ingersol Drive from their present classification of Service Manufacturing to OB-2 Office. This ordinance will have its Public Hearing on May 6th beginning at 7:00 p.m.

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”
ON HOLD**

Mr. O’Boyle said this ordinance is amending the Development Code of the Codified Ordinances of the City of Rocky River, specifically Sections 1135.09 and 1135.13. This was referred to the Planning Commission and the minutes from the March 19th meeting have been approved by the Planning Commission as of April 16, 2024. City Council will hold a Public Hearing for this ordinance on May 13, 2024.

President Pro-Tem Hunt said that Ordinance No. 19-24 has been withdrawn from the Consent Agenda as it needs to be amended. Councilman Shipp said during the first reading of this ordinance, it was pointed out that Section 2 did not contain the correct subject which should be Tri-City Playground Equipment, which has been corrected prior to the second read, but has not been formerly moved to be amended. Mr. Shipp moved to amend Section 2 of Ordinance No. 19-24, seconded by Mrs. Gallagher and Mrs. Morris.

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

AMENDED ORDINANCE NO. 19-24 **BY: PAUL SHIPP**
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH DWA RECREATION FOR THE TRI-CITY PARK PLAYGROUND EQUIPMENT AT A COST NOT TO EXCEED \$161,947.84, AS FURTHER DESCRIBED IN EXHIBIT “A”
3rd READING**

Mr. Shipp said there was a question last week about payment being received by the other two cities. Director Holub reports that the City of Rocky River is in possession of their checks and everything is ready to go. Mr. Shipp moved to pass Amended Ordinance No. 19-24, seconded by Mrs. Gallagher and Mrs. Morris.

Vote: Hunt – aye Gallagher – aye Shipp – aye
O’Boyle – aye Morris – aye
5 – 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”
2nd READING**

Mr. Hunt said there was some good discussion last week after the first reading during the Special Meeting from Mr. Sindelar and this will be discussed further at the next Committee-of-the-Whole Meeting.

NEW BUSINESS:

RESOLUTION NO. 22-24 **BY: THOMAS J. HUNT**
AN EMERGENCY RESOLUTION APPROVING THE CUYAHOGA COUNTY 9-1-1 PLAN DATED
MARCH 6, 2024
1st READING

Mr. Hunt deferred substantive discussion on this until the next Committee-of-the-Whole Meeting, but generally there has been an updated County 9-1-1 Plan as of March 6, 2024, pursuant to Ohio Revised Code. Each municipality within the service network must provide a resolution signifying approval of the 9-1-1 Plan. Mayor Bobst indicated that she has requested a redlined updated version of the new plan so Council can compare.

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
1st READING

Mr. Hunt said that this is a companion piece to the prior resolution. This resolution would allow for one individual Mayor in the service plan area to be nominated as a representative for all the other municipalities. Mayor Kirsten Holzheimer Gail of the City of Euclid will be nominated by the rest of the municipalities. She is currently President of the Mayors and Managers Association and Mayor Bobst indicates that she has full confidence that she will be able to carry out the role as representative. This will be discussed further at the next Committee-of-the-Whole Meeting.

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"
1st READING

Mr. Hunt said that he will leave substantive discussion on this ordinance until Mr. Sindelar attends the next Committee-of-the-Whole Meeting. In general, this authorizes the city to enter into a contract with RMH as noted in the title of the ordinance for complete replacement repairs on Sunnyhill Drive from Beverly Hills to Spencer.

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"
1st READING

Mr. Hunt said this will be discussed further at the Committee-of-the-Whole Meeting. This will be for the annual Sidewalk Repair Program which is in year four of the program.

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”

1st READING

Mr. Hunt said this will be discussed in more detail at the next Committee-of-the-Whole Meeting but Council has touched on the need for repairing and taking care of the paths at both Linden Park and around the Civic Center and Municipal Campus. This will be a worthwhile ordinance to update these pathways for walkability of the community.

RESOLUTION NO. 27-24

BY: BRIAN J. SINDELAR

A RESOLUTION AUTHORIZING THE CITY OF ROCKY RIVER TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACTS TO BE AWARDED IN 2024

1st READING

Mr. Hunt said the administration has asked Council to consider passing this resolution on a Rules Suspension on a first read. This resolution, which does not authorize any expenditure of funds, would however situate the city in terms of the amount of salt needing to be ordered for the upcoming winter season. Speaking with Director Snyder, the resolution to enter into the agreement with ODOT is due on May 3rd and since Council is not meeting again until May 6th, the hope is to consider passing this on first read. This is a yearly resolution and Mr. Hunt is comfortable with moving forward unless there is some opposition. Mr. Snyder apologized for the short time on this, but he did not receive the invitation to participate in this until April 11th. Typically, he tries to stick with the three read standard procedure, but as Councilman Hunt said this is to be involved in the program and is something that is done yearly and he would appreciate that consideration. Mrs. Gallagher asked if the new exhibit is updated. Mr. Snyder said yes, the city currently has about 2,200 tons of salt on hand and with what needs to be delivered, the city tries to go into a season with 4,000 tons, thus the city is asking for 1,800 tons. There is a 10% plus or minus in this, so the city would have to order at least 1,620 tons or go up to 1,980. Mr. Hunt moved to suspend the three-read rule for Resolution No. 27-24, seconded by Mrs. Morris.

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

Mr. Hunt moved for passage of Resolution No. 27-24, seconded by Mrs. Morris.

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

CONSENT AGENDA:

ORDINANCE NO. 17-24

BY: BRIAN J. SINDELAR

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN UPDATED AGREEMENT FOR THE ESTABLISHMENT OF THE WESTSHORE COUNCIL OF GOVERNMENTS, AND DECLARING AN EMERGENCY

3rd READING

Mr. Hunt said this has been pending since mid-March and Councilman Sindelar has discussed this at several meetings. The Westshore Council of Governments agreement was updated and this is an authorization for the Mayor to enter into the updated agreement that has been discussed for the last month.

ORDINANCE NO. 18-24

BY: JEANNE GALLAGHER

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH LOGICALIS, INC. FOR RENEWAL AND UPGRADE OF THE

CISCO PHONE SYSTEM NETWORK LICENSING FOR FIVE YEARS AT A COST NOT TO EXCEED \$87,256.37, AS FURTHER DESCRIBED IN EXHIBIT “A”
3rd READING

Mrs. Gallagher stated Ordinance No. 18-24 has been discussed for a month and is an authorization to renew the Cisco phone systems licensing for five years, upgrading it to the newest operating system (v15) which would enable the city to continue receiving security and updates for the next 5 years. The cost is not to exceed \$87,256.37. This includes software licensing for the entire phone system and the labor for Logicalis to upgrade the operating system software. The current licensing expires in May and June of this year and since Cisco is ending the support for the current operating system (v12.5) in 2025 it is time to renew and upgrade. Logicalis was the original vendor and they are familiar with the systems and the current network infrastructure. Procurement is under the State Cooperative Purchasing Contract. There are no findings for recovery under the Auditor of State.

ORDINANCE NO. 20-24 **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, FOR THE WAGAR ROAD HILLIARD BOULEVARD INTERSECTION PAVEMENT IMPROVEMENT PROJECT AT A COST NOT TO EXCEED \$292,460.65, AS FURTHER DESCRIBED IN EXHIBIT “A”
3rd READING

Mr. Hunt said this has been discussed for several weeks by Councilman Sindelar and has received a great explanation from Safety Service Director Snyder on the need for this pavement project. There was only one bid, but as discussed it was significantly under the engineer’s estimate and from a contractor that the city is familiar and comfortable with. City Council is ok with going with this contractor to get this work completed.

MOTION:

President Pro-Tem Hunt moved for the passage of Ordinance Nos. 17-24, 18-24 and 20-24, seconded by Mrs. Gallagher.

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

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: Mr. Andy Tabar, 22604 Sunnyhill Drive, pointed out on Earth Day that he is very excited about the Tree Program that is rolling out and it will be nice to see the canopy expanding, well done. He wanted to reconfirm the plan for a fence behind the Center Ridge Apartment Project that has been under construction for over a year now. Mr. Tabar is a new resident from the end of 2021, he came in at the late end of the planning of it but has a neighbor with him who was at an earlier Council Meeting where there was talk about a mounded six-foot fence going up between the single-family homes and the multi-family homes. He thinks that some neighbors are growing frustrated watching all the construction, residents have kids, security, privacy it brings it to a point of discussion and see the project completed. He has met a future tenant who may be moving in mid-May so he thinks the situation seems to be tightening up in terms of a window to do this. About four hours ago, giant arborvitae were planted today and the area appears to be getting tighter to do some of the privacy things.

Mr. Roland Straubs, 22564 Sunnyhill Drive, attended the meeting about a year and a half ago finalizing these agreements. The agreements seem to be that there was going to be a 3-foot mound and on top of the mound there was going to be a six-to-eight-foot fence to ensure that headlights wouldn’t shine on the homes, the fumes from vehicles wouldn’t permeate into the Sunnyhill area and afforded some privacy. Additionally, the lighting was supposed to have some covers. All the lighting for the parking lot now is shining directly into his family room causing him to close his curtains at night. Mr. Straubs spoke with Jack from Kreuger and he said that they had ordered covers but he thinks he meant a cover for the first light, but he believes all the lights need covers because all

eight of the lights shine directly into his family room. These are things that were promised to the residents and the Council had agreed upon. Watching the progression as things were going on, noticing that there was no dirt being piled up, first of all, and in the last few days they have been doing planting and the planting is level with the parking lot.

President Pro-Tem Hunt encouraged them to reach out to the Planning Commission and the Boards of Commission would have been the entities that would have been discussing those types of issues. He knows that there has been inquiry from Mr. Tabar with Commissioner Ray Reich and Mr. Hunt knows he has provided additional information indicating that the landscaping is working its way back from north to south. He would encourage these gentlemen to stay in touch with the Building Department.

Mr. Straubs said there is no three-foot mound there at all. The Mayor will check with the Building Commissioner tomorrow regarding the mounding and what was required by the Planning Commission when they approved the project. Mrs. Morris and Mrs. Gallagher were at that meeting and they remember exactly what they are talking about. The Mayor also knows that the Cuyahoga Soil and Water Conservation District has been a part of this as well. Mr. Straubs also said he thinks they have reduced on what they were investing in the plantings. The Mayor said the Building Commissioner enforces the plan unless there is some intervening variable. The Mayor is unaware of any intervening variable, so he would follow the plan and whatever was set forth by the Planning Commission. We need to understand why there is not a three-foot mound and are they going to shield the lights from shining in their home. Mr. Reich said it is very early on in the planting because of the weather, but the Mayor said the mounding is an issue.

Mrs. Morris wished the Mayor and President Pro-Tem Hunt a Happy Birthday next week.

As there was no further business by members of Council, the Legislative Meeting was adjourned at 7:50 p.m. There will be a Committee-of-the-Whole Meeting on May 6th.

Thomas J. Hunt
President Pro-Tem of Council

Susan G. Pease
Clerk of Council