

CITY OF ROCKY RIVER

April 1, 2019

The meeting of the Committee-of-the-Whole was called to order by Mr. Moran, President of Council, immediately following the Special Meeting in the David J. Cook Council Chambers.

Council Members Present: Mr. Shepherd, Mr. Furry, Mr. Sindelar, Mr. Moran

Absent: Mr. Hunt, Mr. O'Donnell, Mr. Klym

Administration: Mayor Bobst, Mrs. Costello

Law Director: Mr. Bemer

MAYOR'S REPORT:

Mayor Bobst indicated in celebration of the Indians Home Opener that the staff of City Hall dressed in their team spirit wear to cheer on our team.

Mayor Bobst announced the sad news regarding the passing of former Mayor Earl Martin last Wednesday. He passed away at his home, surrounded by his family. Earl was born in Rocky River in 1930 and lived his entire life in Rocky River. In the past, Mr. Martin shared childhood stories of times he and his friends would hunt rabbits and pheasants in the heavily forested areas of the City Hall campus prior to its development, as well as the area where Westgate now stands. He was a U.S. Navy Veteran. He was Mayor for 24 years; he also served on Council and as Safety Service Director. He was also the first full-time mayor that the City had ever had. In the book *Rocky River...Timeless* by Ann McCauley, there is a section in the book called "A Man for All Seasons". Mayor Martin indicated his main focus was on sewers, of which the current administration continues to have some of the same focus. He was responsible for acquiring the Nike site, where today we have Martin Park and a residential development in that area. He was a strong leader not only in our community, but across the entire region. "A Man for All Season" – Mayor Bobst thinks about Earl during leaf season and the winter season when the streets are being plowed. Mayor Martin also felt these things needed to be done well in order to serve the residents. The Service Garage is named in his honor because of his commitment to a high level of services to our community. His wife Beth told the Mayor "You know, Earl's really soft at heart. He would even cry at openings of grocery stores." Mayor Bobst continues that same "tradition". Mayor Martin was dedicated to public service not only through the military, but also to our community. He loved to fish on Lake Erie and at the Trout Club. He belonged to Beaver Creek Hunt Club. One of his favorite things to do was play cards; he played cards a lot at Westwood and at the Yacht Club. Mayor Bobst indicated he was always available to answer questions. Having someone with institutional knowledge and history of the City was extremely important when serving as Mayor or on Council. About a week and a half ago, Mayor Bobst called former Safety Service Director Jim Linden and asked him about Bradstreet's Landing in an effort to address a question asked by a reporter about some of the history at the park. He called Earl and asked him about it. Earl shared some great history. There are many stories like that where he helped the current administration. It is upon his legacy that our community continues to thrive and prosper, so please join with all of us in extending our deepest condolences to the Martin family, especially his wife, Beth. He had a tremendous impact on our beloved community!

Council has not received the County Board of Health section of the 2018 Annual Report.

Mayor Bobst shared some very good news regarding notification from Cleveland Water that the City has been approved for three water line replacement grants, Culver, Oak, and Morewood. This award brings the total to

well over \$10M in water line work that has been granted to the City of Rocky River through this grant program. Congratulations to Director Costello and our City Engineers on securing those grants.

Cox Communications has awarded a technology grant of \$10,000 to one of our civic organizations, Because I Said I Would headquartered on Center Ridge Road works with communities across the world. Their founder Alex Sheehan has done great work on the topic of keeping promises and character building among youth, etc. This \$10,000 award will help them with improving their technology.

The Marine Patrol was awarded \$30,000 from ODNR for the operations of our marine patrol boat, which is committed to safe and enjoyable boating on Lake Erie and the on the river.

Mayor Bobst thanked Harlan Radford for organizing the swim-a-thon at the indoor pool and raised significant funds so that we can have a lift chair for the pool. Mr. Radford has done a lot for the Autism Center that we partner with Fairview Hospital and Cleveland Clinic Health System at the Civic Center.

Mayor Bobst provided some Building Department statistics. Comparing 2019 to 2018 at this same time, there have been 277 building permits pulled for residential and commercial projects for a total of \$10,614,000 in valuation, compares with \$5,893,000 last year. A fairly significant jump. A great indicator that the economy is back on its feet again. Rocky River continues to be a community where people want to invest!

COMMITTEE REPORTS: Design Review Board: President Moran said that there was a Design Review meeting this evening where there were three presentations and all were approved.

COMMUNICATION & ANNOUNCEMENTS: Mr. Moran spoke regarding Mayor Martin's passing, acknowledging the procession on Sunday afternoon which passed by City Hall, where City Officials, Service, Fire, and Police Department personnel and equipment were presented in tribute to Mayor Martin. Mr. Moran indicated we will miss Mayor Martin and acknowledged the mark he left on the City of Rocky River.

UNFINISHED BUSINESS:

ORDINANCE NO. 88-18: Mr. Moran said that this ordinance pertains the rezoning of the property on Wooster Road. This ordinance has been read twice. This is a Public Facility zoning with a request to change to an R-2 zoning. Plans were presented and the Planning Commission did approve the zoning change. City Council has been having communications with the Administration.

- Mr. Furry commented that he has reviewed the criteria contained within RRCO Section 1135.21 and he has had discussion with Planning Chairman Bishop on the process the Commission used to arrive at the R-2 recommendation. He is comfortable with what he had to say. He continues to be in favor of this rezoning request.
- Mr. Shepherd commented regarding whether or not this particular project really fits an R-2 usage. There are specific provisions that he feels indicate that it does not.
 - Zoning Code Section 1123.02 – Definitions. Item (b)(53) – Dwelling, two-family. A dwelling, having the exterior appearance of a single-family house, designed for or converted to contain two (2) dwelling units...

He does not feel these three structures look like single-family houses, so from the definitional standpoint he does not think it is a proper usage of R-2. R-2 is more dense than R-1, but it is supposed to be able to be complementary or fit into an R-1 environment.

- Code Section 1153.01 – Intent. Item (f)(2) - The R-2 Two-Family District is established to promote, preserve and protect medium-low density neighborhoods in the City. Two-family dwellings are to be in locations where they are designed and located in a manner that is compatible with the existing or proposed residential neighborhood.

He stated the look of this is six double car garage doors in a row with a roofline above it, no front yards, shared driveway. In his mind, it does not fit into the neighborhood or meet the definitions.

If you go further into the Use regulations

- Section 1153.11 – Design Guidelines for One and Two Family Dwellings. Item (a) - ... dwellings are to be designed and located on the site and be of a scale to complement buildings in close proximity and enhance the character of the surrounding area by having features that are appropriate and compatible with existing buildings and structures.

If you go further down into Items (b) and (c) it talks about façade and roof articulation; and in particular, it talks about having windows, different types of things on the roofs. It specifically says "...Roof articulation may be achieved by changes in plane and/or the use of traditional roof forms such as gables, hips, and dormers."

As he drives down the street, he sees four or five houses to the north and south of the property and each has the unique look of a single-family Rocky River residence. There are all different. He does not see that with this project. It has been pointed out that you can have a cluster development in an R-2, and to him it appears to be a cluster with the shared driveway. Looking at the cluster criteria, the 20 feet side yard setbacks and while he does not have the exact coverage number, he does not believe there is anywhere near the area needed for a cluster development. The reasoning for this is if clusters are put in an R-2, there needs to be enough to insulate, conceal and separate them, so they do not stand out. To him this is basically a cluster stuck on too small of a lot to get six units in it. He wants the record to reflect the design criteria and the definitions of the Code because the things he started out saying about this project are based on these considerations. It is in our Code to protect our neighborhoods. The Boards do have the right to deviate, but when they deviate, it is supposed to be within the spirit of the Code. I does not feel that this is. He respects anyone who feels that it is, he respects the people applying for the changes and he understands their position, he understands the church's position. The stance he is taking is not anti-church, but feels his decision should be in the best interests of his Ward under the laws and the way it feels.

Mr. Moran indicated he had opportunity to attend some of the Planning Commission meetings from early on. He stated the development proposed is a beautiful looking development. It has some great advantages. He feels it is pressing the definition of the R-2. His prior comment that the three doubles was a bit much and that perhaps two doubles might fit more into the area. He noted discussion about it being an R-1 single-family houses and comments coming back that financially that would not be feasible. He understands what Councilman Shepherd is saying and appreciates his concern for his Ward. He does not want to stop the opportunity for building within the City of Rocky River, but he hates to see too much being squeezed in. He believes it

could be rezoned as an R-2, but is concerned that the variance allows too much going in on the lot, especially between the residential houses that are currently there. He anticipates more discussion next week. He did briefly speak with Councilman O'Donnell, who has some questions. He also indicated Councilman Klym had an opportunity to have other conversations. He does not want to speak for either of them, but wants them to have the opportunity to speak themselves. There is the opportunity to read this ordinance for a third time next week and he will make sure that questions and concerns have all been addressed, so that a vote can be taken at that time. If it passes, it will move on to the Design and Review Board. If it does not pass, the applicant would have to wait at least a year before coming back unless there is a specific change making a large difference in the project.

ORDINANCE NO. 18-19: Mr. Moran indicated this is sponsored by Councilman O'Donnell and involves the sewer rates for the City of Rocky River for the sanitary sewer lines in the Valleyview area that flow to Lakewood's Wastewater Treatment Plant. This has been read twice. The Valleyview residents pay the same amount as all Rocky River residents, and the City of Rocky River pay the City of Lakewood for the difference. Mr. Moran requested this item be placed on the Consent agenda for a third reading at the next meeting.

ORDINANCE NO. 19-19: Mr. Moran indicated this is also an ordinance sponsored by Mr. O'Donnell and it has been read twice. This ordinance has to be with certain costs for the new ladder truck. Mr. Moran requested this item be placed on the Consent agenda for a third reading at the next meeting.

ORDINANCE NO. 20-19: Mr. Moran indicated this ordinance is sponsored by Mr. Klym, amending RRCO Section 951.01 regarding fees for the pool. Mr. Klym has presented information regarding these changes. Mr. Moran requested this item be placed on the Consent agenda for a third reading at the next meeting.

ORDINANCE NO. 23-19: Mr. Moran indicated this ordinance is sponsored by Mr. Klym, concerning fees at the Hamilton Ice Skating Rink. Mr. Moran requested this item be placed on the Consent agenda for a third reading at the next meeting.

ORDINANCE NO. 24-19: Mr. Moran indicated this ordinance is sponsored by Mr. Hunt, concerning the use of the jails in Bay Village and Westlake during the construction of the new Rocky River Police Station. This ordinance has been read once and is scheduled for another reading next week. Mr. Hunt's requested the correction of two typos within the agreement be made, and those changes have been made.

ORDINANCE NO. 25-19: Mr. Shepherd indicated this ordinance will be read for the third time next week and requested it be placed on the Consent agenda for the next meeting.

NEW BUSINESS:

ORDINANCE NO. 26-19: Mr. Moran indicated this ordinance is sponsored by Mr. O'Donnell and it is to pay the Water Division \$34,108 for water readings used for the calculation of City sewer billing. Mayor Bobst clarified that actual water readings are purchased from Cleveland Division of Water once a year. The other three quarters are estimated bills and then the actual readings are used to do one final bill with any appropriate adjustments. This is a cost savings to the City to only purchase the readings once a year, rather than paying the \$34,000 figure 4 times a year. Mr. Moran indicated this ordinance will be read for the first time next week.

RESOLUTION 27-19: Mr. Moran indicated this resolution is sponsored by Mr. O'Donnell. This is for unpaid private property maintenance costs incurred by the City. These amounts are being sent to the County for inclusion on the property tax bill for the subject properties. This resolution will be read for the first time next week.

ORDINANCE 28-19: Mr. Shepherd indicated this ordinance authorizes the Administration to enter into an agreement with AECOM Technical Services for a project that would provide designs and create specifications for Riverdale. Currently there is a soil erosion problem and a narrow one-line road, and this project will fix the soil and widen the road by digging into the uphill side of the road, which are lots owned by the City. This will provide specifications so the City can bid out the project. A few years ago the slope stabilization study was done and this project was discussed in the budget meetings. The funds from this project will come from the Capital Improvement Fund. The amount of the project is \$128,111.00. This will receive three reads. Discussion will be had at future meetings.

PUBLIC COMMENTS RE ORDINANCE 88-18:

Joanne Corradi, 3329 Fairhill Drive. She and her husband loving living in Rocky River and care deeply about the community and its future. They pass 3300 Wooster every time they go anywhere because of where they reside. When they first moved to Rocky River, the church was in use, but now it is an eyesore. The proposed re-development is a disappointment because the front of it is six garages with living quarters behind them. It does not look attractive. Replacing an eyesore with an eyesore is not progress. Many things can be done that will be more attractive and in keeping with R-2; going to 4 units instead of 6 would allow for more creative, appealing designs, different placement on the property that would be much more in keeping with the neighborhood. The builder wants to make money, which is understandable. A smaller number of larger units would bring in more money and more than balance out selling six smaller unattractive units. Recent area housing sales have been high and strong. This is an opportunity to do something really wonderful for this neighborhood. Coupled with the redevelopment of the Wooster Estate, these two developments could be very exciting. An attractive development could be the catalyst that we need for this neighborhood. Owners on either side of this property have an investment in their homes, so if they see really attractive houses going in next to them, they will be pleased and might also further improve their properties. This is a pivotal moment in this neighborhood and Council has the power in its hand to do something wonderful out of respect for the residents of this area.

Matt Parnell, 551 Linda Street. Wanted to submit for the record that Schedule 1151.03 Permitted Uses in Public Facilities District, Item 1, (D) Medical Healthcare Facility is a permitted use. Under that jurisdiction it is an approved use, you cannot discriminate. There are two offers on the property, his and a backup buyer that is a healthcare facility. It is a drug rehab facility. The current zoning use for the property is Item (D) Medical/Healthcare facility. The Alcohol and Drug Rehab Center is legally defined as a medical facility. Its use is approved and protected under the Rehabilitation Act, American Disability Act (ADA), and if this were a residential use, the FHA.

Serban Constantinescu. He is trying his best to understand things, be gracious, and take into consideration all points of view, but he is baffled because to him it is a win-win situation. The City gets rid of a building in bad shape with asbestos in it and replace it with six beautiful townhouses. He disagrees with others who criticize the project. It is to the City's advantage because it could collection property taxes between \$30,000 and \$40,000 a year, City taxes, sales taxes, etc. It will look good. The value of the neighborhood will increase. On Wooster going toward Lorain there are big, solid blocks of

buildings, bigger than what some have expressed concern about in this project. There are six townhouses that are somewhat compacted, but not totally, and there might be some discussion between R-2 and R-3, but all are looking very good and will enhance the value of the street and the City. He thinks at the end everyone will be happy. I hopes that Council will vote affirmative for the rezoning.

Karen Kane, 3235 Goldengate. Referencing Ms. Corradi's comment that everyone would appreciate something else on Wooster Road, Ms. Kane indicated she asked the people on her street, which abuts the church property. She presented an entire list of individuals who say they are in agreement for these proposed single homes. Did anybody else ask? Half the street received invites to the Planning Commission and Public Hearings, but the other side did not. People on the other side of the street are looking at the location. She is here on behalf of herself, her husband, and the majority of Goldengate Avenue and they are in support of proposed single home units. They are strongly opposed to the proposal of the alcohol and drug rehabilitation clinic.

Councilman Shepherd commented that if you carefully look at the Building Code, the setbacks and the structures they have there, he does not believe it is a realistic option. He asked Ms. Kane if she would be in favor of an R-1 change for that location if it had three homes. She said they would be in agreement for homes to be there.

Marius Zion, Parish Council President, Buna Vestire Church. They have tried to sell the property for the last two years since they moved to their new location. The reason they moved was their lack of parking. The building is about 100 years old that was bought by previous generations of the parish. Several churches looked to purchase the property, but did not have the money to pay for it. Another buyer, a pet groomer, considered a purchase, but the zoning was not appropriate for that business. Now they have Mr. Parnell and they are working to get the property sold. Currently, the property is in disrepair and people are parking in the lot. It is a mess. Every Sunday parishioners are asking about the sale and this whole process. They have a lot of pressure. Previously, they thought the transaction would close by the end of April, but then last week everything was turned upside down. The next offer they have is from the rehab center. They really do not want to go that direction, but the financial need of the church will push them to accept that offer.

Cheryl McCoy, 3290 Wooster Road. She has given the proposal that Mr. Parnell has put forth a lot of thought and she wants to state that there are too many units on the property. She would a rather see two buildings, or four units, on the property, or possibly two houses built with more green space and individual driveways, which would be a better use of the land. The design is a garage with a house attached and it has the look of a cluster home, and it does not have the feel of their neighborhood. There are currently unique homes that are two story, like her colonial, or there are ranch homes. She also heard the rumor of the concerns for the drug rehab facility, she would really have a lot of questions about that especially with the childcare facility right across the street at Rockport Church. She thinks that would be some kind of planning issue. She appreciates all the work Mr. Parnell has done on this, but she really feels the property could be better used in the neighborhood and make it look more unique like the neighborhood's houses.

Jenn Hall, Goldengate Avenue. She is still in favor of Mr. Parnell's project. She feels there needs to be some beautification done on this end of Rocky River. Mayor Bobst had guided her to review the Master Plan. Noting housing diversity and quality housing from the plan she believes this project fits that very well. A vacant church lot and a rehab facility do not fit that. Maintaining high residential

standards, also in the Master Plan - continuing those standards to encourage home upkeep and maintenance to ensure neighborhoods to remain strong long into the future. That is something that this housing project will also be able to do. A rehab facility does not do that, nor is there any guarantee it will stay and then it becomes a vacant lot again. This proposal is a housing project that sustains longtime future for housing in Rocky River, and it increases the taxes and it increases her home value. Beautification for housing through rehab, either through landscaping or a site. To beautify the church it will take more than landscaping to beautify that. Thus, this housing project fits nicely into the community. Driving by the site is totally different than living there.

Jon Gherman, Parish Priest, Buna Vestire Church. At the first meeting about this project, Mr. Parnell presented seven units in his design and it was suggested that the project be altered to the three two-family units (6 units). He agreed and changed his design drawing and came back. Now he is surprised that the Council is against what was suggested.

Mr. Moran commented regarding the fact that the meeting to which Father Gherman was referring was with a different committee, not City Council, and the first project was requesting an R-3 zoning change, so the comments were the start of a discussion/negotiation with Mr. Parnell to tailor it back.

Father Gherman said it was a difficult decision to move and sell. He prays for the right decision to be made. They really need the property to be sold.

Kim Kramer, Howard Hanna. Following up on comments made last week by an audience member, Ms. Kramer provided clarification that this is not a rental situation. There will be bylaws in place to prevent that situation. She objected to Mr. Shepherd's suggestion that the church reduce the price so it is more cost effective for Mr. Parnell to come in; and did not understand how he could tell someone to reduce the price that has already been reduced dramatically.

Mr. Shepherd commented that he could not tell them to reduce the price and that he does not know what the right price is. When a decision for zoning is made for the City, it should be what they think is best for the City and he does not think that a price set for a property should determine what the appropriate zoning is. He thinks this is what happened here. The price set and under those parameters, the developer is of the belief that it would only be profitable if he can get this much into that area. A fair market price is what someone will pay for that property as is current situated. Technically, with the current zoning.

She thanked Mr. Shepherd for clarifying his position. She inquired if he said he would not allow the drug rehab center to come in. Mr. Shepherd indicated he does not have the ability to allow or not allow it. He is of the opinion that they will not be able to restructure that property and meet all the requirement, i.e. setback, structure, etc.

Ed Matis, 20063 Mercedes Avenue. Mr. Matis is in favor of the project. The property looks bad today and Mr. Parnell is the only one trying to do something with it. If he could do it and make money with two units, he probably could. He also agrees that it fits in with the Master Plan. Along Wooster there is great diversity, i.e., huge apartment buildings, duplexes, single-family, etc. This plan will look nicer than what it is currently. New houses with families.

Teodor Stroie, Church Member. He formerly lived in Rocky River. He has listened to everyone's comments. The old church is there now and it is hard to imagine what the property will look like in 2,

5, or 10 years from now. They have to sell it because they cannot hold two properties. They need the money for the church to grow. Mr. Parnell has worked hard and he is not sure how far he can go with this. He wants to see something good happen on the property.

Mr. Moran thanked everyone for their comments. The notes will be presented to the other Councilmen who are not in attendance. Ordinance 88-18 is coming up for a third read next week and Council will have the opportunity to vote on it at that time.

As there was no further business by members of Council, the meeting was adjourned at 8:20 p.m.

James W. Moran
President of Council

Mary Ellen Umerley
Acting Clerk of Council