

CITY OF ROCKY RIVER

March 11, 2019

The Regular Meeting of Council was called to order by Mr. Moran, President of Council at 7:00 p.m. in the David J. Cook Council Chambers.

Council Members Present: Mr. Hunt, Mr. Shepherd, Mr. O'Donnell,
Mr. Furry, Mr. Sindelar, Mr. Moran

Absent: Mr. Klym

Administration: Mayor Bobst, Mrs. Costello, Mr. Thomas

Law Director: Mr. Bemer

The meeting was opened with the Pledge of Allegiance.

MOTION:

Moved by Mr. Moran, seconded by Mr. Furry that the reading of the minutes of the Legislative Meeting of February 25th be waived and that the minutes be accepted as submitted.

Vote: Hunt – aye	Shepherd – abstain	O'Donnell – aye	
Furry – aye	Sindelar – aye	Moran – aye	
5 ayes	1 abstain	0 nays	PASSED

Moved by Mr. Moran, seconded by Mr. O'Donnell that the reading of the minutes of the Special Meeting and Committee-of-the-Whole Meeting of March 4th be waived and that the minutes be accepted as submitted.

Vote: Hunt – aye	Shepherd – aye	O'Donnell – aye	
Furry – aye	Sindelar – abstain	Moran – aye	
5 ayes	1 abstain	0 nays	PASSED

MAYOR'S REPORT:

The Mayor shared with Councilman Shepherd some additional details regarding the Teamster Contract for the Service Department and Mr. Shepherd will present this information when that legislation is read for the second time this evening.

The Police Station was in front of the Planning Commission last week and Council President Moran will talk about that during the Committee Reports this evening.

The city has placed another salt order to fulfill the 90% quota prior to the increase charge beginning March 15th.

Trailer bids are being received and opened tomorrow. The bids will be reviewed with the legislation being forthcoming to Council. This is for moving the police station into temporary quarters on this campus during the construction of the police station.

Saturday the trophy for the biggest loser will be presented for the North Rock Park Wellness Challenge between North Olmsted, Fairview Park and Rocky River residents at the Fairview Wellness Center. A big thank you to the

staff at Fairview Hospital, the Wellness Center and the Cleveland Clinic for everything they have done for this excellent program.

- President Moran inquired about the Basketball Challenge Cup Trophy with the competition being held this Friday evening. The Mayor hopes that with Coach Andy Bemer, the city will be taking the trophy back and will be proudly displayed in the Mayor's office.

LAW DIRECTOR'S REPORT: Mr. Bemer said that the city received notice from the Ohio Liquor Commission that a hearing will be held on April 2nd here in town, regarding the objection to the liquor transfer to the BP Station on Hilliard.

Mr. Bemer asked who is available to play in the Basketball Challenge Cup on Friday. Mr. Sindelar, Mr. Moran and Mr. Hunt are available.

COMMITTEE REPORTS: Planning, Zoning and Economic Development Committee: Mr. Moran said that there was a Planning Meeting on March 6th that he attended along with the Mayor and Councilman Klym. There were three items on the agenda. Preservation Partners pulled their request due to changes that residents did not have the opportunity to review. St. Christopher's playground expansion was approved as a pre-preliminary with some questions regarding the property in the area where a house was torn down which is zoned as an R-1. The request is to have it rezoned as a Public Facility. There are issues that a resident brought up concerning trashcans and lighting. The police department was reviewed and was well accepted by the Commission with one reservation regarding the entryway on Wagar Road near the Fire Station. The police department was approved with a review regarding the drive to Wagar Road. The design was well received.

- The Mayor pointed out that there has been a continuing discussion regarding that road coming out of the parking lot to Wagar. The administration will look at it closely. There will be a meeting on Wednesday with the architects and administration to further address the driveway issue, as well as police ingress and egress. It will need to be modified to use Hilliard Road as the exit.

Mr. Moran said that there was a unique situation at the BZA Meeting on Thursday. There is a house on the corner of Avalon and Parklawn and the owner is looking to expand the house. Mr. Bemer said that by definition the front of the house on a corner lot is the shortest frontage that abuts the property. Because the frontage of Parklawn for this particular lot was shorter than Avalon, the front of the house is defined as abutting Parklawn even though the house and front door are clearly situated on Avalon with an Avalon address. When the plans were presented in 1963 it clearly identifies the rear yard of the lot as that adjoining to Aberdeen. When the code is read, the setback for the rear yard was abutting the house to the east on Avalon and the side yard was the back or side yard backing up to Aberdeen. It was very confusing for the residents at this meeting. Mr. Moran said the meeting ended by the question that was raised whether there was a variance requested or required depending on how it was looked at. The residents left knowing that the alternatives were more negative, so the homeowners permit was approved. It was a unique situation.

COMMUNICATIONS AND ANNOUNCEMENTS: Mr. O'Donnell discussed phone calls from residents he has received regarding the right in and right out at Morewood Court and Morewood Parkway. There is some concern whether that is being followed. The administration has been made aware and Law Director Bemer is looking into things for the next step. There may be some additional comments from members of the audience tonight. Mr. O'Donnell wanted Council to be aware of this issue.

- Mr. Bemer said he has had a chance to look at the Planning Commission Meeting Minutes from June and July 2016 as well as the Council manic minutes from September 2016. There was a clear indication from Council regarding right in and right out description as part of the project. There was a request for an easement and the easements were reciprocal. There were three easements; one from the applicant of the

city to allow for usage of land to construct sewers; the second for the actual construction of sewers; and an easement from the city back to the applicant for the purpose of having their driveway come out onto Morewood Parkway. There were traffic engineer studies and rumbling strips was a recommendation by Planning Commission. The Planning Commission's initial preliminary approval was a four-unit cluster development with rumbling strips. When it came back the second time it was a three-unit cluster with a clear indication of a no left in signage and the rumble strips were gone. Council had a lot of discussion with the traffic engineer regarding right in and right out. Mr. Bemer and Commissioner Reich met with two of the residents last week regarding the practical aspects of not permitting left out so as to allow for southbound traffic onto Morewood Parkway. That prompted the review of the minutes. There is no conditions in the granting of the easements, but the condition upon which the Planning Commission recommended, was no left out in signage. Mr. Bemer discussed this with the Mayor and Councilman O'Donnell and it is advisable that these residents go back to the Planning Commission for review. There was also a discussion with the Police Chief regarding enforcement of traffic signage coming out the left hand. It is on private property and the police do not have jurisdiction. The signage of no left out turn that is on the public street is enforceable and the police do have a presence there. It is a matter of a year after the fact whether there should be some conditions revisited. The first avenue is to go back to the Planning Commission. Mr. Bemer is open for suggestions.

- Mr. Hunt said that he recollects that Council made it very clear that the entrance was going to be made so there could not be a left turn out. The Mayor said that residents are making left hand turns out of the ingress coming northbound on Morewood. It is the left out that is the issue. The situation has created more of a traffic concern and hazard than was intended.

PUBLIC COMMENT: Mr. Matthew Parnell, 551 Linda Street, Rocky River, Ordinance No. 88-18: Mr. Parnell wanted to make himself available for anyone who had any questions regarding the development at 3300 Wooster Road on the westside of Wooster. Mr. Parnell said that this is currently zoned as a Public Facility. The current zoning says the height can be half the depth so there could be a 59-foot tall building on this site. With the existing zoning the way it is, the side, front and rear yard setbacks make it to be a 6 story, 400 per square foot floor footprint. It really is not a usable piece of property. It is 24,347 square feet. The larger church that is existing is 34 feet 6 inches in height. The smaller church is 26 feet. Mr. Parnell is requesting to change the zoning to an R-2 and create 6 lots that have two houses attached via three buildings. The concept would be similar to River Point on the eastside of Wooster Road built in 1997-98. Mr. Parnell showed pictures of this development as a similar concept. He also has a landscape plan that was presented to shield or hide the development from the street. Mr. Parnell disputed some things stated at last week's meeting regarding attached single family homes that are defined and permitted use in Rocky River Ordinances; the amount of concrete will be less than what is there now with the church; there is a front, side and rear yards in the development plan and a front door for each house. There will be a 3-foot buffer in front, shielded with trees and bushes. The contract from day one stated that the buyer and seller agreed that the property would not be taken off the market or removed from the multiple listing service and be shown as active and permitted to enter into backup purchases.

- Mr. Moran announced that there will be a Public Hearing scheduled for next Monday beginning at 7:00 p.m. concerning Ordinance No. 88-18.

Kim Kramer, Howard Hanna – Ordinance No. 88-18 said the church has been on the market just short of three years. There have been a variety of interested buyers but the church needs some repair. There is nothing in writing from any other church interested in this property.

UNFINISHED BUSINESS:

ORDINANCE NO. 88-18

BY: JAMES W. MORAN

AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY KNOWN AS AUDITOR'S PERMANENT PARCEL NO. 304-29-046, AND THE CONSOLIDATED PARCEL NO. 302-29-047, FROM THEIR PRESENT CLASSIFICATION OF PF PUBLIC FACILITY TO R-2 TWO FAMILY RESIDENTIAL DISTRICT, AS FURTHER DESCRIBED IN EXHIBIT "A" ON HOLD

Mr. Moran said this has been read twice and there will be a Public Hearing regarding this ordinance next Monday. There will be a third read the next week following the Public Hearing.

ORDINANCE NO. 21-19

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE TEAMSTERS LOCAL UNION 436 REPRESENTING CERTAIN EMPLOYEES OF THE ROCKY RIVER SERVICE DIVISION, AND CERTAIN EMPLOYEES OF THE RECREATION DEPARTMENT, AS FURTHER DESCRIBED IN EXHIBIT "A"

2nd READING

Councilman Shepherd said that Council received a summary of the modest increases relating to this contract. Over the term of the contract the increase in salaries totals \$171,973 and the uniform allowance increase total for each of the three years is \$4,300. Last week Council discussed in detail the contractual provisions. Mr. Shepherd commended the administration and the Teamsters for doing a good job in coming to an agreement. The raise increases follows the pattern of other negotiations in the city. Mr. Shepherd will defer further conversation to the next Committee-of-the-Whole meeting.

ORDINANCE NO. 22-19

BY: MICHAEL P. O'DONNELL

AN EMERGENCY ORDINANCE AMENDING AMENDED ORDINANCE 13-19 CREATING POSITIONS AND FIXING OR ESTABLISHING THE ANNUAL SALARIES AND HOURLY RATES COMMENCING JANUARY 1, 2019 FOR THE APPOINTED EMPLOYEES IN THE SEVERAL DIVISIONS AND DEPARTMENTS OF THE CITY OF ROCKY RIVER

2nd READING

Councilman O'Donnell said that this ordinance is required and is a companion ordinance to 21-19. Ordinance No. 13-19 was passed establishing the annual salaries and hourly rates for the employees and now that the collective bargaining negotiations are complete for the service department the ordinance needs to be amended to include these changes.

NEW BUSINESS:

ORDINANCE NO. 18-19

BY: MICHAEL P. O'DONNELL

AN ORDINANCE AUTHORIZING THE ADJUSTMENT OF SEWER RATES PAID TO THE CITY OF LAKEWOOD FOR WASTEWATER TREATMENT SERVICES FOR THE VALLEYVIEW SEWER DISTRICT

1st READING

Mr. O'Donnell said that this is an annual ordinance regarding the Valleyview sanitary sewer lines that run into Lakewood. The City of Rocky River pays the City of Lakewood for providing this service. There is a slight increase in their rate this year and this ordinance authorizes the city to pay the City of Lakewood. The Mayor added that the residents that live in the Valleyview area pay the same rate as every other Rocky River resident.

ORDINANCE NO. 19-19 **BY: MICHAEL P. O'DONNELL**
AN ORDINANCE DECLARING THE INTENT OF THE CITY OF ROCKY RIVER TO REIMBURSE CERTAIN COSTS IN CONNECTION WITH THE ACQUISITION AND EQUIPPING OF A NEW LADDER FIRE TRUCK AND THE CONSTRUCTION, EQUIPPING, FURNISHING AND OTHERWISE IMPROVING A NEW POLICE FACILITY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, FROM THE PROCEEDS OF A FUTURE ISSUE OF SECURITIES, AND DECLARING AN EMERGENCY
1st READING

Mr. O'Donnell said that this ordinance was discussed last week for the first time. To clarify, this ordinance is approving that the city might use bond proceeds to repay the city for the replacement of the new ladder truck and the new police station. This is not an approval of the cost amounts and Council will have plenty of other times to discuss those amounts and will come before Council many times prior to the completion of either of these projects.

ORDINANCE NO. 20-19 **BY: CHRISTOPHER J. KLYM**
AN ORDINANCE AMENDING SECTION 951.01 OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, REGARDING CITY SWIMMING POOL FEES AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
1st READING

Mr. Moran said that Mr. Klym outlined the small increases last week. This is an increase of \$2.00 in each category for pool passes except the senior price will stay the same. General admission will increase \$1.00 except for seniors, which will see a decrease of .50. Rocky River is very competitive with these prices.

ORDINANCE NO. 23-19 **BY: CHRISTOPHER J. KLYM**
AN ORDINANCE AMENDING SECTION 953.02 ENTITLED "FEES" OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, REGARDING THE ICE SKATING RINK, AND AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
1st READING

Mr. Moran said that this is a partner to the last ordinance but for the ice skating rink. Mr. Klym will discuss this further at next week's meeting.

CONSENT AGENDA:

ORDINANCE NO. 14-19 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR THE SAFETY-SERVICE DIRECTOR TO PURCHASE SIX (6) CONTROLLER UNITS AND FOUR (4) GPS UNITS FOR THE SERVICE DIVISION UNDER THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING CONTRACT FROM BALDWIN & SOURS, INC. AT A COST NOT TO EXCEED \$17,530.00
3rd READING

Mr. Sindelar said that the sign and signal department's lead supervisor has recommended these purchases to update with 6 controllers and 4 global units for the signal systems. This is a low charge through the State Cooperative Purchasing Program and even though it is under the \$50,000 needed for Council approval, thought it best to bring before Council for authorization.

ORDINANCE NO. 15-19

BY: JOHN P. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH FABRIZI TRUCKING AND PAVING COMPANY, INC. FOR THE 2019 WATER MAIN REPLACEMENT FOR ERIEWOOD, IN AN AMOUNT NOT TO EXCEED \$333,313.00

3rd READING

Mr. Shepherd said that the city has done its complete due diligence on this and has been discussed at length at prior meetings. There were seven responsive bids and Fabrizi was the lowest bidder and below the engineer’s estimate. This will be fully reimbursed by the City of Cleveland Water Department. The city has received \$6.3 million in reimbursement for water main projects.

AMENDED ORDINANCE NO. 16-19

BY: MICHAEL P. O’DONNELL

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY THE CITY OF CLEVELAND DIVISION OF WATER FOR A REIMBURSEMENT FOR THE HAMPTON ROAD AND LAKEVIEW AVENUE WATER MAIN IMPROVEMENT PROJECT IN THE AMOUNT OF \$47,030.00

3rd READING

This has been discussed for nearly six weeks. This ordinance involves the Hampton Road and Lakeview Avenue Water Main Improvement Project. The City of Rocky River was responsible to perform and oversee the work related to this project. The projected cost of this project was \$338,200. That amount was then paid over to the City of Rocky River per the water service agreement with the City of Cleveland referenced by Mr. Shepherd earlier. The job came in under this budget by \$47,030 and the city needs to return the balance of the money to the City of Cleveland. This amended ordinance will authorize the city to refund this money to the City of Cleveland.

ORDINANCE NO. 17-19

BY: MICHAEL P. O’DONNELL

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY MACKAY ENGINEERING & SURVEYING COMPANY THE SUM OF SEVENTY-TWO THOUSAND NINE HUNDRED AND TWENTY-SIX DOLLARS AND NINETY-FOUR CENTS (\$72,926.94) FOR WORK PERFORMED ON HILLIARD ROAD RESURFACING AND S. ISLAND/WOOSTER/RIVERDALE SANITARY SEWER WORK FOR THE CITY OF ROCKY RIVER

3rd READING

This has also been discussed for about six weeks. It is to pay for engineering services for multiple different projects throughout the city. The work was approved and in the budget and this ordinance pays the engineering costs for this project. There have not been any questions regarding this ordinance.

Moved by Mr. Moran, seconded by Mr. O’Donnell that Ordinance Nos. 14-19, 15-19, Amended 16-19 and 17-19 of the Consent Agenda be passed as read.

Vote:	Hunt – aye	Shepherd – aye	O’Donnell – aye
	Furry – aye	Sindelar – aye	Moran - aye
	6 ayes		0 nays

PASSED

MISCELLANEOUS BUSINESS: Mr. Moran said that the parking ordinance states that you cannot park within 30 feet of a stop sign. Residents have concerns about vehicles being parked very close to stop signs at the end of developments. Mr. Moran is asking if this distance should be extended. The Mayor said “No Parking” signs could be installed without changing the law. Mr. Moran is asking Council to think about this problem and observe if there are any other areas in the city where this could be a problem. The particular area that Mr. Moran has received complaints about is at the corner of Sunnyhill and Spencer but feels there could be other areas in the city as well.

Mr. Moran and Chief Lenart had the opportunity to visit the plant in Dublin, Oh last week, where the ladder truck is being constructed. They also visited the chassis plant in Springfield. The plant produces 220 fire trucks a year and Rocky River's truck should be completed around the second week of May. The truck is looking very good and will be a great, safe vehicle for this community and surrounding communities.

Mr. Moran also wished a Happy Birthday to Mr. Sindelar!

PUBLIC COMMENT: Louise Vertal, 2885 Pease Drive is asking about the Heritage House meeting regarding Raising Cane's Chicken and how it is coming. Mr. Moran said that they had pre-preliminary approval on their property but there were still some issues. Mr. Bemer said that there are contract issues being addressed between the seller and Raising Cane's Chicken.

Mr. Bruce Tomasch, Morewood Parkway, came forward to formally bring a situation to Council's attention regarding the issue discussed earlier by Mr. O'Donnell. Mr. Tomasch said that the biggest thing here is safety. This danger zone is still there and is aggravated by the barrier that is there. Residents are ignoring the regulatory signs that have been placed there. Mr. Tomasch wants the same enforcement being done on Morewood as on City Hall Campus. He finds it hard to believe that the city would negate their stand on this situation. He has sent examples of how the City of Avon channels some of its traffic on Detroit Road in front of their public offices. There are several things that can be done there in addition to the signs, so it is not up to the residents to follow the signs or not. He feels that the signs are legitimate laws. Mr. Tomasch and another neighbor would like to meet with Mr. Bemer. He feels there needs to be some enforcement.

- Mr. Moran stated that Mr. Bemer is reviewing the details of the meetings in 2016 and someone will get back to Mr. Tomasch.
- Mr. Furry asked where Mr. Tomasch heard that the city is negating this situation. Mr. Tomasch interpreted that because in reviewing it is being opened up again for change. The Mayor stated that the documents are just being reviewed at this time.

Mr. O'Donnell wished Council and the audience a Happy St. Patrick's Day this weekend!

As there was no further business by members of Council, the meeting was adjourned at 8:02 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council