

CITY OF ROCKY RIVER

May 14, 2018

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. Klym, Mr. Moran

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

Assistant Law Director: Mr. O’Shea

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 April 23rd be waived and that the minutes be accepted as submitted.

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

Moved by Mr. Moran, seconded by Mr. O’Donnell, that the reading of the minutes of the Committee-of-the-Whole Meeting, Safety Committee Meeting and the Special Meeting of May 7th be waived and that the minutes be accepted as submitted.

Vote: Hunt – aye	Shepherd – aye	O’Donnell – aye	Furry – aye	
Sindelar – abstain	Klym – aye	Moran - aye		
6 ayes	1 - abstain	0 nays		PASSED

MAYOR’S REPORT:

Mayor Bobst introduced Mr. Billy Ludt, the new Westlife reporter that will be covering the City Council meetings. The Mayor welcomed him to this evening’s meeting.

Beach cleanup began today in preparation of Memorial Day. The western section of Bradstreet’s Landing was completed and the eastern side, near shore to the pier was cleaned. Due to the rain, heavy equipment couldn’t reach the east side of the beach. The city will watch Spencer Creek and when the situation allows, the eastern side will be cleaned. The crew moved to Rocky River Park and by mid-afternoon the crew was halfway done. There was a lot of debris and driftwood.

Lake Erie is very high and the Mayor received a communication from Senator Dolan’s office regarding the high water levels. The risk of severe erosion along the entire Lake Erie Coastline has been significantly elevated. The ODNR Office of Coastal Management is offering Temporary Shore Structure Permits in an effort to limit the effects of erosion on resident’s property. The permits will

provide coastal property owners to quickly address any severe erosion damage. The permits are free of charge along with free technical assistance and guidance from the ODNR Office of Coastal Management.

The Mayor acknowledged a very generous gift from the Cox Community Grant Program. These grants focus on academic achievement in Science, Technology, Engineering, Arts and Math. The Rocky River Public Library received a grant in the amount of more than \$2,700 for two 3-D printers.

The Mayor welcomed Intern Lauren Sheil, a student from the Script School of Journalism at Ohio University. Lauren will be working at City Hall and also the Recreation Department on social media, social media presence, policies, marketing plans, branding, etc. Lauren will be reporting to the city's IT Director Chris Grau along with Gwen Cox, the city's part-time marketing employee at the Recreation Center.

This Saturday, May 19th, the Senior Center Art Show will open at 10:00 a.m. until 1:00 p.m. with music and refreshments. The Art Show features 75 artists and more than 150 works of art in every medium.

This Sunday will be the Rite Aid Marathon on Lake Road in Rocky River, with the turn-around at Kensington Oval. All residents, business owners and churches have been notified of the race along with limited access across Lake Road during the race. All residents are invited to cheer the runners on.

The Mayor respectfully requested an Executive Session this evening under Article 10, Section 6, and Subsection 3, to discuss with Mr. O'Shea a pending legal matter.

LAW DIRECTOR'S REPORT: NONE

COMMITTEE REPORTS:

Planning, Zoning and Economic Development Committee: Council President Moran said that there was a BZA Meeting last Thursday with one fence installation being approved and one fence installation was denied. The Hilliard Road project on the BZA agenda was also approved.

COMMUNICATIONS AND ANNOUNCEMENTS: NONE

PUBLIC COMMENT: John Carney, Preservation Partners asked that the ordinance for the 700 Lake Road Project for re-zoning be read for a second time at this evening's meeting.

MOTION:

Moved by Mr. Moran, seconded by Mr. O'Donnell, that an Executive Meeting under Article 10, Section 6, and Subsection 3, to conference with an attorney regarding a pending legal matter will be held before the end of this meeting.

Vote: Hunt – aye
Sindelar – aye
7 ayes

Shepherd – aye
Klym – aye

O'Donnell – aye
Moran - aye
0 nays

Furry - aye

PASSED

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 81-17

BY: JOHN B. SHEPHERD

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1123.02 OF THE DEVELOPMENT CODE ENTITLED “DEFINITIONS”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
ON HOLD**

AMENDED ORDINANCE NO. 82-17

BY: JOHN B. SHEPHERD

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1371.01 OF THE BUILDING CODE ENTITLED “DEFINITION”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
ON HOLD**

Amended Ordinances Nos. 81-17 and 82-17 are being revised by the Planning Commission prohibiting Airbnb’s from residential districts. This will be read for a third time with the anticipated revision in the near future.

Mr. Shepherd said that regarding Amended Ordinance No. 84-17 through Amended Ordinance No. 90-17, Council is waiting for feedback from the Planning Commission. Some of the easier ordinances will be recommended to be approved as written and the other ordinances have more work to be completed.

AMENDED ORDINANCE NO. 84-17

BY: JOHN B. SHEPHERD

**AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, CHAPTER 1127 REGARDING DEVELOPMENT PLAN REVIEW PROCEDURES AS PROVIDED IN SECTION 1127.03, SECTION 1127.35, AND SECTION 1127.37 AS FURTHER DESCRIBED IN THE ATTACHED EXHIBITS “A”, “B” AND “C”
ON HOLD**

Council is waiting for feedback from the Planning Commission.

ORDINANCE NO. 85-17

BY: JOHN B. SHEPHERD

**AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1129.09 ENTITLED CERTIFICATE PROTEST; REFERRAL TO BOARD OF APPEALS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
ON HOLD**

Council is waiting for feedback from the Planning Commission.

AMENDED ORDINANCE NO. 87-17

BY: JOHN B. SHEPHERD

AN ORDINANCE AMENDING CHAPTER 1153 CAPTIONED SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT REGULATIONS OF THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, AND SPECIFICALLY

**SECTION 1153.03 ENTITLED USE REGULATIONS, SECTION 1153.07 ENTITLED SETBACK REQUIREMENTS, SECTION 1153.09 ENTITLED HEIGHT REQUIREMENTS, SECTION 1153.13 ENTITLED PROJECTIONS INTO REQUIRED SETBACKS, AND SECTION 1153.15 ENTITLED ACCESSORY USES AND STRUCTURES, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBITS “A-E”
ON HOLD**

Council is waiting for feedback from the Planning Commission.

AMENDED ORDINANCE NO. 88-17 **BY: JOHN B. SHEPHERD**
**AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1167.01 ENTITLED “INTENT” REGARDING BUSINESS DISTRICT REGULATIONS, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
ON HOLD**

Council is waiting for feedback from the Planning Commission.

AMENDED ORDINANCE NO. 89-17 **BY: JOHN B. SHEPHERD**
**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1169.11 OF THE DEVELOPMENT CODE ENTITLED “DEVELOPMENT STANDARDS AND CRITERIA” PERTAINING TO THE MIXED USE OVERLAY DISTRICT, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
ON HOLD**

Council is waiting for feedback from the Planning Commission.

AMENDED ORDINANCE NO. 90-17 **BY: JOHN B. SHEPHERD**
**AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1181.19 ENTITLED SOLAR REGULATIONS, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
ON HOLD**

Council is waiting for feedback from the Planning Commission.

ORDINANCE NO. 93-17 **BY: JOHN B. SHEPHERD**
**AN ORDINANCE AMENDING CHAPTERS 1151, 1155, 1157, 1163, 1165, 1169 AND 1171 OF THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER REGARDING WIRELESS TELECOMMUNICATION FACILITY USE WITHIN RESPECTIVE ZONING DISTRICTS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBITS “A-H”
ON HOLD**

This ordinance is in regard to Wireless Communication. The Governor has signed the State Law. The City of Dublin will be convening a meeting that will discuss this issue and draft some legislation. The meeting will probably be held in mid-June.

ORDINANCE NO. 22-18

BY: JAMES W. MORAN

AN ORDINANCE TO CHANGE THE DISTRICT CLASSIFICATION OF PARTS OF CERTAIN REAL PROPERTY KNOWN AS AUDITOR'S PERMANENT PARCEL NOS. 302-01-007, 302-01-010 AND 302-01-011 (PARCEL 1), FROM THEIR PRESENT CLASSIFICATION OF R-1 SINGLE FAMILY TO R-4 MULTI-FAMILY (36'), AND PARTS OF PERMANENT PARCEL NOS. 302-01-007, 302-01-010, AND 302-01-011 (PARCEL 2) AND PERMANENT PARCEL NOS. 302-01-015 AND 302-01-016 (PARCEL 3) FROM THEIR PRESENT CLASSIFICATION OF R-1 SINGLE FAMILY TO R-3 SINGLE FAMILY ATTACHED
2nd READING

This ordinance is the change in zoning for Breezevale Cove proposed by Preservation Partners. The Public Hearing for Ordinance No. 22-18 is scheduled for next Monday, May 21st beginning at 6:00 p.m. This meeting is to receive public comments of new and additional information regarding this issue.

ORDINANCE NO. 23-18

BY: JOHN B. SHEPHERD

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW A CONTRACT FOR ONE (1) YEAR THE PURCHASE PRINTING SERVICES FOR THE CITY OF ROCKY RIVER FROM ADMIRAL PRODUCTS, INC. AS FURTHER DESCRIBED IN EXHIBIT "A"
2nd READING

This authorizes the administration to enter into a one-year contract with Admiral Product Services to provide printing services for the city. Admiral Product Services has done a good job for the city and this will be discussed further at the next two meetings.

ORDINANCE NO. 24-18

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH THE SHELLY COMPANY FOR THE 2018/2019 DETROIT ROAD/WOOSTER ROAD OHIO DEPARTMENT OF TRANSPORTATION (ODOT) RESURFACING PROJECT IN AN AMOUNT NOT TO EXCEED \$3,171,296.66
3rd READING

Mr. Shepherd said that this is the beginning phase of the Wooster Road/Detroit Road repaving project from the I 90 ramp down Detroit to the Heinen's area of Wooster. Mr. Shepherd said that this is the third reading. Council held a Special Meeting as to get three full reads so the project can begin and be completed this summer so as not to impact the schools in the fall. The City of Rocky River will be paying \$1.8 million, ODOT \$1.2 million and NOACA \$88,000. This involves full depth concrete repairs, sidewalk, ramps and intersections being made ADA compliant. The city needs to pick up all the concrete costs and the state shares in the asphalt expense.

- The Mayor clarified that this is the total contract for the entire project of Detroit in 2018 and Wooster in 2019.
- The project will have permission to begin on Detroit Road in front of the high school on June 8th.

- Two-way traffic will be maintained but there will be no turning lanes. Accommodations will be made as possible.

Mr. Shepherd moved for passage of Ordinance No. 24-18, seconded by Mr. O'Donnell and Mr. Furry,

Vote: Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
Sindelar – aye	Klym – aye	Moran - aye	
7 ayes		0 nays	PASSED

ORDINANCE NO. 25-18 **BY: THOMAS J. HUNT**
AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO TO GRANT UP TO \$30,000.00 FOR THE OPERATION OF THE MARINE PATROL FOR THE YEAR 2018, AND AS FURTHER DESCRIBED IN THE ATTACHED AWARD LETTER
3rd READING

This ordinance is regarding the Marine Patrol Grant from the ODNR and is a yearly ordinance identical to last year's agreement. The estimated budget for personnel and the hours spent on the water is about \$20,000. The remaining funds are estimated at \$4,900 for fuel, \$3,800 for engine service and \$2,100 for dock and maintenance parts. The total budget is \$40,000 and the city will cover the balance. The city received an extension on the due date until May 30th. Mr. Hunt moved for passage, seconded by Mr. Furry.

Vote: Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
Sindelar – aye	Klym – aye	Moran - aye	
7 ayes		0 nays	PASSED

ORDINANCE NO. 26-18 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE ADMINISTRATION TO PURCHASE FROM THE STATE-APPROVED VENDOR AN ESTIMATED 4,200 TONS OF SALT FOR THE 2018 / 2019 WINTER SEASON FOR THE SERVICE DEPARTMENT UNDER THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING CONTRACT NO. 18
2nd READING

Mr. Shepherd said that the city uses generally 4,000-4,500 tons of salt annually. The city currently has 800 tons of salt from last year. With this contract the city will need to purchase a minimum of 3,780 tons or a maximum of 4,620 tons. The city has had a good experience participating in the ODOT Salt Purchasing Cooperative. The city received the package late and this needs to be passed by May 18th. Mr. Shepherd moved to suspend the three read rule on Ordinance No. 26-18, seconded by Mr. Furry.

Vote: Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye
Sindelar – aye	Klym – aye	Moran - aye	
7 ayes		0 nays	PASSED

- President Moran asked if the city ran out of salt, could more be ordered? Director Costello responded yes, but it would be at the market price with no guarantee of when it could be delivered.

- Mr. O'Donnell mentioned that there have been shortages of salt during bad winter months.

Mr. Shepherd moved for passage of Ordinance No. 26-18, seconded by Mr. Furry.

Vote: Hunt – aye	Shepherd – aye	O'Donnell – aye	Furry - aye	
Sindelar – aye	Klym – aye	Moran - aye		
7 ayes		0 nays		PASSED

NEW BUSINESS:

ORDINANCE NO. 27-18 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO EXTEND THE AGREEMENT WITH FABRIZI TRUCKING & PAVING CO., INC. LAKEVIEW AVENUE HAMPTON ROAD (SOUTH) PROJECT AGREEMENT FOR ADDITIONAL PAVING WITHIN THE CONSTRUCTION ZONE ON HILLIARD BLVD. BETWEEN GASSER BLVD. AND WESTMOOR AT A COST NOT TO EXCEED \$479,780.00
1st READING

Mr. Shepherd said that the funding for the Hampton and Lakeview repaving projects had extra money. The city will pick up 20% of the cost and DOPWIC will pick up 80%. This will repave an additional area of Hilliard from Westmoor to Gasser. This will be completed during the 2018 construction season.

- Mr. Shepherd asked if the repaving could continue east to Wooster Road. The Mayor and Director Costello explained that ODOT evaluated Hilliard Blvd. in three sections. The central and west section of Hilliard was rated as poor and the east section of Hilliard Blvd. was rated as good.
- Mr. Furry asked for more explanation of where this money is coming from. The Mayor explained that the award for the DOPWIC project was a specific amount and with cost savings along the way, there was a balance of money left. Director Costello went back to DOPWIC to extend this project with the balance of money.

ORDINANCE NO. 28-18 **BY: THOMAS J. HUNT**
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SCHOOL RESOURCE OFFICER AGREEMENT WITH THE ROCKY RIVER CITY SCHOOL DISTRICT BOARD OF EDUCATION FOR THE 2018-2019, 2019-2020, AND 2020-2021 SCHOOL YEARS
1st READING

Mr. Hunt said that this is an agreement with Rocky River City Schools to place an additional SRO Officer at the Middle School for the next three school years. This will be discussed further at the next Committee-of-the-Whole Meeting. The Mayor added that there is a training component for the officer that is selected for this role. Also, on May 30th there is a police entrance examine which is good because a new officer will be needed to replace the additional SRO officer.

ORDINANCE NO. 29-18 **BY: THOMAS J. HUNT**
AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 139.01 OF THE POLICE DIVISION CODE ENTITLED “COMPOSITION”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

1st READING

This is a companion ordinance to Ordinance No. 28-18. Based on the anticipated passage of Ordinance No. 28-18, the codified ordinance section of 139.01 detailing the composition of the police department will need updated.

- The Mayor added that this may look like an officer is being removed as the compliment before for the SRO was under #4. To provide clarity #5 has been added to see the compliment includes two SRO's for 181 days of the school year. This is also on the Rocky River School Board's Meeting Agenda.

MISCELLANEOUS BUSINESS: President Moran presented an outline for the next few meetings:

May 21st - Public Hearing beginning at 6:00 p.m. to discuss Ordinance No. 22-18.

May 28th - No Meeting in Observance of Memorial Day

May 29th - City Council Meeting at 7:00 p.m.

June 4th – A Master Plan Meeting at 6:30 p.m.

June 11th – Arborist Rich Snyder will be speaking at this City Council Meeting

PUBLIC COMMENT: Mr. Bill Welch, asked if the MetroParks and the City of Lakewood are still a part of the Marine Patrol. The Mayor responded yes, both still have access to the vessel. The Cleveland MetroParks pay the local match in an amount of approximately \$65,000. They have also secured additional patrols and Lakewood is doing the same. The MetroParks and the City of Lakewood pay for their personnel.

President Moran announced that Council, Mayor Bobst, Assistant Law Director O'Shea, Director Costello and Director Thomas will recess to Executive Session at 7:45 p.m. and thanked the audience for their attendance.

President Moran reconvened to the Regular Meeting of Council.

As there was no further business by members of Council, the meeting was adjourned at 8:19 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council