

CITY OF ROCKY RIVER

April 23, 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 (7:47 p.m.), Mr. O’Donnell, Mr. Furry, Mr. Sindelar, Mr. Klym, Mr. Moran

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 April 9th be waived and that the minutes be accepted as submitted.

Vote: Hunt – aye	O’Donnell – abstain	Furry – aye	
Sindelar – aye	Klym – aye	Moran - abstain	
4 ayes	2 abstain	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 of April 16th be waived and that the minutes be accepted as submitted.

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

MAYOR’S REPORT:

Mayor Bobst reported that the city is going out for bid for the WasteWater Treatment Plant Improvement Project the beginning of May. Bids will be opened in mid-May with Legislation coming before Council at the end of May.

The administration is in the process of drafting an agreement with Rocky River City School District to establish an additional SRO Officer at the Middle School.

Street sweeping has begun on Detroit, Wagar, Wooster and Center Ridge Roads.

The Shredding event this past Saturday was well attended. Thank you to Director Costello and the Community Emergency Response Team for their hard work. There will be a second shredding event on May 5th.

Arbor Day is being celebrated in the city with an Arbor Day Tree Tag Hunt Contest. Participants can download the details and the contest form from the city's website, www.rrcity.com. At least 15 trees need to be identified on the form for residents to enter the contest. This is a great education tool. Rich Snyder and Director Costello have done a great job organizing this contest.

The Citizen's Police Academy Cadets have completed 16 weeks of instruction and will be graduating at Memorial Hall on Tuesday, April 24th, at 7:00 p.m. Thank you to Lieutenant Lichman.

The Parks and Recreation Foundation will be hosting an Open House this Wednesday at Memorial Hall beginning at 6:30 p.m. Information will be presented regarding the Pavilion Project for Rocky River Park. Residents are invited to attend.

The Mayor announced that Christopher Grau, the city's newly hired IT Specialist just received notification from Judge Russo, that he has been appointed to the Cuyahoga County Veterans Commission as the Disabled American Veteran Commissioner through 2021. Congratulations to Christopher. Mr. Grau does a lot with the Joint Veterans Council and has been involved in the Memorial Day celebrations over the years.

Rocky River City Council will not be meeting next Monday, April 30, 2018 as it is the fifth Monday of the month.

LAW DIRECTOR'S REPORT: Mr. Bemer said that the Planning Commission will be meeting this Monday, April 30, 2018 at 7:00 p.m. to discuss and review the legislation that Council has referred to them. Mr. Bemer invited Council to attend next Monday's meeting or forward any questions, comments or concerns to Mr. Bemer to be addressed at this meeting. Mr. Bemer thanked Councilmen Klym, Shepherd and Furry for their comments regarding the Airbnb legislation.

Mr. Bemer will be on vacation as of May 7th so will not be in attendance that evening or the following Monday. Assistant Prosecutor O'Shea will attend the meetings in Mr. Bemer's absence.

COMMITTEE REPORTS:

Parks, Recreation and Health Committee: Councilman Klym reported that there was a Parks and Recreation Meeting last Thursday morning. Online registration for summer programs is going very well and the parks are getting ready for the summer weather. Swings and tennis courts are ready to be used. Mr. Mehling reported that the work on the ice rink project has been delayed due to the weather by about six days. However, Mr. Mehling said that the repairs will still be completed by June 8th. The next Parks and Recreation Meeting will be May 3rd at 7:45 a.m. as the meeting dates will now be the first Thursday of every month.

- Mr. Moran asked if the restrooms are now open in the parks. Mr. Klym said yes except for the restrooms at Rocky River Park which are undergoing renovations.

Safety Committee Meeting: Councilman Hunt said that ACO Jarvis is available to attend a Safety Committee Meeting that is scheduled for May 7th beginning at 6:30 p.m. Mr. Hunt asked Council to forward any questions, concerns or comments regarding Codified Ordinances 505 and 505.01 regarding animals to him or Director Costello.

Planning, Zoning and Economic Development Committee: Council President Moran said that there were two Planning Commission Meetings last Thursday. The 6:00 p.m. Public Hearing was regarding Vitality Bowl and was approved. Raising Cane was also approved with conditions and the Clean Express Auto Wash was tabled at this time. The 7:00 Public Hearing was regarding the Lake Road Project, Ordinance No. 22-18 which was also approved. The Public Hearing for City Council regarding Ordinance No. 22-18 will be scheduled for May 21st beginning at 6:00 p.m.

COMMUNICATIONS AND ANNOUNCEMENTS: There will not be a City Council Meeting next Monday, April 30th.

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

Mr. Shepherd stated that Council received two new drafts for Ordinance 81-17 and 82-17 addressing the Airbnb issue. These have to be referred to the Planning Commission before Council acts on them. Mr. Shepherd's intent is to amend these two ordinances and then refer the ordinances to the Planning Commission. The amended draft now bans Airbnb in residential districts except for multi-family. This is one possible approach. The Law Director also mentioned that there might be a way to use conditional use zoning that would be effective for this. Mr. Shepherd isn't certain that he would want Airbnb in multi-family residential. This will need to be discussed. He doesn't feel these issues need to be resolved this evening but when it is sent to the Planning Commission he would like them to prioritize this over the other ordinances sent to them. He would like these to come back to Council as soon as it can.

Mr. Shepherd moved to amend Ordinance No. 81-17, seconded by Mr. O'Donnell.

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

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

Mr. Shepherd moved to amend Ordinance No. 82-17, seconded by Mr. O'Donnell.

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

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 regarding the Airbnb issue and are still on hold. Mr. Shepherd has referred both amended ordinances to the Planning Commission and is hopeful the Planning Commission will prioritize and Council will hear back shortly on their recommendation. Discussion ensued.

- Mr. Klym suggested that the language be tightened up in the code and the definition section regarding dwelling units and rental units. It is also important to look at the entire section of Chapter 1371; in particular, 1371.02 which deals with the issuance of a rental license and certificate of occupancy for all rental units. Mr. Klym also feels that regarding 1371.01 Council should look at how the city is handling 30 days or more or 30 days or less language. Under rental unit now in 1371.01, a rental unit is being described as a dwelling unit being rented for more than 30 days pursuant to a written or oral lease; but limited lodging is a dwelling unit rented for a time not to exceed 30 continuous days. Whatever is decided, Mr. Klym wants to be sure Council understands what is permitted and what is not permitted and which districts it is permitted in and that each section works together well. Mr. Klym will be raising these issues at the April 30th meeting.
- Mr. O'Donnell questioned the ban on residential but not multi-family. Mr. Bemer said that the conditional use zoning could be used for any residential zoning district.
- Mr. Furry has the same concern with the multi-family.
- Mr. Hunt is concerned whether the city is banking on HOA restrictions or condo by-laws to restrict this type of activity. He would prefer to be as restrictive as possible in all residential areas.

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

This amended ordinance has been referred to 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

This ordinance has been referred to 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

This amended ordinance has been referred to 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

This amended ordinance has been referred to 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

This amended ordinance has been referred to 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

This amended ordinance has been referred to 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 and will stay on hold pending receipt of State Legislation. The Governor has not signed the legislation as of yet.

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 ON HOLD

This ordinance was referred to the Planning Commission. The Planning Commission met last Thursday, April 19th. City Council is waiting for the approved minutes of this meeting. A Public Hearing Meeting will be set for May 21st.

NEW BUSINESS:

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"
1st READING

This authorizes the administration to enter into a one-year contract with Admiral Product Services to provide printing services for the city. The printing needs have been reduced but the Senior Center Quill Publication, sewer bills, a limited number of recreation brochures, business cards and forms for the Court are still printed. Admiral Product Services has done a good job for the city for many years and this was also discussed in depth at last week's meeting.

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
1st READING

This was discussed at great length at last week's Committee-of-the-Whole Meeting. Director Costello confirmed that this project will begin in mid-June following the end of school on June 7th. This will be read for a second time at a Special Meeting on May 7th.

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
1st READING

This ordinance is regarding the Marine Patrol Grant from the ODNR and is a yearly ordinance. The city received an extension on the due date until May 30th, so this will have a full three reads with a second reading at the May 7th Special Meeting.

CONSENT AGENDA:

ORDINANCE NO. 18-18 **BY: DAVID W. FURRY**
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND THE CITY OF ROCKY RIVER REGARDING STORM WATER POLLUTION EDUCATION, ATTACHED HERETO AS EXHIBIT A
3rd READING

Mr. Furry stated that this is a renewal of a Memorandum of Understanding between the Cuyahoga Soil and Water Conservation District and the City of Rocky River and was necessitated by the NPDES Storm Water Phase II Permit. This is PIPE or Public Information Public Education that the Soil and Water Conservation District will help the city with. This has been discussed the last five weeks.

ORDINANCE NO. 19-18 **BY: DAVID W. FURRY**
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND THE CITY OF ROCKY RIVER REGARDING STORM WATER POLLUTION PREVENTION TECHNICAL ASSISTANCE, ATTACHED HERETO AS EXHIBIT A
3rd READING

Mr. Furry stated that this is a companion piece to Ordinance No. 18-18. This is also a renewal of a Memorandum of Understanding between the Cuyahoga Soil and Water Conservation District and the City of Rocky River and is also necessitated by the NPDES Storm Water Phase II Permit. This is more technical expertise and assistance for construction projects greater than an acre and will also provide post construction stormwater management. The Cuyahoga Soil and Water Conservation District will also provide technical assistance on best practices, sound storm water management and protection of sensitive stormwater management. This also has been discussed for the last five weeks.

ORDINANCE NO. 20-18 **BY: MICHAEL P. O'DONNELL**
AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY THE CITY OF CLEVELAND, DIVISION OF WATER FOR WATER METER READINGS NEEDED BY THE CITY OF ROCKY RIVER IN THE AMOUNT OF \$33,646.32, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
3rd READING

Councilman O'Donnell said that this has been discussed the last four weeks. This authorizes payment to the City of Cleveland Division of Water for actual water meter readings as the City of Rocky River bills for estimated quarterly usage of water.

ORDINANCE NO. 21-18 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GPD GROUP FOR THE 2018-2019 DETROIT ROAD / WOOSTER ROAD RESURFACING CONSTRUCTION MANAGEMENT SERVICES IN AN AMOUNT NOT TO EXCEED \$224,246.00
3rd READING

Mr. Shepherd stated that under the state program that the city is using for this project, an independent group is needed to oversee this project. An RFP was put out with seven responses. This company was selected as the best of these responses and a suitable agreement was negotiated with them. The funds will come out of the Capital Improvement Fund.

Mr. Moran moved to approve the Consent Agenda, Ordinance Nos. 18-18, 19-18, 20-18 and 21-18, 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

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: Louise M. Vertal, 2885 Pease Drive, #207, said she would like condominiums added to the language for Ordinance Nos. 81-17 and 82-17 as occasionally there are renters in her area that cause problems for residents. Mr. Shepherd said that these ordinances are more for short term and that her concerns would be a separate issue. Mayor Bobst and President Moran suggested Ms. Vertal be in touch with the Building Commissioner with her concerns.

President Moran thanked the audience for attending and as there was no further business by members of Council, the meeting was adjourned at 7:47 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council