

CITY OF ROCKY RIVER

March 26, 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. O’Donnell, Mr. Furry,
Mr. Sindelar, Mr. Klym, Mr. Moran

Absent: Mr. Shepherd

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 March 12th be waived and that the minutes be accepted as submitted.

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

Moved by Mr. Moran, seconded by Mr. Furry, that the reading of the minutes of Committee-of-the Whole Meeting the of March 19th be waived and that the minutes be accepted as submitted.

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

MAYOR’S REPORT:

Mayor Bobst reported that she and Councilman Furry attended a meeting at Cleveland Hopkins Airport this morning; the FAA also attended. There is a large project commencing which involves the north airfield improvement project, which is part of the FAA’s incursion mitigation program. Due to this construction project, flight patterns will change so residents may hear more airport noise than normal. The City will be monitoring. The incursion mitigation project is expected to go on through 2020, as there are four phases to the project. The City will keep the community aware of what is happening at the airport. The airport indicates they will be sending the City information as the project proceeds. Additionally, the airport will be placing new noise monitors so they can monitor jet noise when they are taking off. There is a telephone number on the City’s website that anyone can call Cleveland Hopkins Airport to report noise issues; providing the time and date of the disturbance allows the airport to identify the aircraft and discuss the issue with the individual airlines. The biggest news from the

meeting is in regards to the FAA's Detroit/Cleveland Metroplex, which introduces satellite navigation versus ground-based navigation for the aircrafts. The FAA is waiting for the environmental assessment to be approved and sometime later in the summer or early fall they will switch over to satellite navigation which enhances the way they can stack aircraft and then fly them over the Metroparks out to the Lake. While it does not seem it would be very important to the City of Rocky River, because of our proximity to the airport it does have an impact on noise that we may be hearing.

The Arbor Day Foundation sent their annual letter indicating once again the City has been awarded with a Tree City U.S.A. recognition. A huge thanks to Director Costello and her staff, and Rich Snyder our City Arborist. This will be the 35th consecutive year that the City has been awarded with that honor. There will be a Tree City U.S.A. meeting in Avon and City staff will attend to accept the award on the City's behalf.

Earlier this month there was a swim-a-thon organized by Harlan Radford and Amy Klima held at the Civic Center. They raised approximately \$9,000. One of the three charities that they raised money for was a scholarship program to be used by families with children who attend the Cleveland Clinic Autism Center, which is located in the Civic Center. More than \$4,800 was raised for these scholarships to provide swim lessons for the autism patients.

The Ice Show was this weekend and it was very well attended, more than 800 attendees. Thank you to the Recreation Department.

Friday, March 30th City Hall offices will be closed in observance of Good Friday.

Former Rocky River City Councilman David Cook has passed away. Mr. Cook served as a Rocky River councilman for more than 27 years. The City Council Chambers are named in his honor. He also served as Council President. His memorial service is on Saturday, March 31st at Rocky River Presbyterian Church at 11:00 A.M.

LAW DIRECTOR'S REPORT:

Director Bemer reported that through the efforts of Animal Control Officer Mike Jarvis and Safety Service Director Mary Kay Costello there have been significant modifications made to Chapter 505 of the Codified Ordinances regard dangerous dogs. The draft legislation is being circulated within the administration for review and should be ready for inclusion on the City Council agenda for the next meeting.

Regarding the Airbnb legislation, the Administration had hoped for something more definitive from the Cuyahoga County Mayors and Managers; however, nothing has been forthcoming. There are only two known ordinances in the area, Fairlawn and Cleveland. Neither of them have much definitive information other than what was already presented to Council in the earlier months of the winter. Councilman Klym has offered to sit down with Law Director Bemer and the two of them will work to prepare legislation for Council's consideration.

COMMITTEE REPORTS:

Council President Moran reported on the March 22nd Planning Commission meeting. Councilmen Furry and Klym were also in attendance. There were four items on the agenda: Big Bear Remodeling on Center Ridge Road; Vitality Bowl Café; consolidation of a couple of lots on Avalon; and Raising Cain/Clean Express Auto Wash. There were eleven residents who shared their concerns regarding the car wash. That item was tabled for additional safety concerns regarding traffic patterns.

COMMUNICATIONS AND ANNOUNCEMENTS:

Due to vacations next week, the Committee-of-the-Whole meeting on Monday, April 2, 2018 is canceled. Council will meet again at their Legislative Meeting on April 9, 2018.

PUBLIC COMMENT:

John Carney, Rocky River Preservation Partners, 20664 Beach Cliff Boulevard, Rocky River. Mr. Carney indicated there are two ordinances on the agenda that affect their project. Ordinance 106-17 they have withdrawn due to a number of questions on that ordinance and are requesting the introduction of a new ordinance. The new ordinance has addressed the questions, particularly with regard to all the signatures which have been obtained. Additionally, he has power of attorney for each of the parties as well as corporate resolutions for the LLC. There was also some controversy regarding the Planning Commission’s recommendation to include part of the trust estate, Breezevale and the access to the lake, which is not included in what they are requesting this time. They are requesting Ordinance 106-17 be withdrawn and the new ordinance be introduced.

UNFINISHED BUSINESS:

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

This ordinance is still on hold.

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

This ordinance is also on hold.

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.

ORDINANCE NO. 106-17 **BY: BRIAN J. SINDELAR**
AN ORDINANCE TO CHANGE THE DISTRICT CLASSIFICATION OF PART OF CERTAIN REAL PROPERTY KNOWN AS AUDITOR’S PERMANENT PARCEL NO. 302-01-007 AND BREEZEVALE COVE TRUST COMMON AREA EASEMENT (PARCEL 1), FROM ITS PRESENT CLASSIFICATION OF R-1 SINGLE FAMILY TO R-4 MULTI-FAMILY (36’), AND PART OF PERMANENT PARCEL NO. 302-01-007, AND PERMANENT PARCEL NOS. 302-01-010, 302-01-011, 302-01-015, AND 302-01-016 AND BREEZEVALE COVE TRUST COMMON AREA ROAD (PARCEL 2) FROM THEIR PRESENT CLASSIFICATION OF R-1 SINGLE FAMILY TO R-3 SINGLE FAMILY ATTACHED, AS FURTHER DESCRIBED IN PARCELS 1 AND 2
POSTPONED INDEFINITELY

Mr. Sindelar made a motion to postpone indefinitely Ordinance 106-17. Mr. O’Donnell seconded.

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

ORDINANCE NO. 4-18: **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2017 LADDER TRUCK FOR THE FIRE DIVISION FROM ADVANTECH SERVICE AND PARTS LLC AT A COST NOT TO EXCEED \$1,153,291.00 POSTPONED INDEFINITELY

Mr. Sindelar made a motion to postpone indefinitely Ordinance 4-18. Mr. O'Donnell seconded.

Vote: Hunt – aye	Shepherd –	O'Donnell – aye	Furry - aye
Sindelar – aye	Klym – aye	Moran - aye	
6 ayes		0 nays	POSTPONED INDEFINITELY

ORDINANCE NO. 14-18 **BY: DAVID W. FURRY**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ROCKY RIVER AND HAZEN AND SAWYER FOR PROFESSIONAL CONSULTING SANITARY ENGINEERING SERVICES FOR 2018 AND 2019 FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$66,000.00
3rd READING

Mr. Furry indicated this ordinance changes the management consultant for the WWTP. Superintendent Rosemark negotiated the agreement and received approval from both the Management Committee and Special Counsel Matty. Mr. Furry moved to seek passage of Ordinance 14-18. Mr. O'Donnell seconded.

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

ORDINANCE NO. 15-18 **BY: CHRISTOPHER J. KLYM**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH E. LEE CONSTRUCTION INC. FOR THE HAMILTON ICE RINK ROOF REPLACEMENT PROJECT AT A COST NOT TO EXCEED \$768,816.00
3rd READING

Mr. Klym stated that Director Mehling and Mr. Balla previously discussed the bid with Council. Last year discussion was had regarding engineering and a different system that would have gone on the roof that would have been less costly. Unfortunately, the current roofing structure would not hold the weight of that system, so a metal on metal reroofing is being sought at the cost of \$768,816. This bid is lower than the other four. E. Lee Construction Inc. has been in business for over 60 years and has done projects around the state including the court house roof repair in Williams County and the Cox Arboretum tile reroofing at 5 River Metroparks. This is a project that would begin soon with staging of materials and equipment next week if this is passed today.

Mr. Klym made a motion to pass Ordinance 15-18. Mr. O'Donnell seconded. Mr. Furry inquired regarding an answer to a pending question. Mr. Klym indicated he did not have an answer. Mr. Furry requested the approval be subject to satisfactory review. Mr. Klym amended his motion to seek passage

subject to the satisfactory review of a check of the unresolved findings in the Auditor’s Office. Mr. O’Donnell seconded.

Mayor Bobst added that the residents that abut the ice rink will all be notified of the project and various aspects of it, i.e. staging, hours of construction, etc., so that the City is mindful of their needs given the close proximity of those homes.

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

ORDINANCE NO. 16-18 **BY: JOHN B. SHEPHERD**
AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 558.04 ENTITLED “SPECIFIC PROHIBITIONS, RESTRICTIONS AND EXEMPTIONS”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
2nd READING

This ordinance prohibits large trucks in excess of 7,000 lbs. from idling for a period longer than 5 minutes. Mr. Moran indicated that Mr. Shepherd has previously indicated that there were situations where large trucks were parked in commercial districts but it is infringing on neighboring residential districts.

ORDINANCE NO. 17-18 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2019 JEEP CHEROKEE FOR THE MAYOR UNDER THE STATE COOPERATIVE PURCHASING ACT FROM VISION AUTOMOTIVE, LLC, AT A COST NOT TO EXCEED \$26,234.74
2nd READING

Mr. Sindelar indicated this is a budgeted item. It will replace a 2007 Ford Focus currently being used by the Mayor. The Focus will be provided to the Building Department to replace another 2007 Ford Focus that is currently out of commission.

NEW BUSINESS:

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
1st 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. The cost of this is \$5,500/annually. This will have three full reads.

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
1st 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 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 will cost \$11,330. This will have three full reads.

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"
1st READING

Mr. O'Donnell indicated this expense is necessary in order to collect the annual sewer bills which are sent out in conjunction with the City of Cleveland Water Department. Quarterly estimates are sent on the sewer bills and at the end of year the City requests actual readings from the City of Cleveland, so bills can be reconciled and amounts collected. The City could request actual readings quarterly from the Cleveland Water Department, but the City would have to pay each time that was done. Estimating the usage amounts and then reconciling once a year allows the City to only pay the meter reading fee one time. Ultimately, the City recoups this cost through the collection of the sewer bills. Mr. O'Donnell anticipates three full reads.

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
1st READING

Mr. Moran indicated this ordinance is part of the ODOT resurfacing program of the Wooster/Detroit area. One of the requirements in the request for quote was that the City hire a prequalified firm that is not a part of the design team to act as an inspection agent. Director Costello indicated that the inspection agent will make sure all disadvantage business goals are met, prevailing wages are met, all pay applications are submitted correctly, that the correct amount of product is used, and the right temperature of the product is being maintained as it is being installed. In addition, they would help the City with any audits that the State of Ohio would have of the project. Mr. Moran indicated it was his understanding that there were seven proposals and three were ranked, and this is a two year agreement.

Director Costello indicated that was correct, that the seven agreements were ranked and meetings were had with the top three firms. GPD Group rose to the top due to their experience and the seasoned employees that will be deployed into our community to interact with residents or businesses that have any questions on the scene of paving and in the construction zones. Mr. Moran inquired about the emergency clause. Director Costello indicated she would like to have a public meeting at the end of April and invite the business owners, property owners, and residents along the 2018 stretch of paving to come to a public hearing and meet the individuals who will be doing the construction inspection service for the City. Mr. Moran indicated that the emergency language gives the opportunity to pay some of the individuals that are attending these meetings. Director Costello indicated that was correct and said that if there are no objections to the passage of this ordinance, that meeting would coincide very closely to passage of this ordinance. Without the emergency clause Director Costello indicated she would have to wait to have the businesses come to talk with the inspection firm. The sooner the businesses have the information, the better equipped they will be to plan their activities, summer sales, marketing mailers, etc., in light of the impact the construction will have on business.

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
1st READING**

Mr. Moran indicated this is a continuation of a request from Rocky River Preservation Partners to change some zoning on Lake Road. Mr. Moran indicated this ordinance is being referred to the Planning Commission. Planning will review and Council will look for their feedback.

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT:

Louise M. Vertal, 2885 Pease Drive, #207, Rocky River. Ms. Vertal indicated she attended the last Planning Commission meeting and inquired as to when the next Planning Commission meeting will be and whether notices would be sent? Law Director Bemer indicated the next meeting of the Planning Commission is scheduled for Thursday, April 19, 2018. Ms. Vertal inquired if that is an open meeting? Mayor Bobst indicated yes, they are all open meetings. Mayor Bobst requested Ms. Vertal contact the Building Department, or review the City's website, to see the agenda for the next meeting, as the project Ms. Vertal is interested in might not necessarily be on the agenda, depending on what happens between now and then.

President Moran thanked the audience for attending this evening's meeting. As there was no further business by members of Council, the meeting was adjourned at 7:40 p.m.

James W. Moran
President of Council

Mary Ellen Umerley
Acting Clerk of Council