

CITY OF ROCKY RIVER

November 5, 2018

The meeting of the Committee-of-the-Whole 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. Klym, Mr. Moran

Absent: Mr. Sindelar

Administration: Mayor Bobst, Director Costello

Law Director: Mr. Bemer

The meeting was opened with the Pledge of Allegiance.

MAYOR'S REPORT:

Legislation regarding the 2019 Budget will be in Council's packet this week with the Budget Books being at Council's desk at the Legislation Meeting on Tuesday, November 13th.

In mid September there was a pre-construction meeting for the new fire truck at the factory in Columbus. In December the construction will begin on the chassis in Springfield, OH. The chassis will then be shipped to Dublin, OH to the facility where the entire ladder truck's body and ladder platform will be constructed. By May 2019, the city should take delivery of the new truck. The Mayor will share any updates regarding the ladder truck schedule with Council. Prosecutor O'Shea informed the Mayor that there is a Case Management Conference regarding the fire truck law suite, set with Judge Oliver on December 3rd at 3:00 p.m. Mr. Bemer confirmed that the Case Management Conference is scheduled and that a Discovery Schedule will be presented at that time with a Mediation Process commencing shortly thereafter.

The Mayor shared Building Statistics from the end of October. Building Permits are at 1,340 permits on the residential side compared to 1,218 permits in 2017 with the valuation up more than \$1 million. In Commercial valuation, permits are slightly down at 147 from 194 in 2017 and the valuation is down considerably. However, the total permits are up at 1,487 as compared to 1,412 in 2017. The valuation is down a little over \$4 million based on the commercial permits.

The Mayor said that the fence at the front of Rocky River Park has been removed and replaced with new wooden bollards with an iron chain that will be attached. The Planning Commission approved this project and neighbors were notified. Thank you to Rich Snyder who took this project on, assisted by Dave Taylor and Parks Lead Supervisor, Dave Arendec. The Parks and Recreation Foundation were very helpful with this project with a Master Plan already in place as a way to do one more improvement at this park. The Mayor will be meeting within the next two weeks with representatives from Congresswoman Kaptur's Office to discuss further funding for Bradstreet's Landing, specifically from the Army Corp of Engineers, but also some other dollars that may be available. If there are more dollars, the Bradstreet Project may be expanded, including a similar fence.

The Citizen's Police Academy is accepting applications and begins on January 15th, meeting every Tuesday through April 16th. The Academy is designed to gain insight into the work that the Police Department does and to

create a stronger working relationship between residents and the Police Department. The Mayor said that many of the alumni have become part of the Auxiliary Police or have worked in other areas in a volunteer capacity.

The Mayor gave a big shout out to the High School Lacrosse Team who did a leaf rake out for some of the senior residents in Rocky River. On November 18th there will be a second rake out by the Key Club and the National Honor Society from Lutheran West High School. A big thank you to the students in the community that help the senior residents of Rocky River, which is coordinated through the Senior Center, and Rocky River Schools.

The Senior Center had a successful Craft and Quilt Show this past weekend. Attendance was up significantly. There was also a Talent Show and the first place winner was a student pianist from the high school, the second place winner was a middle school student who played the ukulele and an original composition that she composed and the third place winner was one of the seniors who did a comedy routine.

Voting is tomorrow with the polls opening at 6:30 a.m. A Ready Notify was sent out and several of the polling locations are having bake sales.

Next Monday, City Hall will be closed in observance of Veterans Day. City Council will meet on Tuesday, November 13th.

COMMITTEE REPORTS: NONE

COMMUNICATION & ANNOUNCEMENTS: Mr. Moran announced a ribbon cutting and grand opening of Dr. White's Invisalign in Rocky River this past Friday.

UNFINISHED BUSINESS:

AMENDED ORDINANCE NO. 87-17: Mr. Shepherd said that the Planning Commission had their meeting and Council received the approved amended minutes from the August 21st meeting concerning this amended ordinance. The Planning Commission removed the shoreline issue from this ordinance and will look into this in more depth. The garage heights are limited at 15 feet; flat roof garages to 12 feet and walls cannot exceed 12 feet. Side yard fences cannot be on the property line and needs to be three feet off when the drive is next to the property line. The solar provision was removed because the solar ordinance passed was comprehensive and covered this situation. Mr. Shepherd and Mr. Moran are concerned about the side yard air conditioning because of situations they have seen in the past. Mr. Shepherd and Mr. Moran are not sure if this is something that they would want done automatically because every configuration is a little different. It would streamline things for the building department but it is not fair to take your situation and make it your neighbor's problem. Mr. Moran said that recently there were two houses that measured 10 feet apart and the guideline would be 5 feet between the two pieces of property. They wanted the air conditioner on the side yard and the unit is about 30 inches so it would be approximately 2 feet from the property line. There will be a reverberation between the two houses. Mr. Moran does not want the reducing from 10 feet to 5 feet to be a standard. If there was a need for a variance, that is what the variance should be. Mr. Shepherd and Mr. Moran would like to leave this at 10 feet. Mr. Bemer said that if this is the consensus, Council would need 2/3 of Council approval to overturn the Planning Commission's recommendation. Mr. Shepherd added that many times the houses are close and there is a side door and a driveway. If a unit is being added to the side yard, it will be added on the side closer to the neighbor's side door and driveway. Mr. Shepherd would like Council to think about this prior to next week. Mr. Furry agrees and said that for every rule there is an exception for every lot and Council does not want to flood the BZA with anything else.

AMENDED ORDINANCE NO. 50-18: Mr. Hunt said Council received another amendment to the exhibit for Amended Ordinance No. 50-18 in their packets this weekend dated October 25th. This ordinance is amending various Sections of Chapter 505 in particular dangerous and vicious dogs. Councilman Klym brought up some good points regarding the use of companion animals and maybe using the words companion dog or include an all-

inclusive description of a companion dog. Mr. Bemer said that he went straight from the state's definitions. Discussion by Council ensued. Mr. Bemer will add the definition of a companion dog from the Ohio Revised Code 959.131 (a) 1. Mr. Hunt also said that in Section 505.13 the second 'may' should be deleted. Mr. O'Donnell asked if someone took a vicious dog out of Rocky River to harbor it somewhere else, does the city send our Animal Control Officer to seize the dog and bring it back. Director Costello said that it is not in the Code to do so. The City of Rocky River does not have jurisdiction in another community to retrieve that dog. The Animal Control Officer will go to the residence, talk to the people harboring, and let them know the history of the dog and that it should be muzzled but would not be allowed to touch the dog. Mr. Hunt asked Council to review the additional sections of the exhibit prior to next week's Legislative Meeting regarding language on barking, neglect of animals and the additional language regarding the prohibition of wildlife feeding.

ORDINANCE NO. 56-18: This ordinance has been read twice and is for a one-year renewal of an agreement with James Diaz for the removal of digested sludge cake at a cost of \$22/ton. Mr. Diaz was the lowest and best bidder. This is a one-year renewal at the same cost. Mr. Furry said non-emergency language is being utilized. This will be on a Consent Agenda for next week's Legislative Meeting.

ORDINANCE NO. 57-18: This ordinance is for the renewal for the removal of raw sewage sludge cake from the WWTP and is in place for emergency purposes only due to mechanical failure. This has not been utilized in the past and hopefully will not be utilized during this contract but needs to be in place for the NPDES permit. Rumpke of Northern Ohio submitted the lowest and best bid and has honored a one-year extension at the same pricing structure. This is for emergency purposes but there will not be any emergency language utilized. This will also be added to the Consent Agenda.

ORDINANCE NO. 58-18: This ordinance is for the one-year renewal of an existing agreement for the removal of grit and screenings from the WWTP. Grit is removed by the grit tanks by the screening building and screenings are separated by the bar screens at the Headwork's Building and are removed by mechanical means and must be sent to a landfill. Rumpke of Northern Ohio Inc. is the successful bidder at \$65/ton. This is not utilizing emergency language and is necessary for compliance for the NPDES permit. This will also be added to the Consent Agenda.

ORDINANCE NO. 59-18: This is for the removal of digested sludge cake for the WWTP to a landfill and is a one-year renewal at the current price of \$42.10/ton. Rumpke was the lowest and best bidder. This is for the months the city cannot send it to Mr. Diaz due to regulations set by the EPA for the renewal of the NPDES permit. This will not use emergency language and is necessary to comply with the National Pollutant Discharge Elimination Systems (NPDES) permit. This will also be added to the Consent Agenda.

RESOLUTION NO. 61-18: Mr. O'Donnell said that this resolution allows the city to receive the money from the County in a more timely fashion. This resolution relates to the 2018 real property taxes. This will also be added to the Consent Agenda.

RESOLUTION NO. 62-18: Mr. O'Donnell said this is the companion piece to Resolution No. 61-18. By making this request the city will receive the proceeds of special assessments i.e. delinquent sewer bills, for the tax year 2018. Mr. O'Donnell added that President Moran reminds Council yearly why the default is not that the city receives this money upfront without this resolution. This will also be added to the Consent Agenda.

ORDINANCE NO. 63-18: This Ordinance is the renewal of an annual Health Contract from Cuyahoga County for certain health services that the City of Rocky River is required by statute to provide for 2019 and 2020. There is no increase in 2019 but a larger increase of 50 or 60 cents for 2020. This will be read two more times.

ORDINANCE NO. 64-18: Mr. Moran said that this is for the purchase of one 2018 Freightliner Refuse Packer Chassis for the Service Division in the amount of \$100,371.00. This will have a second read next week.

ORDINANCE NO. 65-18: Mr. Moran said that this is for the purchase of one 2018 Freightliner Tandem Axle Dump Truck Chassis for the Service Division in the amount of \$90,663.00. This will have a second read next week.

ORDINANCE NO. 66-18: Mr. Shepherd said this was read for the first time last week and the bid history, references and due diligence was covered thoroughly last week. Mr. Shepherd said that this ordinance is for the tree and sidewalk program for Archwood and Marlys. Mr. Shepherd said that some of the sidewalk problems are caused by tree roots growing upwards due to the composition of the soil. The arborist is looking for a tree that will not cause that problem. Mr. Moran said that this is budgeted for 2018 but the installation will be in 2019. The Mayor said that there is planning and ordering that will be completed in 2018.

ORDINANCE NO. 67-18: This ordinance is for the purchase of Ferric Chloride from PVS Technologies, Inc. This is the product that has had some volatility over the last six years and has had a low of \$297 and a high of \$468 although we have not seen the \$297 for five years which we had a three-year contract. Plant Supt. Rosemark was expecting some price increases due to weather related events in the southern plants. Two bids were received from that bid with a range of \$558-\$610 with PVS and Kemira Water Solutions being the two bidders. PVS Technologies, the current supplier, was the lowest and best bidder. This reflects a price increase of a little over 19%. Operationally, they are continuing to investigate ways to use their chemicals more efficiently, in 2019 will see if there is a more appropriate chemical to use, and are trying to streamline the Ferric dosing strategy for phosphoric reduction. This is also slated for three full reads and utilizing non-emergency language and is necessary to comply with the NPDES permit.

ORDINANCE NO. 68-18: This ordinance is for the purchase of sodium bisulfite, which is added to the final effluent and excess flow and is used to remove chlorine in the plant effluent. Four bids were received with a range from \$1.26 to \$2.1273 gallon. PVS Chemicals Solutions, Inc. was the lowest and best bid at \$1.26/gallon which represents an approximately 10% price increase. This is slated for three reads and non-emergency language is being utilized and is necessary to comply with the NPDES permit.

ORDINANCE NO. 69-18: This ordinance is for the purchase of sodium hypochlorite. This is used in three different application points, the effluent, and pre-chlorination and primary sludge. The first stage is effluent or disinfection, the second or pre-chlorination is odor control and the third or primary sludge is a thickener to settle the sludge. Three bids were received with a range of \$.77 to \$1.255/gallon with our current supplier, Bonded Chemicals of Columbus at a price of \$.77/gallon being the lowest and best bidder edging out SAL Chemical Company who bid \$.775/gallon. This price does reflect a price increase of 7%. This is slated for three reads, will not be using emergency language, and is necessary to comply with the NPDES permit. The WWTP is on target to spend \$325 thousand less this year, which is down 24% since 2014 and is necessary for operations.

NEW BUSINESS:

ORDINANCE NO. 70-18: Mr. Shepherd said that this authorizes the Mayor to enter into an agreement with the Cuyahoga County Department of Public Works for the resurfacing of a portion of Hilliard Blvd. from River Oaks to Lakeview. The Mayor, Director Costello and Nan Baker have been working with the Council representative and have had success. This project allocates 40% by the Municipality and 60% by the County up to a maximum of \$100,000, of the cost for engineering the improvement and the Municipality will be responsible for 20% and the County for 80% up to a maximum of \$1,452,000 of the cost of construction including the supervision and administration of the construction. Director Costello also said that this project might be extended to continue to the Westlake border.

- Councilman Klym asked if this contract would cover all the full depth concrete repairs. Director Costello said the County would give the city a lump sum for the work. Mr. Furry asked if it includes ADA compliance. Requirements for ADA compliance are not required in this funding, but the city will look at all the intersections and bring them up to compliance during this project.

- Councilman Klym asked about #4 on page 3 of the contract where it states, “That no rule or regulation shall be enacted restricting the use of the improved road by any class of vehicle or vehicle load permitted to use the highway”. Trucks are currently not permitted on Hilliard. The Mayor asked Director Costello to confirm exactly what this would mean for Hilliard Blvd.

ORDINANCE NO. 71-18: Mr. Shepherd said that this ordinance authorizes the Mayor to submit an application to the Northeast Ohio Areawide Coordinating Agency (NOACA), in cooperation with the City of Lakewood and Cleveland Metroparks for funding through the Transportation for Livable Communities Initiative (TLCI) to implement the “Community Confluence TLCI Project”. The city is applying for a grant to study ways to make pedestrian and bike traffic more accessible in the Metroparks. The focus will be the Rockport Entrance to the Metroparks and the Detroit Road Entrance in Lakewood. The Mayor said this ordinance should read planning and not implementation. The Mayor explained that TLCI was always planning grants. It was then determined that they are paying for all these planning studies but there is not money set aside to actual implement. There are now two pots of money, one for planning and one for implementation. That is what will happen with this ordinance. The City of Rocky River’s Master Plan is being used as a catalyst for this project.

MISCELLANEOUS BUSINESS: Mr. Hunt congratulated the varsity football team on their playoff win last weekend. Mr. Hunt also wished President Moran a happy birthday and President Moran wished Councilman O’Donnell a happy belated birthday last week!

As there was no further business by members of Council, the meeting was adjourned at 8:16 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council