

CITY OF ROCKY RIVER

April 9, 2018

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

Council Members Present: Mr. Hunt, Mr. Shepherd, Mr. Furry, Mr. Sindelar, Mr. Klym

Absent: Mr. Moran, Mr. ODonnell

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

Law Director: Mr. Bemer

The meeting was opened with the Pledge of Allegiance.

MOTION:

Moved by Mr. Hunt, seconded by Mr. Furry, that the reading of the minutes of the Legislative Meeting of March 26th be waived and that the minutes be accepted as submitted.

Vote: Hunt – aye	Shepherd – abstain	Furry – aye	
Sindelar – aye	Klym – aye		
4 ayes	1 abstain	0 nays	PASSED

MAYOR’S REPORT:

Mayor Bobst reported great news regarding the repaving of Hilliard Blvd. from River Oaks to Lakeview Road. County Executive Budish sent a letter April 6th stating that the County will pay 80% of this resurfacing project in 2019 for an estimated amount of \$1,600,000.

The Lead Supervisor of the city’s streets department reported that the asphalt plants are now open. The city will begin repairing potholes with hot asphalt and the street and sidewalk cleaning crews will be out also.

Tree lawn tree planting has begun on Bonniebank, Eldora, Maplewood, Westway and Wildflower. These were the streets selected by the Beautification Committee in each of the wards. Additional trees will also be placed on Avalon, Archwood, Kensington, Scenic and Snowflower as well as in parks and public spaces around the city.

Director Costello will be meeting with CEI regarding the tree trimming companies they have contracted with to trim the trees around utility wires. The city has been less than happy with the way the trees have been trimmed and hopes CEI heeds the city’s concerns.

There will be river rescue training activity on the Rocky River this week. This is to help develop standard operation procedures for the Rocky River Fire Department.

- Councilman Shepherd asked how the section to be repaved on Hilliard Blvd. was determined. The Mayor responded that the county inspected the pavement along with documentation that was sent by the city. Additional paving may be done east and west of there due to the sewer project. The project may expand

but the city will be paying for some of that or it may be included in the grant and zero interest loan on the Hampton/Westway Project.

LAW DIRECTOR'S REPORT: Mr. Bemer said that the Board of Zoning Appeals will meet this Thursday with three residential items on the agenda. The following Thursday, April 19th the Planning Commission will meet at 6:00 p.m. for a Public Hearing regarding the Raising Cane Chicken Project and then at 7:00 p.m. for a Public Hearing regarding the rezoning of Lake Road.

Regarding the Airbnb legislation, the Administration has collected a couple of ordinances from around the area. Speaking with Councilman Klym, Cleveland's legislation has the best description of limiting housing in terms of periods of time. Revised legislation will be forthcoming within the next couple of weeks.

COMMITTEE REPORTS: Councilman Hunt noted that he had an opportunity to meet with Director Costello regarding some upcoming legislation to Section 505 in the Dangerous Dog Ordinance provisions. Legislation is being drafted and ACO Jarvis will attend a Council meeting in the next couple of weeks to discuss proposed language.

COMMUNICATIONS AND ANNOUNCEMENTS: NONE

PUBLIC COMMENT: NONE

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

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

These two ordinances are regarding the Airbnb issue and are still on hold. Mr. Shepherd is happy to hear that legislation will be coming within the next few weeks. Mr. Shepherd has said that he is against having Airbnb's in residential districts. Irene, who is in the audience this evening, lives next to an Airbnb and a large SUV left the Airbnb and drove through her back yard leaving large ruts. A police report has been filed. Mr. Shepherd showed pictures of the tire marks in her back yard. Mr. Shepherd said Airbnb's are a commercial use and feels it shouldn't be happening in the 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.

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”

3rd READING

This ordinance prohibits large trucks in excess of 7,000 lbs. from idling for a period longer than five minutes. Mr. Shepherd indicated that there were situations where large trucks were parked in commercial districts and it is infringing on neighboring residential districts and becoming a nuisance. Certain trucks will be exempted due to having perishable food on the truck. This has been discussed for several weeks. Mr. Shepherd moved for passage, seconded by Mr. Furry.

Vote: Hunt – aye	Shepherd – aye	Furry – aye	
Sindelar – aye	Klym – aye		
5 ayes		0 nays	PASSED

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

3rd READING

Mr. Sindelar said that this has been discussed for several weeks with no questions or concerns. Mr. Sindelar indicated this vehicle is replacing 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.

- Councilman Klym added and feels Council President Moran would echo this, that this is an expense from the Mayor’s Office but it is not an extravagant vehicle and it will be replacing a vehicle that has been in use for quite awhile. The Mayor travels back and forth to Columbus and other areas. This vehicle provides extra safety for her and others using it by providing hands free Bluetooth. It is a reasonable expense. The Mayor added that the vehicle assigned to the Mayor’s office is used as a fleet vehicle with other Directors using it. The Ford Focus will be passed on to the Building Department. Many policies have been put into place governing the city vehicles.

Mr. Sindelar moved for passage, seconded by Mr. Furry.

Vote: Hunt – aye	Shepherd – aye	Furry – aye	
Sindelar – aye	Klym – aye		
5 ayes		0 nays	PASSED

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

2nd 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 and uses non-emergency language.

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

2nd 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 will cost \$11,330. This will have three full reads and uses non-emergency language.

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"

2nd READING

Mr. Hunt said that this will be discussed further next week but this invoice needs to be taking care of so it was read again this evening.

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

2nd 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. This group 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. An RFP was put out with seven responses. Pricing is not included in RFP's. The city selects the company who they feel will do the best job and then negotiates a price with the company. Director Costello is satisfied that the pricing is fair and reasonable in the amount of \$224,246.00. The funds will come out of the Capital Improvement Fund. The Mayor added that this will cover two construction years for 2018 and 2019.

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 will meet on Thursday, April 19th.

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: Irene Szentkiralyi, 2871 Gasser Blvd., is upset about the SUV driving through her back yard this past Friday, April 6th. She was also awoken by slamming car doors at midnight. She is baffled at the behavior of the people renting this Airbnb. The car was a Ford Flex with Florida license plates.

President Pro-Tem Hunt thanked the audience for attending and as there was no further business by members of Council, the meeting was adjourned at 7:34 p.m.

Thomas J. Hunt
President Pro-Tem of Council

Susan G. Pease
Clerk of Council