

CITY OF ROCKY RIVER

July 9, 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

Law Director: Mr. Bemer

MOTION:

Moved by Mr. Moran, seconded by Mr. Furry, that the reading of the minutes of the Legislative Meeting of June 25th be waived and that the minutes be accepted as submitted.

Vote: Hunt – aye Shepherd – abstain O’Donnell – aye Furry – aye
Sindelar – aye Klym – abstain Moran - aye
5 ayes 2 abstain 0 nays **PASSED**

Moved by Mr. Moran, seconded by Mr. Furry, that the reading of the minutes of the Committee-of-the-Whole Meeting of July 2nd 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 CIC Meeting of June 11th be waived and that the minutes be accepted as submitted.

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

Moved by Mr. Moran, seconded by Mr. O’Donnell, that the reading of the minutes of the Public Hearing of May 21st be waived and that the minutes be accepted as submitted.

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

MAYOR’S REPORT:

The Mayor thanked Councilman O’Donnell and Councilman Klym for joining the administration this morning at County Council Chambers to present to the Community Development Committee the plans for Bradstreet’s Landing along with the request of the \$1.1 million dollars for the reconstruction of the Bradstreet’s Landing Pier utilizing the Cuyahoga County Community Development Fund dollars funded by casino revenue. A very big thank you to Director Costello for all of her assistance throughout this entire process and Director Thomas who was also in attendance this morning. Director Mehling of the Recreation Department along with Rich Snyder from the Service Department were also at this morning’s meeting. The Committee voted unanimously to send the

legislation back to the County Council. It will be on their agenda for two more reads with a possible approval on August 7th. The Mayor will keep Council informed.

There is legislation on the agenda this evening for the purchase of a new ladder truck, Ordinance No. 48-18. Fire Chief Lenart is in attendance this evening to give brief remarks about the process when this legislation is introduced.

This Friday, July 13th at 9:00 a.m. there will be a flag dedication in front of Memorial Hall and the Civic Center followed by refreshments provided by Whole Foods. Thank you to the Joint Veterans Council who has been working with Mayor Bobst to put the program together.

This Friday, City Hall Campus will have River Dog Café, Sauced Wood Fire Pizzas and Little Penguin Ice Cream Trucks for lunch. The weather has been perfect and the food trucks have been very pleased with the response from the community.

River Days begins this Saturday morning along with the “Taste of Rocky River” beginning at noon. The midway will be filled with Civic Organizations and inflatable games. Sunday kicks off with the car show and the library will have an Antique Appraisal Fair and a Cowan Pottery Sale. The day will end with Revolutionary Pie, a Beatles Tribute Band at Rocky River Park along with 62 donated pies that will be served to anyone in attendance.

LAW DIRECTOR’S REPORT: Mr. Bemer said that the BZA is scheduled to meet this Thursday with two residential property variances that are being requested. The Planning Commission will meet next Tuesday, July 17th for the second time this month. The agenda will include the ordinances that are pending on Council’s agenda. Mr. Bemer is not sure if there will be any Development Plans on the agenda. It is anticipated that the minutes from the July 5th Planning Commission Meeting regarding the small cell legislation should be addressed at that time.

- Mr. O’Donnell asked for an update on the law suit in regards to the old ladder truck. Mr. Bemer said that there are two cases in Federal Court that are being consolidated; the one initiated by the City and one initiated by Progressive Insurance which is one of the carriers. Not all of the parties have answered yet. The Court has not yet issued an order for case management. Most of the discussion has been external, outside of litigation. The Mayor added that there will be an update on the status of this for Council prior to going on recess.

COMMITTEE REPORTS: NONE

COMMUNICATIONS AND ANNOUNCEMENTS: Mr. Moran said that the Planning Commission’s Meeting Minutes have been approved regarding Ordinance No. 35-18 and a Public Hearing is scheduled for next Monday beginning at 7:00 p.m. Ordinance No. 46-18 regarding small cell was also discussed and is included in this set of minutes.

PUBLIC COMMENT: NONE

President Moran invited Fire Chief Lenart to address Council regarding the new legislation for the new ladder truck. Chief Lenart said that the truck committee came up with a very nice mid-mount truck for the City of Rocky River. Three bids were received ranging from \$1,199,929 up to \$1,427,000. The Sutphen Corporation truck will have a stainless steel body and is 100 feet tall which gives the station the maximum ISO rating which the Chief feels is very important. This truck will also have a 30-year ladder warranty also.

- Mr. Sindelar said that previously there were issues about safety features. Chief Lenart said the last truck didn’t have an airbag compliment in it. This truck has roll over crash protection.

Everything that is in this new truck is recommended by the NTSA. The cab is designed to allow crush zones and the roll over protection is the key for this truck.

- Mr. Furry asked if all the fire personnel have signed off on this truck. Chief Lenart believes this product has consensus across the board.
- Mr. Furry asked how long between ordering the truck and the delivery of the truck. Chief Lenart said that right now it is 300 days. However, he is hoping that with this order going in at the end of summer he is hoping for a quicker build time.
- The Mayor added that after learning about Fairview Park's Ladder Truck being out of commission, the Mayor asked Council to consider a Special Meeting next week for this legislation to be read a second time and the third read prior to the August recess.
- Mr. Furry asked if this truck will fit into the fire station. Chief Lenart said this truck is 11 feet and 4 inches. One alteration that was necessary was a heater being relocated. The heater would have needed to be relocated no matter which truck was purchased.
- Mr. Moran asked if the roll over concern is due to a side impact due to a vehicle hitting the side. The Chief said that it could be from a side impact or if the truck drives off the edge of a freeway and drives down an embankment the internal airbag protection system will fire as the truck goes over. The Chief said it would be hard pressed for a car to cause the fire truck to roll over.
- The Mayor also mentioned that Sutphen Corporation is an Ohio based company in Columbus and was also the lowest bidder. The Chief added that having the company close by will be great for direct access to the manufacturer if needed and possible surprise visits during the assembly of the truck.
- Mr. Moran asked how many people were on the truck committee. The Chief said there were seven people, with new firefighters, old firefighters and union firefighters. The Chief said they were very diligent in developing the specs. He added that Captain Kraus who did the first set of specs did a very nice job on that truck with the input of all the other department members also.
- Mr. O'Donnell asked if the committee was unanimous. Chief Lenart said they were and all personnel are on board.
- This truck will have the extra lighting on the back of the truck to help with its visibility.

President Moran thanked the Chief for attending this evening. Chief Lenart thanked Council for their support and also stated that if anyone has any more questions to please let him know.

UNFINISHED BUSINESS:

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 is still 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

This amended ordinance is still 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

This amended ordinance is on hold. Council is waiting for feedback from the Planning Commission.

RESOLUTION NO. 35-18

BY: JAMES W. MORAN

A RESOLUTION ADOPTING A COMPREHENSIVE GENERAL PLAN KNOWN AS THE 2018 ROCKY RIVER MASTER PLAN ON HOLD

Mr. Moran said that this has been read twice and was referred to the Planning Commission. The Planning Commission has approved their meeting minutes and the Public Hearing for this is scheduled for July 16th beginning at 7:00 p.m.

ORDINANCE NO. 39-18

BY: DAVID W. FURRY

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH NORTH BAY CONSTRUCTION, INC. FOR THE WWTP 2017-2020 CAPITAL IMPROVEMENTS PROJECT AT THE WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$1,693,700.00
2nd READING**

Mr. Furry has discussed this for a few weeks with no questions. He will look for passage on the third read. This will be placed on a Consent Agenda.

ORDINANCE NO. 40-18

BY: CHRISTOPHER J. KLYM

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH SMITHGROUP JJR FOR ENGINEERING AND PERMITTING FOR THE DEMOLITION & REPLACEMENT OF THE NEAR-SHORE PORTION OF FISHING PIER AT BRADSTREET'S LANDING PARK IN AN AMOUNT NOT TO EXCEED \$344,950.00
2nd READING**

Councilman Klym said that this ordinance is very timely and ties in with Ordinance No. 38-18 and the Master Plan. This authorizes the Mayor to enter into a contract with SmithGroup JJR for engineering and permitting for the demolition and replacement of the near-shore portion of the fishing pier at Bradstreet's Landing Park. This

was discussed this morning in front of County Council. Through the help with SmithGroup JJR, it provided the administration information on why it needed fixed, what was wrong, what needed replaced and why the City needs to go forward with it. Mr. Klym has not had any questions regarding this ordinance. This will be placed on the Consent Agenda.

ORDINANCE NO. 41-18 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH CROSSROADS ASPHALT RECYCLING, INC. FOR THE 2018 STREET REPAIR PROGRAM IN AN AMOUNT NOT TO EXCEED \$434,251.10
2nd READING

Mr. Shepherd said that seven bids were received and references along with the auditor's database search all checked out. The funding is split between the Capital Improvement Fund and the Resurfacing Paving Contractors Fund. Director Costello explained that part of this is for the WWTP paving which comes from a separate account. The city will only pay its percentage of this amount. This will be read for a third time and will be on the Consent Agenda.

RESOLUTION NO. 42-18 **BY: MICHAEL P. O'DONNELL**
A RESOLUTION AUTHORIZING THE CERTIFICATION OF DELINQUENT SANITARY SEWER ACCOUNTS TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION, IN ACCORDANCE WITH THE LAWS OF THE STATE OF OHIO AND AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
2nd READING

This is an annual ordinance for delinquent sewer charges that were billed throughout 2017 and has been discussed the last several weeks. Notice was provided of the July 11th deadline. Mr. O'Donnell will seek passage in two weeks and anticipates the exhibit to be updated prior to passage.

ORDINANCE NO. 43-18 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2018 SINGLE & TANDEM AXLE CAB AND CHASSIS AND LIGHT DUTY CHASSIS FOR THE SERVICE DIVISION UNDER THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING CONTRACT NO. 18 FROM VALLEY FREIGHTLINER, INC., AT A COST NOT TO EXCEED \$84,256.00
2nd READING

The purpose of this axle cab and chassis is to support and carry the vacall machine which is used to clean out the drain bases and suck up the leaves around the city. This will be on the consent agenda.

Mr. Hunt moved to amend Ordinance No. 44-18 due to some syntax corrections in the third whereas, 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. 44-18 **BY: THOMAS J. HUNT**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH RICHARD L. BOWEN AND ASSOCIATES, INC. FOR THE ROCKY RIVER POLICE DEPARTMENT ARCHITECTURAL SERVICES IN AN AMOUNT NOT TO EXCEED \$876,200.00
2nd READING

Mr. Hunt said that based upon questions regarding the funding mechanisms for the addition to City Hall and the Police Department, he is continuing to gather more information to discuss. This will be read eventually for a third time.

Mr. Shepherd moved to amend Ordinance No. 45-18 due to some syntax corrections, 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. 45-18 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH DIGIOIA-SUBURBAN EXCAVATING, LLC COMPANY, INC. FOR THE BREEZVALE COVE STORM SEWER IMPROVEMENT PROJECT AT A COST NOT TO EXCEED \$287,370.00
2nd READING

Mr. Shepherd asked about the alternate bid that was submitted for the pipe to be moved. The developers of the Lake Road Project have agreed to pick up that additional cost. The developer also has agreed to give the city access over his property for the construction of the storm sewer which dramatically reduces the cost. Does this price reflect this? Director Costello said that this price reflects the entirety of the alternate bid. This helps the drainage from the south side of Lake Road and properties south of Lake Road. The head wall near the Lake will not be touched. This will be on the consent agenda in two weeks.

Mr. Shepherd moved to amend Ordinance No. 46-18 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. 46-18 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 913 ENTITLED RIGHT OF WAY ADMINISTRATION OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
2nd READING

This Amended Ordinance was approved by the Planning Commission but Council is waiting for the approved minutes. Mr. Moran explained that there is a lot of information that Council still doesn't have. There are a lot of pieces and parts that are still unknown. The Mayor explained that the design guidelines will answer many of these questions and will address many of the variables. This is just the right of way legislation and the guidelines parallels this legislation and will be completed by the end of July. Council does not need to approve the design guidelines that provides protections for various neighborhoods and districts so poles cannot be placed in a variety of areas. Mr. Bemer said it is the Mayor's administration that promulgates rules and regulations for the design guidelines. Guidelines change from time to time but do not need to come before Council.

RESOLUTION NO. 47-18 **BY: JOHN B. SHEPHERD**
AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THE COMMUNITY DEVELOPMENT GRANT AGREEMENT FOR THE BRADSTREET'S LANDING PARK FISHING PIER RECONSTRUCTION PROJECT AS FURTHER DESCRIBED IN EXHIBIT A
2nd READING

Mr. Shepherd said that County Council is considering this project. This resolution authorizes this process. The exhibit for this resolution was at Council's place this evening. Mr. Shepherd asked Council to review the contract and discuss it further at next week's meeting.

Mr. Moran thanked Mayor Bobst, Director Costello and many others for all their time on this project. Thank you also to Councilman Klym and Councilman O'Donnell for being in attendance at this morning's meeting. Mr. Moran thanked the County for listening to the presentation this morning and hopefully moving forward on this grant.

NEW BUSINESS:

ORDINANCE NO. 48-18 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2019 LADDER TRUCK FOR THE FIRE DIVISION FROM SUTPHEN CORPORATION AT A COST NOT TO EXCEED \$1,199,929.00
1st READING

The Fire Chief explained this ordinance earlier this evening. Mr. Sindelar said that Council will continue to discuss this ordinance in the weeks ahead.

CONSENT AGENDA:

ORDINANCE NO. 37-18 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2018 FORD F-550 ONE TON TRUCK WITH SNOW PLOW PACKAGE FOR THE SERVICE DIVISION UNDER THE STATE COOPERATIVE PURCHASING ACT FROM VALLEY FORD TRUCK, INC., AT A COST NOT TO EXCEED \$58,141.00
3rd READING

This has been discussed several times with no questions. Mr. Sindelar looks to seek passage of this ordinance.

RESOLUTION NO. 38-18 **BY: CHRISTOPHER J. KLYM**
AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND HER DESIGNEE TO SUBMIT AN APPLICATION FOR A \$150,000.00 NATUREWORKS GRANT AND ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR BRADSTREETS LANDING PARK PEDESTRIAN BRIDGE IMPROVEMENTS
3rd READING

Mr. Klym said that this has been discussed several times. This deals with ratifying and authorizing the Mayor and Safety-Service Director to make an application to the ODNR for a \$150,000 grant to replace the bridge that extends over Spencer Creek at Bradstreet's Landing. This resolution goes together with the \$1.1-million-dollar grant application and the SmithGroup JJR discussed earlier. These all go hand in hand for the potential work at Bradstreet's Landing.

Moved by Mr. Moran, seconded by Mr. O'Donnell that Ordinance No. 37-18 and Resolution No. 38-18 of the Consent Agenda be passed as read

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

MISCELLANEOUS BUSINESS: Mr. Moran said that there will be a Special Meeting next week following the Public Hearing beginning at 7:00 p.m.

PUBLIC COMMENT: NONE

As there was no further business by members of Council, the meeting was adjourned at 7:59 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council