CITY OF ROCKY RIVER

September 19, 2016

The Committee-of-the-Whole Meeting was called to order by Mr. Moran, President of Council, at 8:00 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: Mrs. Costello

Law Director: Mr. Bemer

Press: Ms. Botos

MAYOR'S REPORT

The Mayor is on vacation this week.

COMMITTEE REPORTS

Councilman Klym will have a Committee Report next week. The Parks and Recreation Committee met last Wednesday and discussed the pool, Civic Center and Gardiner Trane issues.

UNFINISHED BUSINESS

ORDINANCE NO. 89-15: This ordinance has been under consideration for some time regarding the execution of easements to Valore Builders regarding the Morewood Project. Last week, Council was presented with the updated easements based upon the referral from the Planning Commission. It is Mr. Hunt's understanding that the easements will be reviewed with the engineer tomorrow.

- Councilman Furry asked if the revised easement would be satisfactory for the city. Director Costello said that Mr. McKay will be reviewing all the locations for the sewers and making sure that the easements being requested adequately cover all the new development's needs and that the easements are appropriate to what is necessary.

- Councilman O'Donnell asked if there has been a final rendering or drawing. Director Costello said that she had received something late last week and will double check with the engineer to make sure it is exactly what is needed.

- Councilman Hunt said the he will touch base with Director Costello within the next few days to see where everything stands.

AMENDED ORDINANCE NO. 26-16: Councilman Sindelar said that the parties requesting this rezoning have requested that the third read be put on hold. Mr. Carney and Mr. Brickman have presented Council with a proposed Development Agreement that Council will be reviewing. Mr. Carney and Mr. Brickman have requested an informational presentation. President Moran said that if there are questions for Mr. Carney or Mr. Brickman the questions can be asked following this meeting.

- Councilman Klym said that this whole packet is nicely done and holds a lot of information. He asked if this information has been presented to the public. President Moran said that at this time it has not been presented to the public but that it is public information and if anyone would like a copy of the Development Agreement the administration would provide one. Councilman Klym said that these plans are different from what was presented earlier. There has been a lot of public comment on what was proposed before and Councilman Klym feels the public should have an opportunity to view the Development Agreement. President Moran said that Council does not approve the design of the building; only the zoning rating and whether it fits into that situation. Mr. Klym reiterated that he feels this needs to be available to the public for them to look at and will be reluctant to vote next week if this agreement hasn't been seen by the public.

- Councilman Furry said that Council should only look at Codified Ordinance 1135.2, the A-H outline for the amendment to the change. Mr. Furry said that the development could be sold to someone else causing an entirely different thing; however this would be highly unlikely.

- Councilman Shepherd asked if it was the purpose of the Development Plan to firm up information for the vote. Law Director Bemer said that this is a very unique project since there has not been any type of multi-family development on Lake Road since the Beach House, 40 + years ago. As a result of the proposed Development Agreement, this in turn has added another dimension. Council has options on how to handle this. Mr. Bemer said he can draft another proposed ordinance for Council to consider for the Development Agreement and it can be included as part and parcel and be included with the rezoning; or the Development Agreement can be referred to the Planning Commission for further review, report and recommendation. Mr. Bemer said that both of these options would be appropriate. Mr. Bemer asked that Council let him know how to proceed.

- Mr. Furry said that he walked the property last week and he saw some unique topographical features.

- Mr. Hunt said there have been numerous residents at the meetings expressing opinions about a proposal that has potentially changed. Mr. Hunt echoes Councilman Klym's sentiments in making sure that everyone has an opportunity to review what has been presented to Council.

- Mr. O'Donnell said regarding the possibility of voting on this legislation next week, he was wondering if the Development Agreement needs to be entered into prior to voting on this legislation. Mr. Bemer said that the vote should be consistent on both at the same time. Mr. O'Donnell agrees that residents should have access to this Development Agreement. Mr. Bemer said he could have an ordinance ready and on next week's agenda.

- Councilman Shepherd said the he understands the desire to move this along, but the Development Agreement itself will be the subject of a separate ordinance. If it is and has three reads, there would be ample opportunity for public comment but then it will be three more reads before this structure can have legal affect. Mr. Shepherd said that there is no need for a Public

Hearing on the Development Agreement, but said that would be the perfect plan to get the Development Agreement before the people.

- Mr. Klym said that because of the uniqueness of what Council is being requested to do causes Council to ask for some additional information to make sure that it will fit into the terms of the overall scheme of that area.

- Mr. O'Donnell asked for more detailed information in the agreement. He would like to see the number of units, square footage, etc. Mr. Bemer said there are 33 units maximum and the site plan identifies trees, shrubs, setbacks and elevation. Mr. Bemer has not seen an actual rendering of what the building will look like. Mr. O'Donnell would like these things added as exhibits to the Development Agreement and would want the building to be built as close as possible to the final rendering.

- Mr. Klym thanked Mr. Carney and Mr. Brickman for putting together some very detailed responses to questions that Council has asked over time. Council does not want to delay the process, but it is very unique and has garnered a lot of interest on all sides of the issue. Mr. Carney said that in response to the residents seeing the Development Agreement, he could make sure that everyone who has spoken for or against this receives a copy of this tomorrow.

- Mr. Moran said that there would be some discussion this week with Council and he will be back in touch with Mr. Bemer.

AMENDED ORDINANCE NO. 38-16: This ordinance is designating the public funds to be deposited. This needs to be put into effect from November 1, 2016 through October 31, 2021. Mr. Moran said that Director Thomas has selected about 10 banks as possible depositories for the city's funds depending on interest rates and this will be amended further next week. This will have a third read next week.

- Councilman Furry said that he noticed that PNC was not listed on the amended ordinance. Mr. Thomas is still waiting for information from PNC and this ordinance may be amended further next week.

ORDINANCE NO. 40-16: This ordinance is for supplemental appropriations. This has been discussed and will be amended next week as there were two additional requests for some additional funds for the Police Department and also additional funds for the Senior Center for repairs.

ORDINANCE NO. 41-16: This is accepting the rates as determined by the Cuyahoga County Taxing Authority. This has been read twice. This will need to be submitted to the County by the end of September. This will be read for the third time next week.

ORDINANCE NO. 44-16: This is an annual ordinance to allow for the sealing of the cracks and joints of the city streets. This has been read twice and read for a third time at next week's meeting.

ORDINANCE NO. 45-16: This is for the purchase of a 2017 F 550 Dump Truck for the Service Division at a cost not to exceed $51,995.00. This was discussed last week and will have three reads. The service department has determined that this vehicle is a necessity. It does have a plow package on it and the administration is satisfied with the pricing. This item is not on the ODOT or the State Coop and this is the best price the administration could find.

ORDINANCE NO. 46-16: This is for the purchase of a 2016 20 cubic yard rear loading refuse packer for the Service Division. There was a lower bid received, but given the deviations off the bid specifications that were required, the administration determined to go with the next higher bid. This was discussed last week and will be read three times.

NEW BUSINESS:

RESOLUTION NO. 47-16: This is a resolution that requests the Cuyahoga County Fiscal Officer to advance taxes from the proceeds of special assessments for the tax year of 2016. If this money is not requested, the city would have to wait six months to receive it.

RESOLUTION NO. 48-16: This is a resolution requesting the Cuyahoga County Fiscal Officer to advance taxes from the proceeds of all tax levies for the tax year 2016. If this money is not requested, the city would have to wait six months to receive it.

ORDINANCE NO. 49-16: This is a new ordinance that has not been read. This is for the purchase of a 2016 twenty-five cubic yard rear loading refuse packer for the Service Division. Council should have received in this week's packet a bid package for bids that were opened. There was a lower bid received, but again this bid had design flaws that made it less responsive to the city's requirements.

- Director Costello said that it is mainly the design of the Cleveland Freightliner piece of equipment. One of the issues is that the arms are designed so that they are along the side of the scoop blade and the scoop blade is thinner. It has to pull the garbage up with a lot of moving parts which can be damaged or require ongoing maintenance. It is not as sound a design as other manufacturers. One of the other issues is that refuse can bounce out on the way to the landfill. Cleveland Freightliner did bring the machine to the Service Garage, but the city's mechanic said it didn't meet the standards of what the city expects. The city expects to get 20 years of service out of these pieces of equipment.

Mr. O'Donnell anticipates three reads on this ordinance.

RESOLUTION NO. 50-16: Councilman Klym said that this resolution deals with the approval of an agreement with the Ohio Department of Natural Resources' Ohio Coastal Management Program for a Coastal Management Assistance Grant in the Amount of $45,000. Last year the city applied for this grant in order to do a study on Bradstreet's Landing. The city did receive this grant, but it requires a $45,000 match from the city of Rocky River. The grant and the city's match will be used to put together an RFQ and hire a company to study and evaluate the fishing pier, the stream for a trout spawning habitat along with stream stabilization, the retaining wall, the restroom structure and get cost estimates for all of the work required. The Safety-Service Director, in conjunction with the MetroParks and the Cuyahoga County Conservation District would issue an RFP for proposals to do that study. Once a group is chosen, Council would receive a subsequent ordinance to approve that contract. This will have a full three reads.

- President Moran asked if the $45,000 match is just for the study or the study and repairs. Mr. Klym said it is just for the study.

MISCELLANEOUS BUSINESS: President Moran recognized Tristan Aboud, who is in attendance this evening along with his father, Mr. Aboud and Mr. Frank O'Grady. Tristan is working on one of the last badges prior to his Eagle Scout Award. Mr. Moran congratulated Tristan on the path that he is taking and wished him the best of luck as he continues to work towards his citizenship badge and Eagle Scout achievement. Also congratulations to Mr. Aboud, Tristan's father.

Mr. Moran wished a Happy Birthday to Safety-Service Director Costello!

As there was no further business by members of Council, the meeting was adjourned at 8:48 p.m.

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James W. Moran
President of Council

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Susan G. Pease
Clerk of Council