

CITY OF ROCKY RIVER

November 20, 2017

The meeting of the Committee-of-the-Whole was called to order by Mr. Moran, President of Council, immediately following the Special Meeting 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, Director Costello, Mr. Thomas

Law Director: Mr. Bemmer

MAYOR'S REPORT:

The Mayor announced that the Citizen's Police Academy is accepting applications for the next 14-week program that will begin on January 16, 2018 through April 24, 2018. It has been a very successful program, evidenced by the alumni association and the many cadets and graduates that have gone on to participate in the auxiliary program.

On November 30th, there will be a Community Meeting regarding Bradstreet's Landing at the Civic Center. The meeting will discuss the work that has been done so far, evaluating current conditions and the work that Smith Group JJR has been doing with the stakeholders. They are ready to present the first round of information to the community. The meeting will begin at 6:30 p.m.

The Mayor attended a Cuyahoga County Planning Commission meeting and Diane Bickett was there to present some of the work the County is doing on their Master and Strategic Plans. One of the consistent themes regarding recycling has been the contamination of recycling. While there is a population decrease and a recycling increase some of the recycling is being contaminated with food and materials that can't be recycled. The feedback that Director Costello has received from Republic and Oberlin is that Rocky River has some of the cleanest recyclables. Rocky River has been complimented on the quality of the recyclables. It is a concern though Countywide and has an impact on the value of recyclables. Rocky River will send out information regarding this with the general recycling brochure, online and in the resident's reference.

There is a hockey tournament this weekend at the Hamilton Ice Rink. The parking lot will be extremely busy. People from all over attend this tournament.

Next Friday, December 1st is the "All A Glow" Tree Lighting at the Gazebo at City Hall. The Gazebo will be lighted along with the tree. Santa will arrive and Magnificat will be performing also. After the lighting, the Senior Center will hold the rest of the festivities.

The Holiday Walk in downtown Rocky River will be held Saturday, December 2nd and on Sunday, December 3rd is the Holiday Home Tour.

December 6th at 7:30 pm and December 7th at 1:30 pm will be the production of “Scrooge with a Twist” at the Senior Center. The Play Readers or Senior Thespians will be providing these performances.

- Mr. Sindelar asked if the cities are penalized when their recyclables are contaminated. The Mayor explained that Rocky River hasn’t had this problem. The Mayor would think that the weight of whatever would be contaminated would not be credited to the city’s account.

COMMITTEE REPORTS:

Finance Committee: President Moran reminded Council about the Finance Committee Meeting scheduled for December 1, 2017 beginning at 8:00 a.m. and if necessary, Monday, December 4th. Mr. Moran reminded Council to meet with their assigned Director prior to the December 1st meeting.

December Council meetings will be scheduled as follows:

- December 4th – Committee-of-the-Whole Meeting
- December 11th – Legislative Meeting
- December 18th – Committee-of-the-Whole Meeting and Special Legislative Meeting

COMMUNICATIONS AND ANNOUNCEMENTS: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 56-17: Mr. Hunt said that this ordinance has been discussed for several weeks. Mr. Hunt thanked Director Bemer and Fire Prevention Officer Crowe for their continued work on language for this ordinance. Mr. Hunt forwarded Council the latest language for this ordinance. The original language had three components: Adoption, Nuisance and Penalty. Mr. Hunt asked Council for feedback regarding the newest proposal of language.

- Mr. Furry appreciates the warning first before a penalty.
- Mr. Shepherd is fine with the latest language.
- Mr. Klym likes the sentence defining reasonableness. He still feels the language is vague.
- Mr. Hunt agreed that it paints with a broad brush.
- Mr. Moran said the city needs something to address this. If there is nothing there, there is no discussion.
- Mr. Hunt said that with a practical approach there might not be that many issues where this applies or even less where enforcement and citation would come into play.
- The Mayor asked about the word “comfort”. This is a very subjective word.
- Mr. Bemer said that the initial language was found by Officer Crowe in the City’s original code. “Comfort” was part of the 1991 ordinance that the Council then had promulgated. Public nuisances are recognized in the law. Mr. Bemer will continue to work on the language for this ordinance.
- Mr. O’Donnell said that since “comfort” was left out of the prior version of the Code, that maybe Council should be consistent with that.

ORDINANCE NO. 75-17: Mr. Shepherd said that this is scheduled for a third read. This is an emergency ordinance for the emergency repair of streets and storm and sanitary sewers within the City

of Rocky River at a cost not to exceed \$90,000. This was put out to bid in 2011 and Fabrizi has held their prices. Mr. Shepherd would like this on a consent agenda.

ORDINANCE NO. 76-17: This ordinance has been read twice and is for the purchase of Ferric Chloride from PVS Technologies, Inc. This is the product that has had some volatility as the last five years have had a low of \$297 and a high of \$438. The previous two years were locked in at \$438 and change. The previous year was \$336. The year prior was \$436 and the prior three years were \$297 so has always experienced pricing volatility. Plant Supt. Rosemark was expecting some price increases due to weather related events in their southern plants. Two bids were received from that bid with a range of \$468-\$524. PVS Technologies, the current supplier, was the lowest and best bidder. This is also slated for three full reads and would like this on the consent agenda.

ORDINANCE NO. 77-17: This ordinance is for the purchase of sodium hypochlorite. This is used in 3 different application points, effluent, 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. Only one bid was received with the current supplier, Bonded Chemicals of Columbus at a price per gallon of \$0.689/gallon. This product has also had some volatility as last years pricing was \$.616/gallon while the previous two years were at \$.715/gallon. Only one bid was received but is usually between Bonded Chemicals or JCI Jones Chemical of Sarasota, FL. This is slated for three reads and would like this added to the consent agenda.

AMENDED ORDINANCE NO. 78-17: Mr. Hunt said this amended ordinance would add language to the code prohibiting parking in residential zoned areas on the side of the fire hydrants. This will be read for a third time next week and he would like it to be on the consent agenda. This would bring Rocky River in line with its Westshore neighbors.

- Mr. Furry asked if there could be a three-month warning for residents regarding this legislation. The Mayor said a Ready Notify will be sent out to residents about this new legislation.

ORDINANCE NO. 79-17: This is an ordinance that limits the activities of general noise and disturbances such as power tools and construction tools from 9:00 p.m. to 8:00 p.m.

- Mr. Shepherd said that he feels 8:00 p.m. is early especially in the summer months.
- Mr. Furry concurred that 8:00 p.m. is too early. He also asked about g.2 if the last sentence should read 7:00 a.m. until 8:00 p.m.
- Mr. Moran feels the outline is good. 9:00 p.m. is too late. Residents need to be mindful of their neighbors.
- Mr. Sindelar agrees with Mr. Moran and hopes there is a warning time for this as well.
- Mr. Hunt is concerned with the 7:00 a.m. time allowing power tools and construction that hour.
 - The Mayor said that the city workers and construction crews are out at 7:00 a.m.
- Director Costello said that this is usually complaint driven. The police usually give a warning and use it as an opportunity to explain the rules.
- Mr. Klym is concerned about the 7:00 a.m. construction on a Saturday, but if you want to use a power tool on Saturday you need to wait until 9:00 a.m. Mr. Klym feels it is disjointed.
- The Mayor said that they will look at other communities and their start and end times for general noise and construction.

ORDINANCE NO. 80-17: This increases the time period from 7 days to 14 days for the application for approval of a preliminary design plan to be submitted.

- Mr. Bemer said that this pertains to anything on the agenda that would require notices to surrounding property owners. This would give the Building Department enough time to get the proper notices out in a timely fashion.

ORDINANCE NO. 81-17: This has to do with the rental of rooms of a resident's home for peer-to-peer accommodations. This seeks regulations of these types of situations and defines those situations as rentals less than 30 days.

- Mr. Shepherd is bothered by the fact that the section is still called Bed and Breakfast. If somebody is renting a room and not serving breakfast, they may skip this section.
- Mr. Furry has received complaints about homes being used for a transient use of property.
- Mr. Klym feels it is important to get the peer-to-peer accommodation wording in this. Mr. Klym suggested moving the language around to read peer-to-peer accommodation at the end of the sentence.
- Mr. Bemer said that there are still a handful of these operating in Rocky River. Noise issues and concern of neighbors not knowing who is living next to them are concerns. The desire is to regulate and to minimize the transiency. The city should have the right to regulate for the Health, Safety and Welfare of its residents.

ORDINANCE NO. 82-17: This is a companion ordinance to 81-17. It defines a Bed and Breakfast establishment accommodation and a rental unit for a period of thirty days or more. Single room lodging in a boarding house manner is not a permitted rental use in any zoning district.

- Mr. Shepherd asked Mr. Bemer if these types of things are subject to licensing. Mr. Bemer said yes and it is in Chapter 1371.

ORDINANCE NO. 83-17: Item 13 has been added so that the Zoning Administrator can approve any application for building or land use, which contains a minor or minimal deviation from the strict administration of this Development Code.

- Mr. Furry is worried that the "minor" wording is subjective. He likes the idea of expediting things.
- Mr. Shepherd said that there is a zoning code and when there are minor deviations the Boards have standards to apply to these deviations. It could put the zoning administrator in an awkward position.
- Mr. Bemer said that the thought that goes into this is that a minor, minimal de minimis is 10%. These things are always done with the consent of the neighbors.
- Mr. Moran said he isn't sure the zoning administrator should be the judge and jury.
- Mr. Shepherd suggested that Council think about this for a week.
- Mr. Bemer said that this could be subject to being withdrawn.
- The Mayor said that they will look at other communities and see what they do.
- Mr. Hunt said he has an issue with the term "land use". He feels the city is asking for trouble regarding transparency with land use.

ORDINANCE NO. 84-17: This will be discussed at next week's meeting.

ORDINANCE NO. 85-17: This will be discussed at next week's meeting.

ORDINANCE NO. 87-17: This will be discussed at next week's meeting.

ORDINANCE NO. 88-17: This will be discussed at next week's meeting.

ORDINANCE NO. 89-17: This will be discussed at next week's meeting.

ORDINANCE NO. 90-17: This will be discussed at the next Legislative Meeting.

ORDINANCE NO. 91-17: This will be discussed at the next Legislative Meeting.

ORDINANCE NO. 92-17: This will be discussed at the next Legislative Meeting.

ORDINANCE NO. 93-17: This will be discussed at the next Legislative Meeting.

ORDINANCE NO. 94-17: This was passed at the Special Meeting this evening.

ORDINANCE NO. 95-17: Mr. Moran explained that this ordinance is fixing the 2017 annual salaries and hourly rates for the appointed employees of the Waste Water Treatment Plant only. This will change Ordinance No. 4-17, which amended Ordinance No. 75-16. This goes along with the changes described in ordinance No. 94-17 and will be retroactive back to January 1, 2017.

ORDINANCE NO. 97-17: This ordinance is to make appropriations for the current expenses of the City of Rocky River during the fiscal year ending December 31, 2018.

ORDINANCE NO. 98-17: This is the ordinance to renew the insurance coverage with McGowan Insurance for the city. This is a 7.9% increase due to the property values increasing 3%; 1% of the increase is because of the updated and improved fleets; and the claims loss history is affecting the rate.

- Director Costello said that there have been some small accidents, trips and falls and legal cases that together have affected the rates.
- Mr. Sindelar asked if there has been any discussion about looking elsewhere due to the fire truck issue. Director Costello said this is up for bid next year. The city has begun the process of obtaining an appraiser to get an appraisal of all the buildings and go to bid. The Mayor said there are a number of discussion points on the current coverage as well as going forward. 2003 was the last time a comprehensive evaluation of the value of the property was done.
- The Mayor asked Director Costello what the increases have been for the last several years.
 - 2013 – 159,951
 - 2014 – 178,109
 - 2015 – 177,090
 - 2016 – 178,157
 - 2017 – 182,318

The paid out claims approach what the city paid out in premiums.

- Mr. Sindelar asked if there were opportunities for the city to join a consortium. Director Costello said they prefer not to be in pools because the city becomes part of the liabilities of the other members. The Mayor said that pools don't make a lot of sense for Rocky River due to positive claims history. Also the city could potentially be paying for claims when the city is already out of the pool. It would be very difficult to budget something like that.

ORDINANCE NO. 99-17: The premium for the Courts is going down substantially because there is no claims history or losses since 2011.

ORDINANCE NO. 100-17: The premium for the Wastewater Treatment Plant insurance is less than 2% because of a low claims history but the values did increase.

ORDINANCE NO. 101-17: This is scheduled for a second reading next week. There is an increase on the compensation that the general city employees received at 2.5 %. There are good reports of work by MacKay Engineering and their knowledge of the system.

- Mr. Furry said they are not technically employees of the city but he has no problem with the 2.5% raise.

NEW BUSINESS:

ORDINANCE NO. 102-17: This is for the purchase of an additional four HVAC rooftop units at the Hamilton Ice Arena. These are additional units that are not working. The current units are over 30 years old. This will have three full reads. Westland Heating/Air Conditioning will replace the units. Mr. Mehling will discuss this further at the December 1st Budget Meeting.

- Mr. O'Donnell asked if the units approved last week were replaced. The Mayor confirmed that they were and should be up and running tomorrow or Wednesday.

MISCELLANEOUS BUSINESS: NONE

As there was no further business by members of Council, the meeting was adjourned at 8:25 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council