

CITY OF ROCKY RIVER

October 11, 2021

The Regular Legislative 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,
Mrs. Morris, Mr. Klym, Mr. Moran

Absent: Mr. Furry

Administration: Mayor Bobst, Mr. Thomas, Mr. Snyder

Law Director: Mr. Bemer

The meeting was opened with the Pledge of Allegiance.

MOTION:

Moved by Mr. Moran, seconded by Mr. O'Donnell, that the reading of the minutes of the Legislative Meeting of September 27th, and the minutes of the Committee-of-the-Whole Meeting on October 4th be waived, and that the minutes be accepted as submitted.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	
	Morris – aye	Klym – aye	Moran – aye	
	6 ayes		0 nays	PASSED

President Moran welcomed Building Commissioner Ray Reich to this evening's meeting.

MAYOR'S REPORT:

The Police Department tours have commenced. Registration is through the Recreation Center. There has been a lot of interest from residents.

The Mayor said that the budget process has started with all of the budgets turned into Finance Director Thomas. The Mayor will be meeting with individual directors the third week of October. The administration is on schedule to have the budget to Council at the end of the first week of November. The administration is also in union negotiations with the two police unions and the service department, which may impact the budget schedule slightly.

The Mayor discussed the power outages this weekend. The Police Department receives many phone calls from residents regarding power outages. The Mayor requests that residents call First Energy at 1-800-544-4877 to report issues with power. It is good for the residents, helpful to First Energy and relieves the police department of having to answer those calls.

The sewer crews were out after the storm to investigate residential flooding in the streets, some homes and then prioritizing. The sewer system is built with restrictors in the catch basins to keep the water from super charging the system. The water dissipates when the rain stops. There were three crews out today identifying where the issues are. Thank you to Dave Arendec and the sewer crews for all their hard work.

This weekend the city hosted the Shredding Event. One hundred seventy cars came through with items to be shredded. Thank you to Director Snyder, Commissioner Reich and the other volunteers for assisting with this event.

The Mayor said that milling is beginning on the streets, as the paving program is moving forward with work this week. The last concrete is being placed on the deck of Bradstreet's Landing and next week the railing mock ups will be approved.

The Clifton Lake Corridor Project, which is part of the Community Confluence Study, is being proposed with a large portion of the project in Lakewood but it will have some impact on Rocky River with bike lanes and the bridge itself. There is a public meeting tomorrow evening at 6:30 p.m. at Horace Mann Elementary School, 1215 West Clifton, Lakewood, OH.

- Councilman Klym asked if Bradstreet's Landing will be finished this year. Mr. Snyder stated the pier will be completed this year. The railings will be fabricated off-site and installed this fall. There will be some work at the end of the pier including removal of the restroom building and moving it elsewhere in the park, perhaps towards the Pier Deli.
- Councilman Shepherd stated he was at Bradstreet's Landing today. He said the surface looks almost done and the concrete looks good. There are temporary railings up.
- Councilman Shepherd also stated he did not receive one call regarding flooding. The city is making substantial progress with the sewers. The Mayor thanked City Council for all the support given to the administration regarding the work on sewers.

LAW DEPARTMENT: Mr. Bemer stated that he received a phone call from the Ohio Attorney General's Office last week. There will be a companion request for another resolution similar to Resolution No. 61-21 regarding the settlement with the opioid litigation. Resolution No. 61-21 is the first round with distributors; the second round will be with pharmaceuticals. It appears that there will be similar legislation and requests ongoing into the future. This will be a secondary application for funds.

COMMITTEE REPORTS: NONE

COMMUNICATIONS FROM COUNCIL: Councilwoman Morris is working on initiating a "Food Drive" at the Recreation Center for the Rocky River Assistance Program for Thanksgiving. More details to follow.

President Moran announced that leaf pick up will begin on Monday, November 1st.

Councilman Shepherd stated that the Rocky River Green Team posted a notice regarding a MetroParks Open House Meeting to discuss the Strategic Plans for the future of the MetroParks. The meeting will be held at the South Mastick Picnic Area on the south side of Mastick Road on October 19th at 5:30 p.m.

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 63-21 **BY: MICHAEL P. O'DONNELL**
AN EMERGENCY ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE
CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING THE FISCAL
YEAR ENDING DECEMBER 31, 2021 AND TO AMEND AMENDED ORDINANCE NO. 95-20

ON HOLD

Mr. O'Donnell said this has been discussed the last couple of weeks. This is the supplemental appropriations of the current expenses of the budget for 2021. Mr. Thomas has learned that there will be additional changes to staffing at the Municipal Court, so the exhibit will need to be amended by substitution. Mr. O'Donnell asks that this ordinance not be read and be put on hold this evening.

RESOLUTION NO. 67-21

BY: MICHAEL P. O'DONNELL

A RESOLUTION AUTHORIZING THE TRANSFER OF THE UNEXPENDED BALANCE OF THE COMMUNITY IMPACTS FUND (FUND NUMBER 250) IN THE AMOUNT OF \$3,311.75 TO THE GENERAL FUND AND ACKNOWLEDGING THE TERMINATION OF THE ACTIVITY FOR WHICH SAID COMMUNITY IMPACTS FUND WAS CREATED
2nd READING

Mr. O'Donnell said this has been discussed for the last couple of weeks. This is an old fund from the late 1990's and all the funds were used for the purposes for which the Community Impact Fund was created and no other purpose was identified for these funds. This will transfer \$3,311.75 from the Community Impact Fund to the General Fund. Mr. O'Donnell will seek passage in two weeks.

NEW BUSINESS:

ORDINANCE NO. 68-21

BY: CHRISTINA MORRIS

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER PERTAINING TO THE OHIO FIRE CODE, SECTION 1501.01 ENTITLED "ADOPTION", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
1st READING

Mrs. Morris stated that this ordinance would amend the code so that the fire code is automatically updated to the State Fire Code.

ORDINANCE NO. 69-21

BY: CHRISTINA MORRIS

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 903.04 ENTITLED "SIDEWALK, MATERIAL, WIDTH AND THICKNESS", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
1st READING

Mrs. Morris stated this ordinance changes the gravel base under the sidewalk from 4 inches to 6 inches. This allows the trees to have a better root system without destroying the sidewalks.

- Mr. Klym asked if this will be on replacement sidewalks with the work the gas company is doing in the city now. Mr. Snyder stated that they are doing the 6-inch base underneath the sidewalk. This was discussed during the construction meeting with Dominion. This specification has been used in-house for the last couple of years. Mr. Reich said contractors are informed of this change so they can adjust their costs.

ORDINANCE NO. 70-21

BY: CHRISTINA MORRIS

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 1370 – PROPERTY MAINTENANCE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 1370.01 ENTITLED "DEFINITIONS", SECTION 1370.10 ENTITLED "INTERIORS", SECTION 1370.11 ENTITLED "PESTS", AND SECTION 1370.13

ENTITLED “EXTERIOR AREAS”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

1st READING

Mrs. Morris said this ordinance changes the definition to “most current”. It makes pest control the explicit responsibility of the building owner rather than a tenant; it makes basement-sleeping rooms conditional on exits; and explicit fire wood stacking rules for safety reasons.

- Mr. Reich explained that there are issues concerning bed bugs. The landlords were leaving it up to the tenant so this change will better control the infestation.

ORDINANCE NO. 71-21

BY: CHRISTINA MORRIS

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 905.03 ENTITLED “DRIVEWAY LOCATION AND WIDTH” AND SECTION 905.04 ENTITLED “DRIVEWAY APRON MATERIAL AND THICKNESS”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

1st READING

Mrs. Morris said this addresses the spaces between accessory parking in the street and sidewalk in the right of way. It also covers changing the apron cement depth for non-private, which is non-residential driveways non-single family residential driveways. It also defines private driveways. This will be referred to the Planning Commission, as there are other Codified Ordinances that address this same issue.

- Mr. Moran said last week the request was made to tighten up the language on this ordinance to be more specific. Mr. Shepherd said that the language tightening can be done after the referral.
- Mr. Reich stated that 905.04 shows the thickness and generally what the contractors are following when they do a job. The language added in “C” and highlighted areas in 905.03 are also in 1153.15, but the contractors within the city are looking at the 905 and not Chapter 1153.
- Mr. O’Donnell asked about the location of the driveway not towards the house side. He has seen where residents have added stamped concrete to the width of the driveway. Mr. Reich said this is ok but the city tries to maintain the 20 foot width. A spot in front of a house that does not have the 3 feet necessary to comply along the property line should be discussed for residents on high traffic streets. Mr. Reich stated that the Building Department is trying to make it work for the residents while keeping bumpers from hanging over sidewalks.

ORDINANCE NO. 72-21

BY: CHRISTINA MORRIS

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 1340 - SMOKE AND CARBON MONOXIDE (CO) DETECTOR REQUIREMENTS FOR LEASED AND RENTED PROPERTIES OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 1340.03 ENTITLED “STANDARDS FOR THE INSTALLATION OF CARBON MONOXIDE DETECTORS”, SECTION 1340.04 ENTITLED “STANDARDS FOR THE MAINTENANCE AND USE OF SMOKE AND CARBON MONOXIDE DETECTORS” AND SECTION 1340.05 ENTITLED “TAMPERING PROHIBITED” AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

1st READING

Mrs. Morris said this ordinance requires new construction and rentals to have carbon monoxide and smoke detector alarms installed.

ORDINANCE NO. 73-21

BY: CHRISTINA MORRIS

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER SECTION 1153.09 ENTITLED “HEIGHT REQUIREMENTS” AND SECTION 1153.15 ENTITLED “ACCESSORY USES AND STRUCTURES” REGARDING GARAGES, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

1st READING

Mrs. Morris said this addresses roof heights of accessory buildings and the usage of accessory buildings. The BZA meetings have garages presented often, so raising it from 15 feet to 18 feet would lessen the amount of variances requested. Additionally, the city would like to limit the usage of garage to storage. This ordinance will be referred to the Planning Commission.

- Mr. Reich said this is complaint driven. As he investigated these complaints, residents are using garages as habitable occupied space. All of these garages have a fixed staircase to the second floor. Currently, this is not allowed per the ordinance. He would also like to limit the dormers to 30%.
- The Mayor asked what the building code says about occupancy over the garage. Mr. Reich stated that the ceilings need to be 5/8 dry wall and there has to be a fire door at the top or bottom of the stairs to separate the garage parking area from the habitable area.
- Mr. Reich stated that within the last 11 months, there have been 10 variances for height at 18 feet or greater. BZA started to realize this is a bit of a problem concerning massing and land use. The dormers make it look like an enormous structure in the backyard. Surrounding communities range from 12-18 feet.
- Mr. O'Donnell agrees with what the fire code states. However, if a resident is able to build a room above their garage and meet the basic requirements, he thinks it should be allowed. The Mayor added that if these are usable spaces, it would mean less lot coverage and maybe that is a positive with saving green space.
- Mr. Bemer added that there are two competing issues. The zoning code regulates uses and planning code is how best do we do harmonious and orderly development. What residents want to use conflicts with the harmonious development as well as the impact on the surrounding residents. The City of Rocky River has high density. Once you allow habitable space, how does the city control the use. The difference between adding on and a garage is that a garage is intended for storage and has always been intended for storage. The city cannot take it as an isolated situation. The potential of these turning into rental units is a concern. The experts on the City's Commissions need to be listened to.
- Mr. Hunt is asking why an ordinance is asking to increase the space to 18 feet then. Mr. Reich stated that 18 feet works well with no dormers for storage.
- Mr. Klym said if this is to be limited, it needs to be defined very clearly.
- Mr. O'Donnell asked Mr. Reich what he thinks should be allowed. Mr. Reich thinks if this is allowed, there needs to be additional restrictions as in no windows in the rear, no air conditioning units, etc. Mr. Reich stated that the only way to enforce it is when there is a complaint.

ORDINANCE NO. 74-21 **BY: MICHAEL P. O'DONNELL**
AN EMERGENCY ORDINANCE AMENDING ORDINANCE 83-20 FOR POSITIONS AND
FIXING OR ESTABLISHING THE ANNUAL SALARIES AND HOURLY RATES
COMMENCING JANUARY 1, 2021 FOR THE APPOINTED EMPLOYEES IN THE SEVERAL
DIVISIONS AND DEPARTMENTS OF THE CITY OF ROCKY RIVER
1st READING

Mr. O'Donnell said this is an amendment to the annual wage ordinance for the employees of the city. The Mayor said this is presented to Council today to add a 27th pay for the employees of the city. This does not add compensation. Council will receive an updated wage ordinance for 2022 later in the year.

ORDINANCE NO. 75-21 **BY: JOHN B. SHEPHERD**
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PUBLIC HEALTH
SERVICE AGREEMENT FOR 2022 AND 2023 WITH THE CUYAHOGA COUNTY BOARD OF
HEALTH FOR SERVICES TO THE CITY OF ROCKY RIVER AS FURTHER DESCRIBED IN
EXHIBIT A
1st READING

Mr. Shepherd said the city is mandated by law to maintain a health district. The city works with the Cuyahoga County Board of Health. This ordinance is to enter into a two-year contract with the County and the attached contract details the various services provided. The cost is \$6.00 per capita totaling \$130,530 for 2022 and \$6.60 per capita totaling \$143,583 for 2023. This will be discussed further at next week's meeting.

CONSENT AGENDA

RESOLUTION NO. 59-21 **BY: MICHAEL P. O'DONNELL**
AN EMERGENCY RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A FUND
ENTITLED "LOCAL FISCAL RECOVERY FUND", FUND NUMBER 220 TO ACCOUNT FOR
THE AMERICAN RESCUE PLAN ACT (ARPA) RESOURCES PROVIDED TO THE CITY OF
ROCKY RIVER
3rd READING

Mr. O'Donnell said this is the third read. Mr. O'Donnell said this is setting up a fund for additional COVID-19 relief dollars that the city is receiving in the amount of approximately one million dollars from the Federal Government. By setting up this Fund, it will help the city with compliance with receiving the funds, accountability and transparency.

RESOLUTION NO. 60-21 **BY: MICHAEL P. O'DONNELL**
A RESOLUTION ACCEPTING AMOUNTS AND RATES AS DETERMINED BY THE
CUYAHOGA COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY
TAX LEVIES AND CERTIFYING THEM TO THE CUYAHOGA COUNTY FISCAL OFFICER
AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
3rd READING

Mr. O'Donnell said this is the third read for this resolution. This accepts the rates as determined by the Cuyahoga County Budget Commission and accepted by the city. Mr. O'Donnell said this millage is a reduction from last year in the General Bond Retirement Fund.

RESOLUTION NO. 61-21 **BY: ALL THE MEMBERS OF COUNCIL**
AN EMERGENCY RESOLUTION RATIFYING THE ACCEPTANCE OF THE MATERIAL
TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO
MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE
JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT
3rd READING

Mr. Moran said this gives the city the opportunity to ratify the opioid settlement agreement. This is part one of the settlement per Law Director Bemer's report stating there will be more legislation concerning this settlement.

ORDINANCE NO. 62-21 **BY: DAVID W. FURRY**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT BETWEEN THE CITY OF ROCKY RIVER AND R2O CONSULTING, LLC.
FOR PROFESSIONAL ENGINEERING SERVICES - CALIBRATED SANITARY HYDRAULIC
MODELING FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT (WWTP) IN
AN AMOUNT NOT TO EXCEED \$541,181 AS FURTHER DESCRIBED IN EXHIBIT "A"
3rd READING

Mr. Moran said that this is the WWTP contracting with R2O Consulting, LLC to create a hydraulic model to identify areas of high inflow and high infiltration in the collection systems tributary. This model is required by the Ohio EPA as part of a negotiation process following the No Feasible Alternative Study submitted in 2019 to eliminate bypasses at the WWTP. This contract needs to be set forth.

ORDINANCE NO. 64-21 **BY: MICHAEL P. O'DONNELL**
AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY
THE CITY OF CLEVELAND DIVISION OF WATER A REIMBURSEMENT FOR THE 2020
SHORELAND AVENUE AND STRUHAR DRIVE WATER MAIN IMPROVEMENT PROJECT
IN THE AMOUNT OF \$73,708.97
3rd READING

Mr. O'Donnell said the city has a water service agreement with the City of Cleveland, where they pay the construction for rebuilding of the waterlines for Shoreland Avenue and Struhar Drive and other related work to the waterlines. As the cost was under budget, the balance needs to be reimbursed to the City of Cleveland Division of Water in the amount of \$73,708.97.

ORDINANCE NO. 65-21 **BY: MICHAEL P. O'DONNELL**
AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY
THE CITY OF CLEVELAND DIVISION OF WATER A REIMBURSEMENT FOR THE 2020
STORY ROAD WATER MAIN IMPROVEMENT PROJECT IN THE AMOUNT OF \$3,108.56
3rd READING

This is a similar ordinance to 64-21, related to the Story Road Water Main Project that the City of Cleveland Division of Water advanced funds to. The cost came in under budget, so the balance needs to be reimbursed to the City of Cleveland Division of Water in the amount of \$3,108.56.

RESOLUTION NO. 66-21 **BY: JOHN B. SHEPHERD**
A RESOLUTION AUTHORIZING THE MAYOR AND HER DESIGNEE TO PREPARE AND
SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS

**COMMISSION STATE CAPITAL IMPROVEMENT AND LOCAL TRANSPORTATION
IMPROVEMENT PROGRAM FOR THE ROCKCLIFF DRIVE STORM SEWER, SANITARY
SEWER, WATER MAIN AND PAVEMENT REPLACEMENT AND TO EXECUTE
CONTRACTS AS REQUIRED**

3rd READING

Mr. Shepherd said this allows the administration to apply for funding in the amount of \$200,000.00 from the Ohio Public Works Commission to apply to the engineering and design for this proposed project on Rockcliff. This is a major project where the inverted sewers will be corrected, waterlines replaced, repaving, curb work and to study the access to the MetroParks for improvement in conjunction with the Community Confluence Program.

Mr. Moran moved for passage of Resolution Nos. 59-21, 60-21, 61-21, 66-21 and Ordinance Nos. 62-21, 64-21, and 65-21 on the Consent Agenda, seconded by Mr. O'Donnell.

Vote:	Hunt – aye	Shepherd – aye	O'Donnell – aye	
	Morris – aye	Klym – aye	Moran – aye	
	6 ayes		0 nays	PASSED

PUBLIC COMMENT: NONE

MISCELLANEOUS BUSINESS: Mr. Moran thanked everyone for attending and said the next meeting for City Council will be held on October 18th in City Council Chambers beginning at 7:00 p.m.

The meeting was adjourned at 8:03 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council