

## **CITY OF ROCKY RIVER**

**July 5, 2016**

The Committee-of-the-Whole Meeting 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, Mrs. Costello

Law Director: Mr. Bemer

Press: Ms. Botos

### **MAYOR'S REPORT:**

The Mayor reminded Council that Friday begins River Days with the addition of a concert featuring a Country Western artist playing at the gazebo. Everyone is invited to attend. The entire schedule of festivities can be found on the city's website. The Mayor thanked a number of Civic Organizations and many individuals that have been working so hard on River Days. The Mayor expressed thanks to the Chamber of Commerce for the Taste of Rocky River; the Senior Center Art Show; the Historical Society Tours; Kiwanis; Rotary; the Beautification Committee; Early Childhood PTA; Meals on Wheels; the Citizen's Police Academy, etc. Sunday will feature the Antique Car Show along with the Antique Appraisal Fair. Sunday morning will begin with a 5K run for Elle's Enchanted Forest ending with the band "Revolution Pie" and "Pie in the Park" beginning at 7:00 p.m. The weather looks beautiful for the upcoming weekend! The Mayor also thanked the sponsorships for River Days that covers the expenses incurred for this weekend. Without their support this couldn't be done.

Next week the Mayor will report on the Building Department. Building permits and the valuation associated with the permits are on track and in line with the numbers in 2015.

### **COMMITTEE REPORTS: NONE**

### **COMMUNICATIONS AND ANNOUNCEMENTS: NONE**

### **UNFINISHED BUSINESS:**

**ORDINANCE NO. 89-15:** Mr. Hunt said that the draft meeting minutes from the Planning Commission have been circulated as of this morning and asked Council to review those minutes as well as City Engineer MacKay's review of the Traffic Study. This Ordinance will continue to be on hold until the Planning Commission Minutes have been approved.

President Moran introduced Mr. Joseph A. Valore who turned the meeting over to Mr. Pierson to discuss questions regarding the Traffic Study. President Moran thanked Mr. Andrew Pierson, PE Traffic Engineer in the State of Ohio, for attending this evening's meeting. Mr. Pierson has worked in the State of Ohio since 1996. Mr. Pierson has done 20 stopping site distance reviews and analysis throughout the years. The first component he looked at was a Trip Generation Rate. This concerns the site where 4 houses will be part of a development that will have very little traffic generated. Mr. Pierson then looked at the volume of the traffic on the roadway by using an automatic traffic counting device. This allowed Mr. Pierson to get the speed and the actual amount of vehicles on the road. These numbers are included in his report. The most pertinent information he was able to get was the speed of the vehicles. He placed the tubes roughly 20 feet south of the stop bar heading north. Putting the tubes at the exact spot of the proposed driveway was difficult because there wasn't anything to attach it to. In the 85% of traffic heading south the traveling speed is 18 mph or less. In the 95% of traffic heading south the traveling speed is 20 mph. The actual posted speed limit on the road is 25 mph.

- Councilman Sindelar asked how long the device was on the road. Mr. Pierson said about 36 hours. Mr. Pierson said that the full day showed 781 vehicles heading north. The same day there were 639 vehicles heading south.
- Councilman Furry asked if the box monitoring the data was set at 6 feet. Mr. Pierson said the new technology was set at 2 feet spacing. Almost 90% of the vehicles crossing over the tubes were cars, bikes or a two-axel long pick-up trucks. Mr. Furry asked if there was deviation comparing it to a pick-up truck and to a smart car going by. Mr. Pierson said that the car, bike or two axel pick-up truck are not a heavy truck. There were 7 heavy vehicles during the entire day heading south. The non-classified means that the device was not able to register the pulses which could be two cars hitting it at the same time heading north and south. The account data looked very normal in this report.

Mr. Pierson said that there was a determination of the peak hour. The amount of counted vehicles in the a.m. is about 57 vehicles traveling southbound and 77 vehicles traveling northbound in the a.m. In the afternoon it is 86 and 69. This is a fairly light number of vehicles in terms of volumes of other sites.

The next component was the stopping site distance analysis. Mr. Pierson did a field check of the proposed site distance using a three-car approach. The results are that the existing posting speed limits are 25mph and the Ohio L & D Manuel prefers to have a 30 mph design speed to analyze and keep to a 5 mph over but does say 25 mph is acceptable. Due to the fact that there is a vertical curve at the site, he was not able to meet the 25 mph stopping site distance. Because of this, Mr. Pierson is recommending that additional signage be installed but is not recommending rumble strips. Rumble strips may be used at a railroad grade crossing after other appropriate standard traffic control devices have been considered. Mr. Pierson did contact the Office of Roadway Engineering from ODOT to get a detailed drawing incase this becomes pertinent. This was done after receiving the questions regarding the report. Mr. Pierson is

recommending different signage along with a placard that would reduce the speed down to 20 mph. With this 20 mph the stopping site distance would be lowered and the rumble strips would be additional safety components that would alert motorists to the sign or to the fact that something is coming up that they would need to notice. Per the manual, signs should be installed first and then if issues come up, the rumble strips could be added.

- Councilman Sindelar asked if Mr. Pierson was saying this is a dangerous area and these are ways to curb it. Mr. Pierson said he is saying that it does not meet the 25 mph site distance but looking at the travel speeds on the roadway, the actual speeds are 20 mph. It is not necessarily unsafe as he will explain in the next component, Safety.

Safety looks at two different components. The first is what has happened previously and when Mr. Pierson looked at previous crash history, there has not been a crash in the last five years.

- Councilman Furry asked if this point has been checked and verified with the Rocky River Police Department. Mr. Valore added that he had the reports stating that there was an accident there in 2004 and 2005. One of the accidents was someone heading over the railroad tracks southbound and hit a parked car 7 or 8 houses past the tracks. The Mayor said these facts would again be checked with Chief Stillman.

The second component is looking at the proposed. There is a crest curve at this site and it doesn't meet the 25mph stopping site distance. To remedy this, additional signage is the first course of action alerting traffic to this site distance issue and add placards that would reduce the speed further than the 25 mph posted speed limit down to 20 mph. This coincides with the 95% speed recorded.

- Councilman O'Donnell asked if this meant that 5% of the traffic that travels southbound would not be able to stop in time. Mr. Pierson said no, that it means that 5% of the traffic is currently going above the 20 mph heading southbound.
- Councilman Furry asked if changing the signs would really have that big of effect?
- The Mayor said that there are two questions: Is it a dangerous area if a driveway was to be added? Is there a way to enhance that area to limit any risk of accidents in that area? Mr. Pierson said that yes he does believe this area is a safe situation and believes that there has not been any crashes in a five-year period. Mr. Pierson said to eliminate the risk, non-standard signs with speed limit reductions should be added along with rumble strips if necessary.
- The Mayor asked if Mr. Pierson had evaluated the Elmwood Crossing or the Wagar Crossing with the proximity of the driveways at those two crossings. Mr. Pierson said he did not.

Mr. Tom Liggett, architect, said that one of the things they were doing with this development was to take away a driveway that someone would back out into Morewood Parkway and changing it to a two lane road where vehicles will be coming out facing forward.

- Councilman O'Donnell said that in the minutes of the Planning Commission, it states that there were 7 vehicles that were traveling above 22-44 mph. **(Please see correction below.)** If in 36 hours there were 7 cars traveling at those rates of speed, if somebody comes over the crest southbound and there is a car sitting there, Mr. O'Donnell doesn't have a lot of confidence that the car could stop in time. Mr. Pierson said that they are expecting two vehicles in a peak hour. If you look at the timing of the fast moving vehicles there will be two vehicles turning left heading southbound in an hour. Obviously they do not want the potential for one vehicle going faster than the 20 mph coinciding with the one vehicle that is taking a left but he is comfortable saying that with the additional signage that will slow that vehicle down so they see the left turning vehicle. **CORRECTION:** Law Director Bemer said that Mr. O'Donnell is correct with the traveling speed of 22-44 mph but Mr. Bemer believes this is a typo and should read 22-24 mph.
- Councilman Sindelar asked for clarification on what changes a driver to drive slower. Mr. Pierson said signage. President Moran said it should say 15 mph/slow-hidden drive. Mr. Pierson said the current signage is a non-compliant sign and should come down.
- President Moran asked if it would be better to have this driveway as close to the peak as possible or better to have it further down. Mr. Pierson said that it would be better to be closer to the crest giving a better line of site.
- Councilman O'Donnell asked if that driveway could be moved to eliminate this line of site issue. Mr. Tony Valore answered saying that this project has been going on for 4-5 years. He said to accomplish what Mr. O'Donnell is asking they would have to recreate the current easement. One of the things Planning asked them to do was to eliminate the existing driveway and create a drive into this new community. Mr. Joe Valore said that there is a sewer access that sits about 7 feet above the ground in the middle of the low spot. Part of this configuration of when the grade is finished, will give the city the ability to access this sewer and would permit the development to be built. Director Costello added that there is a storm sewer manhole and a sanitary manhole just south of the railroad tracks, very close to the right away but on the city's property. Director Costello said that she would never be able to allow a driveway to a single family home no less three homes over those manholes. It is not feasible to come close to those sewer manholes. Director Costello said that there is a third manhole that the elevation will raise. That would give the city better access to that manhole because of the change in elevation.
- Councilman Sindelar asked if the Valores have discussed this with the neighbors. Mr. Sindelar said that there were a number of people attending the meetings and he has

received many emails. The neighbors feel that the way the design is now, it will not be safe. Mr. Tony Valore said that he has reached out to the neighbors.

- President Moran re-directed the meeting back to the Traffic Study.

Mr. Pierson has not spoken with any of the residents, but he has spoken with Mr. MacKay. It appears from Mr. MacKay's letter that he was in agreement with the safety aspect of this project.

- Councilman O'Donnell added that Mr. MacKay concurs with the placement of rumble strips. Mr. O'Donnell asked for clarification on Appendix A. Mr. Pierson said that the number 45 means that between 5:00 and 6:00 there were 45 vehicles that registered speeds of 16-18 mph in the south direction.
- Councilman Furry said Mr. Pierson said the signage should be changed to a W76 (Hill blocks view) and the W13-1P. This would be a signage placard that would reduce the traveling speed. Mr. Furry asked if any of his studies incorporated railroad crossings. He said no, this is a first this close to a railroad crossing.
- Mr. Tom Liggett said that the difference between the railroad tracks to the actual drive that is being proposed could be moved 15-18 feet. The easement then would get larger and would avoid all the manholes and sewers, but it would give a chance for one car to be in front of the drive and be visible from the other side of the railroad tracks. It would be a larger easement but it would bring the driveway closer to the railroad tracks making it safer and would meet many of the concerns being discussed this evening. Mr. Furry asked if that is the easement from May 19<sup>th</sup>. Mr. Liggett said this would be a smaller easement.
- Councilman Klym said that Council has seen a lot of different proposals. He has not been quite certain where the easements are going which is one of the reasons this was referred to planning. What he has heard from everyone is that this sounds like a great project and the Valore Builders have a fantastic reputation in the community. This is a matter of what is the safest thing to do for a very unique situation. He appreciates all the consideration and information provided here today and also appreciates the comments and the willingness to consider solutions to help this project be safe.
- Mr. Tony Valore said the he would gladly resubmit something to Council to reflect this discussion, knowing that it isn't a yes, but closer to a yes than now. Mr. Joe Valore reminded Council that all these drawings have been submitted to the police and fire and one of the considerations of this driveway was the ability of a fire vehicle to get through. All these issues have been taken into consideration in trying to come up with a configuration that meets the various requirements, requests and concerns.
- Councilman O'Donnell asked the Mayor if she could look at the site plan and determine if that would be a viable option. The Mayor asked Director Costello if she could see

where this next proposal would be. Director Bemer said during the planning stage, there was a suggestion to move the driveway as close as possible to the tracks if it created a serpentine driveway. That was the design that was appropriate for the fire vehicle. This is not what Mr. Liggett is proposing. It looks like he is proposing more of a straight drive with a little curve with more of a flared driveway, which would allow people to turn in.

- Councilman Hunt spoke to Councilman Klym's concern specifically in regard to the Traffic Study. He asked Mr. Pierson about the background of changing the signage to be more appropriate. Mr. Hunt asked what background, what basis or latitude does the city have or the developer have to place signage. Is the city permitted to put any sign they want there? Mr. Pierson said that there is not a signage warrant and there isn't any defined specifics. It is up to the engineering judgement but is preferred that all signs be within the old standard book that specifies which signs should be on local roadways in Ohio. Mr. Hunt asked if the city could prohibit a left turn when traveling southbound over the railroad tracks. Mr. Pierson said he has never seen it and it would be tough to construct in a residential area and hard to enforce. Director Costello said it would push residents to turn into other resident's driveways to turn around. Mr. Pierson said it would be two vehicles theoretically in an hour and wouldn't be an ideal situation but it could be done.
- Councilman Shepherd asked if the speed limit could be reduced to below 25 mph in this area legally. Mr. Pierson was asked what the ODOT Manual says regarding sensitive areas that need special attention. Law Director Bemer said you cannot enforce a modified speed limit that is in deviation of a state or city road speed limit. Speed restrictions cannot be changed on state roads. It would need to be a unique situation where an engineer or city official would designate this as a unique situation for a short distance of road to modify the speed limit. Mr. Bemer asked Mr. Pierson if that would be an appropriate suggestion. Mr. Pierson said that the placards he has recommended are speed advisory signs. His understanding is that unless it is a school zone you cannot reduce the posted speed limit on a roadway below 25 mph, but in a curve or horizontal a sign placards to reduce the speed down to 20 or 15 mph is used throughout the state regularly, but it is not a change of the posted speed but a posting of an advisory speed reduction. Mr. O'Donnell confirmed then that a ticket could not be issued for exceeding the speed limit, it is just a warning to slow down. Mr. Bemer said that was correct. Mr. Moran said there is a school crossing guard at that spot. If there was a crosswalk close to the tracks a 'Slow 15 mph' signage could be used. Director Costello said that she cannot put a crosswalk there. The city would need ADA appropriate standards at either end of the crosswalk. It would have to be a construction install and she would need to check with the Sign and Signal Department to see how close it could come to the railroad crossing. It couldn't be changed within the railroad right away, which extends further than the sewer infrastructure; it's a large railroad right away. Mr. Pierson said that typically a speed reduction at a school is at the boundary of the right away that can be extended out to the road and reduce the speed on a running parallel road but for a

crosswalk there is a children's crossing sign in advance but he hasn't seen a speed reduction sign involved with a crosswalk.

- Councilman Furry said that he would be more comfortable with it by moving it north or as far north as possible and still have the city's access. Mr. Pierson said that he would still recommend the use of these signs, even if the proposed driveway were moved. When there is a lack of traffic coming the other direction, the left turn almost works the same as a right turn and a right turn into a driveway is a couple of miles an hour while making a right turn. This is a driveway that is exiting into a roadway in the exact spot as across the street. If these signs go up alerting traffic to the existing drive, the proposed drive would make it so there isn't a corresponding drive across the way that is included in that speed reduction necessity, but it is an existing situation.
- Mr. Shepherd asked about the methodology that was applied in this analysis. He thought he heard that in the absence of data that people drive slower and in an absence of a unique situation like this, do the traffic engineers normally add 5mph onto the posted speed limit? Mr. Pierson said it is preferred. Mr. Shepherd said his final thought is that if the easement issue is going to be looked at and the driveway moved further north for better visibility, he would rather have someone take a look at this instead of just assuming it would be better. Mr. Joe Valore said that this could be done as an addendum to the current report. Mr. Pierson defined his analysis point as the driveway across the way; he could wheel off 18 feet from that point and park the car and redo his analysis. Is that 18 feet going to be locked in? Director Costello suggested Mr. Pierson show the results at 15 feet and 18 feet and somewhere in between just to be sure. Mr. Pierson said his client has been very responsive and wants this done in the right way. Mr. Pierson will do this and have it ready for next Monday's meeting and will submit it to Mr. Valore who will submit it to Director Costello who will submit it to Mr. MacKay.

President Moran thanked Mr. Pierson for attending the meeting this evening and explaining everything. Council appreciates the time and effort Mr. Pierson has given.

**ORDINANCE NO. 18-16:** This ordinance was passed at the Special Meeting prior to the Committee-of-the-Whole Meeting this evening.

**ORDINANCE NO. 26-16:** Councilman Sindelar said that this ordinance is going to be amended at next week's meeting. The suggested change is going from an R-5 to an R-4 Multi-Family classification. This is still on hold.

**RESOLUTION NO. 34-16:** This resolution concerns the delinquent sewer bills. These sewer bills will be sent to the Cuyahoga County Fiscal Officer for collection. These unpaid balances will be added to their tax bill. This list will be updated before passage for anyone who pays prior to July 30th. This will be read for a second time next week with the third read at the end of July and an updated amended list.

**ORDINANCE NO. 35-16:** Councilman Shepherd said this was discussed at last week's meeting. These services have been rendered in conjunction with the collective bargaining with the Service Department for which an ordinance was just passed. Director Thomas, Finance Director, has a policy that states that if a Purchase Order has not been put in place prior to the services being rendered, the bill needs to be approved by Council.

- Councilman Sindelar asked for clarification on the Valore name on this bill. Is this Valore the same person that was here for legal council? Law Director Bemer said yes, that he rents space from the partners. This Mr. Valore is a cousin of the Valore developer.

## **NEW BUSINESS:**

**ORDINANCE NO. 36-16:** This is an ordinance authorizing a contract with Utilicon Corporation for the water main cleaning and lining projects for both Lakeview Avenue and Hampton Rd. This project is done in advance of the Hampton Sewer Rehabilitation Project. The project itself is a cleaning and relining. The water portion was put out to bid for both streets and Utilicon was the low bidder well below the engineer's estimate of \$685,000. Utilicon came in at \$400,000. Normally the Water Department reimburses the city in full for these projects, but has only approved the Lakeview Project at this time in the amount of \$215,000. The Hampton Road Project was not approved and leaves a balance of approximately \$188,000 for this project. The City has gotten Ohio Public Works financing for both these sewer projects that contribute to the sanitary sewer overflow on Westway, the last remaining sanitary sewer overflow. In addition, these streets are in bad shape, particularly Hampton Road. In speaking with Director Costello, the city would like to proceed on both projects. Grants have been received from the Ohio Public Works Commission but to proceed on both, the city would have to take up the \$188,000 obligation for the waterline on the Hampton Road Project. The Mayor added that she has put a call in to Alex Margevicius, the Commissioner for Cleveland Water, to ask if they could reconsider that waterline reimbursement. The Mayor will go to bat for the \$188,000 because this is the way the Cleveland Water Department wants projects to move forward doing them in concert with other larger projects.

- Councilman Furry asked if Mr. Margevicius is no longer an interim. The Mayor said he is the full time director.
- Councilman Furry asked why the engineer's estimate is so off. Director Costello said the bidding was very competitive. The city's estimates have been spot on and not very many companies can do the refurbishing of the water lines.
- President Moran asked if it would be possible to apply these funds to next year's budget. Director Costello said that would be like asking for a reimbursement even though the city has started. The Mayor said that all these questions will be asked.
- Councilman O'Donnell asked if the city would have to do anything special since the city does not own the line. Would anything be needed in writing? The Mayor will ask Mr.

Margevicius that question also. Mr. Shepherd said that the fact that they own these lines would be a compelling reason for them to pay for the work. Director Costello said that the work has been approved through Cleveland Water. Director Costello doesn't see that the city would have to have the contractors sign any waivers or any other contractual forms because the city is following every rule and every procedure. Again, it is not a replacement but a cleaning and lining with strict parameters that the contractor will have to stay within.

- Councilman Sindelar would like to put on the record that he was employed by Utilicon. He worked for them for four years while doing his undergraduate degree, cleaning and relining water mains.
- Director Costello said that Exhibit B for this ordinance will be forthcoming to Council.

**MISCELLANEOUS BUSINESS: NONE**

As there was no further business by members of Council, the meeting was adjourned at 9:47 p.m.

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James W. Moran  
President of Council

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Susan G. Pease  
Clerk of Council