

CITY OF ROCKY RIVER

March 5, 2018

The meeting of the Committee-of-the-Whole was called to order by Mr. Moran, President of Council, immediately following the Public Hearing 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

Law Director: Mr. Bemer

President Moran said that this evening is a Meeting of the Whole where issues are discussed but there is no public comment. Public Comment and voting on the issues will be at next week's Legislative Meeting. Council has read the last ordinance twice and when it is read for a third time it is voted on. It could be read for a third time next week as long as all Council's questions are answered. If not next week, it would be the next Legislative Meeting.

MAYOR'S REPORT:

The Mayor announced notification from NOPEC, the utility aggregation for both gas and electricity, will be embarking on a customer giveback program totaling \$9 million. \$5.4 million were settlement dollars from First Energy plus they added \$3.6 million of their own money that they term as marketing dollars. This program will lower rates for the next four billing cycles. Residential customers will receive \$18.00 back on average and small business customers about \$39.00 back on average. It will be about a 3% overall reduction in the generation portion. Utility bills are made up of transmission, generation and all sorts of components. This effort is complimented by the \$88,000 that the city is receiving this year which will be used for a new generator for the Civic Center since that is the safety designated area for Rocky River area schools and City Hall in case of an emergency. Last week NOPEC approved a grant for \$3,500 for the Fall Arts Festival. NOPEC is a very good community partner. These are three direct ways that Rocky River residents are benefitting from the work NOPEC is doing.

Council also received the Idling Ordinance at their places this evening. This is brand new and came from residents living near shopping centers where large semi-trucks take a break and let their engines and refrigerators run. Thank you to Law Director Bemer and Officer Hine who helped draft this language.

The Mayor reported that the city received six architectural proposals for the new police station. The RFP's are currently being ranked and evaluated. The top two or three will be interviewed and then negotiations will take place.

On April 12th there will be a benefit for the Autism Center for families that do not have insurance coverage for their children to receive services from the Autism Center located at the Civic Center. This is in partnership with the Cleveland Clinic Health System.

COMMITTEE REPORTS: NONE

COMMUNICATIONS AND ANNOUNCEMENTS: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 81-17 and 82-17: Mr. Shepherd said that these ordinances are being held waiting recommendations and reports from the Cuyahoga County Mayors and Managers Association regarding their sample legislation on Airbnb's and Boarding Rooms. The Mayor said the information has been asked for but her office hasn't received any details.

AMENDED ORDINANCE NO. 84-17 through AMENDED ORDINANCE NO. 90-17: Mr. Shepherd said that all these ordinances have been referred to the Planning Commission and Council is waiting for their recommendations to come back.

ORDINANCE NO. 93-17: This ordinance is on hold regarding the wireless telecommunication units. Council is waiting for state legislation so the city can coordinate the regulation with the state legislation. The Mayor added that the administration is looking at some design standard legislation from other communities also.

ORDINANCE NO. 106-17: Mr. Sindelar said there is nothing new to report other than he will be looking for a third read at next week's Legislative Meeting assuming a full complement of Council members.

- Mr. Furry asked if anything needed to be amended on the actual ordinance because the developer owns three and allegedly has options for two and is working on one. He is also concerned regarding the Trust Common Areas and the possibility of litigation.
- Mr. O'Donnell stated that the application he saw has Antoinette's signature on it but it is dated a couple week earlier than the most recent application. Along those lines, Mr. O'Donnell suggested that if people needed time to sort this out, it seems to him that maybe next week is not necessarily the week to vote on it.
- Mr. Klym said he has seen a couple different applications and he wants to be sure Council has the right application in front of him before voting. Mr. Klym agrees that Council should be sure of what is before them prior to voting.
- Mr. Sindelar feels that if things are not correct, that is a reason to turn it down.
- Mr. Shepherd said that what Council is suggesting is that if we get to the point next week and these questions are not cleared up, let's not force a vote.

- The Mayor said that the administration, through the Law Director's office, will talk to the developer and get these questions answered about offers on the table that are contingent on the rezoning along with the issue of the Trust. Council can modify.
- Mr. Hunt said that beyond the parties, there are different parcels on the application.
- Mr. Bemer said that there was an application on November 17th, that was missing three of the parcels and another application on December 8th which had all the parcels. The ordinance was prepared based on the substance of the December 8th application. There was proper notice given through Council to the Planning Commission through two separate Public Hearings. The second issue of the Trust Property, the common area, is more problematic. Mr. Bemer will reach out to the developer and they can make a decision or he can talk to their Counsel about presenting legal opinion on the appropriateness of including the common area which was not part of the developer's consent for an application. Mr. O'Donnell asked if the November and December applications are being taken as one application? Mr. Bemer is more concerned about notice to the public. He does not see this as a critical defect in view of the fact that the key component of this process is Public Notice and an opportunity to be heard and as we know that has been exhausted. Mr. O'Donnell said that the signature element is covered if both applications are considered together. Mr. Bemer will comment back to Council by Friday.

ORDINANCE NO. 4-18: This ordinance is still on hold.

ORDINANCE NO. 8-18: Mr. O'Donnell said that this has been discussed for 3 or 4 weeks. This is to authorize payment in the amount of \$54,707 for software support for the Court's software provider, CourtView Justice Solutions. This will be paid for out of the Court's budget and was included in the appropriations for 2018. This will be placed on a consent agenda.

ORDINANCE NO. 9-18: This is to authorize payment for certain hardware and software component upgrades related to video needs of the Court in the amount of \$65,220. This has been discussed for four weeks. Funds for this expenditure were budgeted in 2018. This will be placed on a consent agenda.

ORDINANCE NO. 10-18: Mr. Sindelar said that this ordinance will be added to the consent agenda. There have not been any questions. It is for the purchase of an F350 Pick-up Truck with a Snow Plow Package used by the Park Services and the Service Division and will be replacing a one-ton dump truck.

RESOLUTION NO. 11-18: Mr. Shepherd said that this resolution authorizes the city to enter into an agreement with Northeast Ohio Public Energy Council (NOPEC) to participate in their Energized Community Grants and rebates. This will be placed on the consent agenda.

ORDINANCE NO. 12-18: Mr. Furry said this has been discussed for a month. There has not been a lot of discussion. This ordinance authorizes the Director of Public Safety-Service to enter into an agreement to purchase services for the removal of digested sludge cake from the Wastewater Treatment Plant by James Diaz at a cost of \$22.00 per wet ton for 2018. Last year the city paid \$42.10 a ton. This will be added to the consent agenda.

ORDINANCE NO. 13-18: Mr. Sindelar said that this will also be added to the consent agenda. It is for a refuse compactor. There is one refuse ejector out of commission now. The city will receive money for the trade in.

ORDINANCE NO. 14-18: Mr. Furry said this was read at last week's meeting and he is anticipating three full reads. The management review committee sent out RFQ's and received seven responses. The packets will be reviewed, scored and ranked. The screening team determined that the firm of Hazen and Sawyer was best and Superintendent Rosemark negotiated an agreement and received an approval for that agreement. It is a two-year agreement going through 2019. AECOMM will be retained to complete the 2017-2020 Capital Project schedule. Hazen and Sawyer will be providing far more services including monthly on-site meetings and bi-weekly conference calls.

ORDINANCE NO. 15-18: Mr. Klym said this has been read once. Director Mehling and Mr. Balla gave a nice presentation regarding the need for the new roof and what the project constitutes. There were four bids and the city is going with the lowest bid. The city has checked fully into this company who is well versed in handling this type of construction.

ORDINANCE NO. 16-18: Mr. Shepherd said that this is the idling noise ordinance that will be read for the first time next week. Mr. Shepherd asked about the statement that applies to vehicles in excess of 7,000 lbs. or any auxiliary equipment attached. Those would have to be a power generator behind a 7,000 lb. vehicle? Mr. Bemer said that the main vehicle would need to be at least 7,000 lbs. gross weight. The time provision is for all times unless they are unloading or loading perishables. Mr. Bemer said that this was intended not to address individuals in their own driveway. This is concerning mostly semi-trucks or large delivery trucks resting behind the shopping centers. There are also restrictions on when delivery can happen.

NEW BUSINESS: NONE

MISCELLANEOUS BUSINESS: NONE

As there was no further business by members of Council, President Moran thanked everyone for attending this evening's meeting. The meeting was adjourned at 8:10 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council