

CITY OF ROCKY RIVER

October 4, 2021

The meeting of the Committee-of-the-Whole was called to order by Mr. Moran, President, at 7:00 p.m.

Council Members Present: Mr. Hunt, Mr. Shepherd, Mr. O'Donnell, Mr. Furry
Mrs. Morris, Mr. Klym, Mr. Moran

Administration: Mr. Thomas, Mr. Snyder

Law Director: Mr. Bemer

The meeting was opened with the Pledge of Allegiance.

SAFETY SERVICE DIRECTOR'S REPORT:

Director Snyder reported that the Fire Department announced that new Squad 63 has been brought into service and replaces Squad 67. Thank you to the Mayor, Finance Director Thomas and City Council for making this a reality. The new squad will be a great resource for the community.

The Police Department will announce Public Tours for the Police Station tomorrow. Registration for the tours will be handled through the Recreation Department website.

Director Bob Holub of the Recreation Department reported a strong revenue for the month of September of over \$165,000 according to the reporting software. This is the highest revenue reported for the month of September in the last five years.

- Councilman Furry asked about the phone line troubles with the Police Department. Mr. Snyder stated that there was a cyber-attack on many phone providers throughout the country, one of which was the city's new provider, Momentum. Mr. Snyder believes it has been corrected and IT Specialist Chris Grau has been working on it. There are still a few kinks to be worked out with the police and City Hall phones and appreciates the community's patience until it is all repaired.

FINANCE DIRECTOR THOMAS REPORT:

Director Thomas reported on the debt transactions that occurred in mid-September as authorized by Ordinance No. 45-21. The city rolled over the principal amount without reducing the balance. The rate last year was .28 and this year is .15. The net interest cost for last year issue was \$42,669 and this year the cost for the 2021 issue is \$29,799. The ordinance stated a not to exceed interest amount of 4% and if the rates were above that, the administration would come back to Council for a new plan. The stated coupon on the note is .5% and yield is .15 so the city received some premium from that. The issue was purchased by a number of municipalities in the state of Ohio: a Regional Transit Authority, a school district and a private investor who took about \$1,000,000 of the \$9,900,000.

- Councilman Furry asked when the city would go from bond anticipation notes to bonds now that the police department is completed. Mr. Thomas stated it could be done at any time. The revenue was strong last year and seems to be this year. There was no expectation that rates would come down from 2020 but that is what happened. Rates are still low and will look at that into next year's budget.

- Mr. Shepherd asked if these bonds qualify as municipal bonds and are tax-free. Mr. Thomas said yes.
- Mr. O'Donnell and Mr. Furry stated that the city should issue the bonds to lock in the low rate.

COMMITTEE REPORTS: NONE

COMMUNICATION: Mr. Moran stated that Homecoming was a great success. The community was out in full force and the parade was covered with happy students and children. The school did a great job preparing for the event.

Mr. Moran also noted that Bill Welsh was laid to rest on Saturday, October 2nd with a well-attended funeral Mass at St. Luke's in Lakewood. City Council will keep our prayers for Bill and his wife Rosemary.

UNFINISHED BUSINESS:

RESOLUTION NO. 59-21: Mr. O'Donnell said this has been discussed for a couple of weeks. Mr. O'Donnell stated that the city is receiving just over a million dollars through the American Rescue Plan Act Fund through the United States Congress. In order for the city to comply and receive these dollars, a new account needs to be set up. Mr. O'Donnell will seek passage next week. This will be placed on a consent agenda.

RESOLUTION NO. 60-21: Mr. O'Donnell said this resolution relates to the inside and outside millage and accepting the rates from the Cuyahoga County Budget Commission. Mr. O'Donnell said this millage is a reduction from last year in particular the General Bond Retirement millage has been reduced to .75 mills. Last year it was .78 mills. Mr. O'Donnell asked Director Thomas if this would be amended. Mr. Thomas spoke with a representative from the County Budget Commission. His feeling was it was too early for him to give a firm projection as to what the new tax abstract values will generate. The County Budget Commission has seen the city has a need for and the Charter provides for. In this case, City Council can direct Mr. Thomas to accept a different rate that is proposed here. Mr. Thomas feels comfortable and this rate is based on the current tax base. Mr. O'Donnell said there is already a reduction built in so he is inclined to do what the County suggests. This is slated for a third year, and if there is not a change, this will be placed on the consent agenda.

- Mr. Shepherd asked if the rates are certified per the ordinance and later on it comes back as being off, could it be changed mid-stream. Mr. Furry said it is certified in December, so he does not think it can be changed. Mr. Shepherd said it could then be addressed next year.

RESOLUTION NO. 61-21: Mr. Moran said this resolution ratifies the OPIOID Settlement. Law Director Bemer has explained this resolution to Council. This will be added to the consent agenda for next week.

ORDINANCE NO. 62-21: Mr. Furry said this ordinance has been read a couple of times. The WWTP is contracting with R2O Consulting, LLC to create a hydraulic model to identify areas of high inflow/infiltration in the collection systems tributary to the WWTP. This model was 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 modeling, in conjunction with the required CEPT/Final Clarifier Improvement Project proposed to Council in April of this year is how the plant will work toward eliminating bypasses.

Three firms responded to the RFP. Hazen and Sawyer screened that each firm met or exceeded minimum qualifications and Superintendent Barille also had Hazen & Sawyer further diagnose each firms technical understanding and proposed strategy.

The Management Committee of the WWTP unanimously approved this on September 3 and showed no unresolved findings in the Secretary of State's database. This will be added to the consent agenda, but Mr. Furry will not be in attendance at next week's meeting.

ORDINANCE NO. 63-21: Mr. O'Donnell said this has been discussed the last couple of weeks and this is to amend the 2021 Budget Ordinance which was amended Ordinance No. 95-20. Now that the city is nearly three quarters of the way through the year, the supplemental appropriations contained on Exhibit A reflect what is actually taking place. Exhibit A shows the changes and includes change orders for the building of the Police Department, reflects the CARES Act dollars that were received, changes related to the Municipal Court and changes related to the Fire Department for overtime and pension contributions related to an injury that occurred. Mr. O'Donnell would like this added to the consent agenda.

ORDINANCE NO. 64-21: Mr. O'Donnell said, as Council is aware, the city has a water service agreement with the City of Cleveland. The city estimated the amount of money needed at the beginning of the project and the Division of Water advanced the funds for this project. 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. This will be added to the consent agenda.

ORDINANCE NO. 65-21: This is a companion ordinance to 64-21, related to the Story Road Water Main Project that the City of Cleveland Division of Water advanced funds for this project. 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. This will be added to the consent agenda.

RESOLUTION NO. 66-21: Mr. Shepherd said this resolution should be placed on the consent agenda also and it authorizes the administration to apply to the Ohio Public Works Commission for funding for engineering and design of Rockcliff Drive sewer project. This project would correct the inverted sewers, includes curb work, paving and sidewalks as necessary. This will reduce infiltration of sewage and hopefully contribute to eliminating one of the few remaining overflows in the city. The access to the MetroParks will be studied for improvement in conjunction with the Community Confluence Program. The city is applying for approximately 80% of the funding in the amount of \$200,000.

RESOLUTION NO. 67-21: Mr. O'Donnell said this basically a financial clean up. This is essentially transferring \$3,311.75 from the Community Impact Fund to the General Fund. There is no anticipated need to pay any expenses out of this fund. This will be read for the second time next week.

NEW BUSINESS:

ORDINANCE NO. 68-21: Mrs. Morris stated that this ordinance would amend the code so that the fire code is automatically updated along with the Ohio Fire code.

ORDINANCE NO. 69-21: Mrs. Morris stated this ordinance changes the base under the sidewalk from 4 inches to 6 inches and in doing so helps the trees and sidewalks.

- Mr. Klym asked if this is part of the County Planning Commission review. Mr. Bemer said this is being initiated by Commissioner Ray Reich.
- Mr. O'Donnell asked if the current sidewalk repair would be done with this new spec or the old spec. Mr. Snyder said that everything that is being done is to this new spec. He worked with Mr. Reich to develop this spec and it is a relatively new specification that is geared to prevent sidewalk damage from trees and allows additional flexibility for expansion and contracting of soil. Over time there should be less lifting from the sidewalks because of this.
- Mr. Klym asked if the sidewalks are inspected before being poured. Mr. Snyder said there is a pre-pour inspection with all the projects.

ORDINANCE NO. 70-21: Mrs. Morris said this code becomes more specific regarding who is responsible for pest control and how firewood is stored so the Building Department and the City has recourse in dangerous situations.

- Mr. Moran said the change is from 2003 to most current. Mrs. Morris said it also makes the property owners responsible for pest control. Mr. Snyder explained that the amendment with the definition would allow the city to use the most current property maintenance code for the state. The other sections are specific to different topics regarding sleeping rooms in basements that lack proper windows, pest control falls under the owner of the property instead of tenant and finally the firewood storage in exterior areas.
- Mr. O'Donnell asked if the State Code addresses these things. Mr. Snyder said the city's requirements further define within the municipality verses the state. Mr. Bemer added that it gives the city the enforcement capacity under 1370.99 penalty section.
- Mr. Moran asked how this knowledge is updated. Mr. Bemer said through inspections with rentals every two years.

ORDINANCE NO. 71-21: Mrs. Morris said this addresses accessory parking spots where areas are added to driveways and are too close to the sidewalks. This adds language for a 10-foot minimum between the additional parking spot to the sidewalk. Mr. Bemer said this is to park on the outside boundary line of the property and to avoid parking directly in front of the main access to the residents.

- Mr. O'Donnell asked about the 10-foot requirement. Some driveways may not be that long, which would make it impossible to accommodate. Mr. Bemer said that for anyone that lives on a main street, it would be advantageous to gain the ability to back out onto the main street. There are impervious surfaces, a lot of concrete verses green space. The cutout is to avoid vehicles parking on or over the sidewalk.
- Mr. Hunt said there needs to be a distinction between driveway and parking space. Mr. Snyder said the accessory parking has to be outside of the frontage for the building. The understanding for the 10 feet is if vehicles were to back up and be passed that, there were issues of vehicles backing over the sidewalk. Mr. Hunt said there is a clean up needed in subsection C2. There is a comma and then a capital H that needs to be corrected.
- Mr. Klym questioned the single family and private driveway verbiage. Mr. Snyder's understanding is that driveways should not be less than 4 inches thick being residential or commercial. In addition, this requires the 8-inch thick with welded wire at anything that is not single family, therefore commercial or multifamily.
- Mr. Shepherd asked about the drawing with the arc to the sidewalk. He feels there needs to be some criteria or restrictions added.

ORDINANCE NO. 72-21: Mrs. Morris said this ordinance requires new construction and rentals to have carbon monoxide alarms installed.

- Mr. O'Donnell asked if the Fire Chief looked at this. Mr. Bemer said it is consistent with the Ohio Building Code. The carbon monoxide detectors were placed anywhere inside the dwelling but now need to be within the area of bedrooms.

ORDINANCE NO. 73-21: 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, people are building studios and workspaces on the second floor of their garages. The BZA does not want two houses on one lot. This needs to be referred back to

the Planning Commission of the City of Rocky River.

- Mr. Moran stated that making this 18 feet, residents will request more. Mr. Bemer said that 18 feet is now the norm. The secondary issue is fixed staircases within the garage because people are looking to use their second floor of garages from pool hall rooms to accessory offices to the point there are some garages you cannot distinguish between the home or garage. Eliminating the staircases would cause the second floor of a garage to be exactly what they were intended to be for storage. There will be a joint session of BZA, the Planning Commission and the Architectural Review Board to discuss this.
- Mr. Klym says this is a big issue. Many residents are using garages for home offices. City Council needs to consider this very strongly as to what the community is looking for, what is overbearing to the neighbors and what people are looking to do with their properties.
- Mr. O'Donnell agrees and would invite the Planning Commission to attend a City Council meeting to discuss this issue. He is not sure this is a huge problem.
- Mr. Bemer said that the growth of the garages, traditionally, are not to be used as rentals and once gas and heat are allowed into the garage, there will be another rental.
- Mr. Moran has attended some of these meetings and these are not garages any more but turning into a secondary living quarters. The input from Planning would be beneficial.
- Mr. Hunt questions if there is concern regarding extraneous uses, why the request to enlarge the usable space to 18 feet. Mr. Furry concurs.
- Mr. Shepherd asked if a resident's garage is close to the property line, does the code allow offices in the attic or bedrooms or is it not permitted. Mr. Bemer said a garage is defined as a free standing or attached accessory use for storage. If you want an office in your home, put an addition on. Ascetically that is much more pleasing than having a garage the same size of your house. Mr. Bemer said that massing is a big part of this and how to control density and the lot use.

ORDINANCE NO. 74-21: Mr. O'Donnell said this is the annual wage ordinance for the employees of the city. This will be read for the first time next week. Mr. Klym mentioned that the salaries for the Boards and Commissions have been in place many years and not changed. He would like a comparison to other cities around Rocky River. Commission meetings are very lengthy and detailed. Mr. O'Donnell concurs.

MISCELLANEOUS BUSINESS: Mr. Moran wished Mr. Bemer a Happy Birthday tomorrow.

As there was no further business by members of Council, the meeting was adjourned at 8:01 p.m. The next meeting will be held on Monday, October 11th in Council Chambers.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council