

CITY OF ROCKY RIVER

October 10, 2016

The Regular Meeting of Council was called to order by Mr. Moran, President of Council at 8:00 p.m. in the David J. Cook Council Chambers.

Council Members Present: Mr. Hunt, Mr. Shepherd, Mr. O'Donnell, Mr. Furry,
Mr. Sindelar, Mr. Moran

Absent: Mr. Klym

Administration: Mayor Bobst, Mrs. Costello, Mr. Thomas

Law Director: Mr. Bemer

Press: Ms. Botos

MOTION:

Moved by Mr. Moran, seconded by Mr. Hunt, that the reading of the minutes of the Legislative Meeting of September 26 be waived, and that the minutes be accepted as submitted

Vote: Hunt – aye	Shepherd – aye	O'Donnell – aye	Mr. Furry - aye
Sindelar – aye	Moran – aye		
6 ayes		0 nays	PASSED

Moved by Mr. Moran, seconded by Mr. Hunt, that the reading of the minutes of the Committee-of-the-Whole Meeting of October 3 be waived, and that the minutes be accepted as submitted

Vote: Hunt – aye	Shepherd – aye	O'Donnell – aye	Mr. Furry - aye
Sindelar – aye	Moran – aye		
6 ayes		0 nays	PASSED

MAYOR'S REPORT:

Mayor Bobst announced that budget meetings with the directors begin tomorrow. She will meet with each director to review draft budgets submitted at the end of September and to discuss priorities and revenues as well as personnel, operating and capital costs for each department. She thanked Finance Director Thomas for all his work thus far in the process, and said that she expects to be able to forward the budget to Council at the beginning of November.

The Police Division has learned that, once again, funds have been received from the National Institute of Justice for the Bulletproof Vest Partnership Program. From a 50/50 split, the City will receive a little more than \$10,000 for the purchase of bulletproof vests.

In further news from the safety forces, this week is National Fire Prevention week. The Fire Prevention Officer and firefighters will visit every third grader in the City. A useful tool in working with young members of the community is the fire house, parked outside the fire station. The Mayor thanked members for all the work they would do this week and throughout the year. Fire Chief Lenart reminds all residents to check the batteries of their smoke detectors as well as the age of the units.

In Building Department statistics, 1158 building permits have been processed so far this year with a total valuation of almost \$19 million, up 15.75% over last year at this time. The Mayor was pleased by the increase, and said she hoped the trend continues, recognizing that fewer permits will be issued toward the end of the year. However, she noted that she was pleased to see that level of investment both in residential and commercial properties.

This Thursday, the Chamber of Commerce will once more hold its Business Expo at Memorial Hall from 2-7 p.m. This event is always very well-supported and all are encouraged to attend.

On Sunday, there will be a Blue Star memorial dedication sponsored by the Beach Cliff Garden Club which has joined other garden clubs around the nation placing Blue Star memorials in honor of veterans—those who have served and are currently serving in the military. This begins at 4:00 p.m. at the clock tower.

LAW DIRECTOR'S REPORT:

Mr. Bemer reported that there will be a Law Directors' luncheon seminar this Thursday. Finance Director Thomas will accompany Mr. Bemer to this interesting seminar concerning the process for municipal bonds.

On Thursday evening, a meeting of the Board of Zoning Appeals will consider three items.

Discussion: Mr. Sindelar asked if there was an update on the building demolition (Executive Club). Mayor Bobst responded that about a week ago, she called Gus Frangos, president of the Cuyahoga County Land Bank for an update. The City has \$450,000 for the demolition and asbestos abatement. If a contractor cannot be found, funds will have to be returned to the County. She reported that there are now one and potentially two bidders interested in performing the work for the Land Bank. Last week and again today, environmentalists were reviewed, and the Mayor should know tomorrow afternoon or Wednesday if the work can proceed. In response to a further question from Mr. Sindelar, she said that of the funding, \$400,000 was from the County and \$50,000 was from the Land Bank.

Mr. Bemer added that he also has made a telephone call to Mr. Frangos this afternoon and expects to discuss the matter further with him tomorrow.

COMMITTEE REPORTS: NONE

COMMUNICATION AND ANNOUNCEMENTS: NONE

PUBLIC COMMENT – LEGISLATIVE ITEMS: NONE

UNFINISHED BUSINESS:

ORDINANCE NO. 89-15 **BY: THOMAS J. HUNT**
AN EMERGENCY ORDINANCE DIRECTING THE MAYOR TO EXECUTE
EASEMENTS TO JOSEPH P. VALORE AND VALORE BUILDERS BY THE CITY OF
ROCKY RIVER, AND AS FURTHER DESCRIBED IN EXHIBITS “A-1” AND “A-2”
ON HOLD

Councilman Hunt said this ordinance has been read twice and will continue to be on hold. Mr. Hunt has spoken with Director Costello and there is still work being done on language regarding the easements along with some recent changes for this project on Morewood.

AMENDED ORDINANCE NO. 26-16: **BY: BRIAN J. SINDELAR**
AN ORDINANCE TO CHANGE THE DISTRICT CLASSIFICATION OF CERTAIN
REAL PROPERTY KNOWN AS AUDITOR’S PERMANENT PARCEL NO. 302-01-007,
FROM ITS PRESENT CLASSIFICATION OF R-1 SINGLE FAMILY TO R-4 MULTI-
FAMILY, IN ITS ENTIRETY, AS FURTHER DESCRIBED IN EXHIBIT “A”
ON HOLD

Councilman Sindelar explained that the third reading for this ordinance will wait until Ordinance 53-16, a companion ordinance, has had a second reading. Both ordinances will have their final reading in several weeks when all Council members will be available, as they have expressed an interest in being present for the vote. The development agreement will have its second reading this evening, but the final readings will be held together until a Legislative Meeting when all members can be present.

ORDINANCE NO. 45-16 **BY: MICHAEL P. O’DONNELL**
AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE
DIRECTOR TO PURCHASE A 2017 FORD F-550 DUMP TRUCK FOR THE SERVICE
DIVISION FROM MONTROSE FORD AT A TOTAL COST NOT TO EXCEED
\$51,995.00
3RD READING

Moved by Mr. O’Donnell, seconded by Mr. Furry, that Ordinance No. 45-16 be passed as read:
Discussion: Mr. O’Donnell noted this ordinance has been discussed several times, and is for the purchase of a 2017 Ford F-550 which the Service Division has determined is necessary to their operation. It is being purchased from Montrose Ford as it is not available through the State.

Vote: Hunt – aye	Shepherd – aye	O'Donnell – aye	Mr. Furry - aye
Sindelar – aye	Moran – aye		
6 ayes		0 nays	PASSED

ORDINANCE NO. 46-16 **BY: MICHAEL P. O'DONNELL**
**AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE
DIRECTOR TO PURCHASE ONE (1) 2016 TWENTY (20) CUBIC YARD REAR
LOADING REFUSE PACKER FOR THE SERVICE DIVISION FROM BEST
EQUIPMENT COMPANY INC. AT A COST NOT TO EXCEED \$143,440.00**
3RD READING

Moved by Mr. O'Donnell, seconded by Mr. Furry that Ordinance No. 46-16 be passed as read:
Discussion: As with the previous ordinance, Mr. O'Donnell said that this has been on the agenda for discussion and detailed review for the past five weeks. The decision was made by the Service Department that this vehicle is necessary and the Administration is satisfied with the pricing. Bid exceptions have been reviewed.

Vote: Hunt – aye	Shepherd – aye	O'Donnell – aye	Mr. Furry - aye
Sindelar – aye	Moran – aye		
6 ayes		0 nays	PASSED

RESOLUTION NO. 47-16 **BY: JAMES W. MORAN**
**A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO
ADVANCE TAXES FROM THE PROCEEDS OF SPECIAL ASSESSMENTS FOR THE
TAX YEAR 2016 PURSUANT TO THE OHIO REVISED CODE**
2ND READING

As discussed last week and in past years, Mr. Moran explained that this is a resolution that requests the Cuyahoga County Fiscal Officer to forward proceeds of special assessments for the tax year of 2016 to the City. These special assessments are for the construction of the breakwall. If this money is not requested, the City would have to wait six months to receive it.

RESOLUTION NO. 48-16 **BY: JAMES W. MORAN**
**A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO
ADVANCE TAXES FROM THE PROCEEDS OF ALL TAX LEVIES FOR THE TAX
YEAR 2016 PURSUANT TO THE OHIO REVISED CODE**
2ND READING

As a companion to the previous ordinance, Mr. Moran explained that this is a resolution requesting the Cuyahoga County Fiscal Officer to advance taxes from the proceeds of all tax levies for the tax year 2016. If this money is not requested, the City would have to wait six months to receive it. He confirmed with the Finance Director that it is required by November 1.

ORDINANCE NO. 49-16**BY: MICHAEL P. O'DONNELL**

AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2016 TWENTY-FIVE (25) CUBIC YARD REAR LOADING REFUSE PACKER FOR THE SERVICE DIVISION FROM BEST EQUIPMENT COMPANY INC. AT A COST NOT TO EXCEED \$154,782.00

2ND READING

This ordinance was discussed at the Committee-of-the-Whole Meeting last week, and Mr. O'Donnell will seek passage on October 24. It will authorize the purchase of a 2016 twenty-five cubic yard rear loading refuse packer for the Service Division, and bid exceptions were discussed last week. This will remain on the agenda for further questions.

RESOLUTION NO. 50-16**BY: CHRISTOPHER J. KLYM**

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND HER DESIGNEE TO ENTER AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES' OHIO COASTAL MANAGEMENT PROGRAM FOR A COASTAL MANAGEMENT ASSISTANCE GRANT (CMAG) IN THE AMOUNT OF \$45,000.00 FOR BRADSTREET'S LANDING REDEVELOPMENT PLAN

2ND READING

In Mr. Klym's absence, Mr. Moran indicated that this grant, if received, will provide \$45,000, which together with a matching amount from the City, will help renovate the fishing pier, Spencer Creek, rest rooms and other areas at Bradstreet's Landing. Councilman Klym will provide further details next week.

ORDINANCE NO. 51-16**BY: MICHAEL P. O'DONNELL**

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE GASOLINE, FUEL OIL AND ALLIED PRODUCTS ON THE OPEN MARKET AT THE BEST PRICES POSSIBLE FOR THE PERIOD JANUARY 1, 2017 TO DECEMBER 31, 2017

2ND READING

Mr. O'Donnell commented on this ordinance which was read for the second time this evening and has been discussed for several weeks. He noted that this is a cost-saving measure because although gasoline and oil are available through the State, the Administration has realized savings by purchasing on the open market. He anticipates seeking passage on October 24.

ORDINANCE NO. 52-16**BY: MICHAEL P. O'DONNELL**

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE TIRES ON THE OPEN MARKET AT THE BEST PRICES POSSIBLE FOR THE PERIOD JANUARY 1, 2017 TO DECEMBER 31, 2017

2ND READING

This ordinance allows the city to purchase tires, which are not available through the State, on the open market. This ordinance will remain on the agenda and will have further discussion before passage on October 24.

ORDINANCE NO. 53-16 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
DEVELOPMENT AGREEMENT WITH ROCKY RIVER PRESERVATION
PARTNERS, LLC FOR THE PROPERTY LOCATED AT 22732 LAKE ROAD,
PERMANENT PARCEL NO. 302-01-007
2ND READING

As discussed earlier, Mr. Sindelar explained that this is a companion ordinance to Ordinance No. 26-16 which seeks to rezone two parcels. This ordinance would authorize a development agreement with the firm seeking to have the parcels rezoned. Both have now been read two times and have been discussed at length. Comments have been heard from the public, both in favor and opposed, and developers have presented plans, amended them, and presented new plans.

- Mayor Bobst added that information was received last week from a resident regarding the grade and measurement of the height as it relates to the grade. The City Engineer, the Building Commissioner and the architect who has worked with the Building Department will all review the interpretation and application of the building code with regard to the height measurements as they relate to the grade. This will be done this week and information will be forwarded to Council as well to the resident who submitted the information.

Mr. Sindelar indicated that at present, he plans to call for a vote on November 14 when a full complement of Council members will be present.

NEW BUSINESS:

RESOLUTION NO. 55-16 **BY JOHN B. SHEPHERD**
AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR OR HER
DESIGNEE TO MAKE APPLICATION TO PARTICIPATE IN OHIO PUBLIC
WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL
TRANSPORTATION PROGRAM(S) FOR THE SPENCER ROAD IMPROVEMENT
PROJECT AND TO EXECUTE CONTRACTS FOR RECEIPT OF FUNDS
1ST READING

Mr. Shepherd indicated that this resolution was extensively discussed at the last meeting of the Committee-of-the-Whole. In all, six discussions will be held before a vote is called, and Mr. Shepherd offered to send any interested Councilman a copy of the 70-page grant application. More discussion will follow at next week's meeting of the Committee-of-the-Whole.

RESOLUTION NO. 56-16**BY DAVID W. FURRY**

**AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR OR HER
DESIGNEE TO MAKE APPLICATION FOR FINANCIAL ASSISTANCE FROM THE
OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT
PROGRAM FOR THE FUNDING OF THE ROCKY RIVER WASTEWATER
TREATMENT PLANT 2017-2020 CAPITAL IMPROVEMENTS PROJECT**

1ST READING

Mr. Furry explained that this resolution authorizes the Mayor to apply for financial assistance to OPW for 2017-2020 capital improvements at the WWTP. He will lead further discussion at next week's meeting of the Committee-of-the-Whole.

ORDINANCE NO. 57-16**BY CHRISTOPHER J. KLYM**

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO RENEW THE
HEALTH CONTRACT FOR THE YEAR 2017 WITH THE GENERAL HEALTH
DISTRICT OF CUYAHOGA COUNTY, OHIO FOR SERVICES TO THE CITY OF
ROCKY RIVER, IN THE AMOUNT OF \$4.12 PER CAPITA, NOT TO EXCEED
\$83,278.00 ATTACHED HERETO AS EXHIBIT "A"**

1ST READING

Mr. Moran, after a brief explanation, called upon the Mayor for further information.

- Mayor Bobst credited Director Costello who works directly with the Board of Health. She indicated that this is an excellent example of regional cooperation, and it has been in existence for decades. The City receives all the health services required by the State law through the County Board of Health. She noted that the City of Cleveland, with its own health department, is considering moving to the County to provide its services. This contract will provide many services, including restaurant inspections, assistance with hoarding issues, home visits, children's nutrition, vermin control, immunizations, and many others, so it is well worth the \$4.12 per capita. This is an increase of \$.20, the first in three years, but she commented that it is a good value for the City.

ORDINANCE NO. 58-16**BY DAVID W. FURRY**

**AN ORDINANCE AUTHORIZING THE DIRECTOR OF SAFETY SERVICE TO
RENEW AN AGREEMENT FOR THE PURCHASE OF CATIONIC POLYMER FROM
POLYDYNE, INC. FOR 2017 FOR THE WASTEWATER TREATMENT PLANT AT A
COST OF \$1.40 PER POUND AS FURTHER DESCRIBED IN EXHIBIT "A"**

1ST READING

Mr. Furry indicated that this is the first of eight annual ordinances which authorize the purchase of WWTP chemicals and services. These ordinances will be discussed in detail at the next meeting of the Committee-of-the-Whole. He anticipates that these ordinances will be read three times prior to passage.

ORDINANCE NO. 59-16

BY DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW AN AGREEMENT TO PURCHASE FERRIC CHLORIDE FOR THE WASTEWATER TREATMENT PLANT FROM PVS TECHNOLOGIES, INC., AT \$438.33 PER DRY TON FOR 2017 AS FURTHER DESCRIBED IN EXHIBIT "A"

1ST READING

See discussion above for Ordinance No. 58-16.

ORDINANCE NO. 60-16

BY DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW AN AGREEMENT TO PURCHASE SODIUM BISULFITE FOR THE WASTEWATER TREATMENT PLANT FROM JCI JONES CHEMICALS, INC. AT \$1.145 PER GALLON FOR THE YEAR 2017 AS FURTHER DESCRIBED IN EXHIBIT "A"

1ST READING

See discussion above for Ordinance No. 58-16.

ORDINANCE NO. 61-16

BY DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW AN AGREEMENT TO PURCHASE SERVICES DURING THE YEAR 2017 FOR THE REMOVAL OF DIGESTED SLUDGE CAKE FROM THE WASTEWATER TREATMENT PLANT BY AGRI-SLUDGE, INC. AT A COST OF \$31.95 PER TON AS FURTHER DESCRIBED IN EXHIBIT "A"

1ST READING

See discussion above for Ordinance No. 58-16.

ORDINANCE NO. 62-16

BY DAVID W. FURRY

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE SODIUM HYPOCHLORITE FOR THE WASTEWATER TREATMENT PLANT FROM BONDED CHEMICALS, INC. AT \$0.616 PER GALLON FOR 2017

1ST READING

See discussion above for Ordinance No. 58-16.

ORDINANCE NO. 63-16

BY DAVID W. FURRY

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO A CONTRACT FROM DECEMBER 2016

**THROUGH 2017 FOR THE REMOVAL OF DIGESTED SLUDGE CAKE TO A
MUNICIPAL LANDFILL FOR THE WASTEWATER TREATMENT PLANT FROM
RUMPKE OF NORTHERN OHIO, INC. AT A COST OF \$42.10 PER TON
1ST READING**

See discussion above for Ordinance No. 58-16.

ORDINANCE NO. 64-10 **BY DAVID W. FURRY**
**AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
SAFETY-SERVICE TO ENTER INTO AN AGREEMENT FROM DECEMBER 2016
THROUGH 2017 FOR THE REMOVAL OF RAW SEWAGE SLUDGE FROM THE
WASTEWATER TREATMENT PLANT FROM RUMPKE OF NORTHERN OHIO,
INC., AT A COST OF \$42.10 PER TON
1ST READING**

See discussion above for Ordinance No. 58-16.

ORDINANCE NO. 65-10 **BY DAVID W. FURRY**
**AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE
TO PURCHASE SERVICES FOR THE REMOVAL OF GRIT AND SCREENINGS FOR
THE WASTEWATER TREATMENT PLANT FROM RUMPKE OF NORTHERN
OHIO INC. AT \$65.00 PER TON FOR 2017
1ST READING**

See discussion above for Ordinance No. 58-16.

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: NONE

As there was no further business by members of Council, the meeting was adjourned at 8:34 p.m.

James W. Moran
President of Council

Misao Kurokawa
Acting Clerk of Council