

CITY OF ROCKY RIVER

July 11, 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. Klym, Mr. Moran

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

Law Director: Mr. Bemer

Press: Ms. Botos

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 Committee-of-the-Whole Meeting and the Special Meeting of July 5th be waived, and that the minutes be accepted as submitted

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

Moved by Mr. Moran, seconded by Mr. Furry, that the reading of the minutes of the Legislative Meeting of June 27th be waived, and that the minutes be accepted as submitted

Vote: Hunt – aye	Shepherd – aye	O'Donnell – aye	Mr. Furry - aye
Sindelar – aye	Klym – abstain	Moran – aye	
6 ayes	1 abstain	0 nays	PASSED

MAYOR'S REPORT:

The Mayor extended the Administrations and the Police Departments thanks to the residents of Rocky River for all the expressions of support they received last week because of the tragic events in Dallas. The Police and Auxiliary Officers have received beautiful notes, food, flowers, comments and hugs. It has meant so much to the Police Department. The Mayor and Director Costello said that Chief Stillman is committed to city policing and has done a number of things to ensure that the Police Department has a very positive, productive relationship with the community. The Citizen's Police Academy, the Auxiliary, the Student's Citizen Police

Academy and the Bike Patrol are all things Chief Stillman has put into place to make law enforcement staff more approachable and meeting the needs of the residents. The Mayor commends Chief Stillman for all the important work that he has done in the few short years he has served as Chief of Police. Chief Stillman attended Rocky River High School, grew up here and has served in Rocky River for many years. The Mayor publically extended her thanks along with the administration to Chief Stillman.

The Mayor received a phone call last week from Brandy Carney, who is the head of the County Emergency Management. Brandy shared that the county was receiving several 360 degree, high-resolution cameras. These cameras can record data and video. The County asked if the Rocky River Police Department would like to be trained. Consequently, members of the force were trained on Friday and the cameras were used this Saturday for the Sunflower Wine Festival. These cameras are an incredible tool and piece of technology. The County received \$750,000 in federal funds and \$250,000 in state funds to purchase these cameras. There are 5 or 6 cameras currently in the area. Thank you to the County for allowing Rocky River to pilot and test the equipment. These cameras can also be controlled from officer's phones, the police department and the county.

The Mayor sent a huge thank you to all the sponsors, civic organizations and volunteers that helped make River Days a success! The events were very well attended. The Recreation Center reported that 300 wristbands were sold on Saturday. A special thank you to all the city employees who worked tirelessly in planning the events and working the events all weekend. Thank you also to Councilman Klym who helped at the Taste of River, President Moran who helped secure raffle prizes and all the Councilman who served the pie that disappeared quickly!

The Mayor said that the Beautification Committee announced the Bright Spot Awards during River Days. One of the awards was given to a group of residents on Eriewood Drive who work together to do the landscaping in that area. Twenty residential awards were also given out who were all nominated by other residents, neighbors or other community members. The names are listed on the website along with a Ready Notify that will be sent out to residents. The Mayor is meeting with the Beautification Committee later this week to discuss a proposal to redo the front sign and landscaping at City Hall. The new sign will not be an electronic sign but a more standard sign with the name of the city on it.

The Mayor shared the County's 2015 residential recycling statistics. The City of Rocky River is just under 40% of its waste being recycled which is up about 5% from the county average. Bay Village leads the County with 74% of their waste being recycled. Rocky River has a long way to go, but is pleased that the city is above the county average.

The Mayor shared Building Department statistics. The city is on track at about the same level as last year at this time. 732 building permits have been pulled including both residential and commercial properties. Last year at this time, the city was at 754. The total valuation is about \$9,000,000, close to where the city was last year.

The Mayor will begin meeting with all the Directors to discuss the mid-year budget review. In September the Directors will be formalizing their 2017 Budget.

LAW DIRECTOR'S REPORT:

Law Director Bemer announced that there would be a Board of Zoning Appeals Meeting this Thursday and a Planning Commission Meeting next Tuesday on July 19th. Mr. Bemer said that the Building Department and the Law Department would be working on revising some of the Building and Zoning Codes. One of the items that they will be working on regards solar panels, as the code is quite restrictive in that regard.

COMMITTEE REPORTS: NONE

COMMUNICATION AND ANNOUNCEMENTS: President Moran said that most of Council was involved with this weekend along with all the Directors helping to make everything perfect. The weather was great and the weekend made him very proud to be a Rocky River resident. This was just one reason why Rocky River was listed as #1 in Cuyahoga County to live in. President Moran passed along Councils' congratulations. Everyone worked hard and endlessly.

PUBLIC COMMENT – LEGISLATIVE ITEMS:

Mr. Joe Valore (Ordinance No. 89-15) deferred to Mr. Andrew Pierson of TMS Engineers. This week, Valore Builders along with Council had asked Mr. Pierson to look at potentially moving the proposed drive about 20 feet north towards the tracks. Last week, Mr. Pierson stated that his assumption was that as a car was closer to the crest of the curve, the site distance would improve. Actually, backing up a step, Mr. Pierson looked at a certified profile of the road. He had a survey developed for the project and it extended 150 feet in either direction from the center of the rail tracks. With this profile, it showed a line of site coming across which could offset the profile grade by 3 ½ feet on one side and 2 feet (to indicate an object) and wherever your line of site met, that would be the site distance. The engineering shows that if the driveway is moved further north it actually decreases the site distance because the curve is such a severe curve, the person coming up at 3 ½ feet has to be fairly high at the top of the crest to see over it. When the object is brought up it brings it closer and the line of site is less than if the object is brought further down. This was counterintuitive. Mr. Pierson last week thought the opposite, but based on the analysis, it actually had a detriment to the line of site by bringing the drive up further north. In discussion with Valore Builders, there was a thought of a right in, right out driveway. In looking at the design that was initiated, it is Mr. Pierson and his colleague's standpoint that that would be the preferred driveway configuration because it would eliminate any lefts and outs. The site distance would be to the south and there are several hundred feet of site in that direction. Mr. Pierson said that they still stand by their analysis concerning keeping the previous drive location to the south, and have never contended that there was a 25 mph site distance. Mr. Pierson believes though that if the signage discussed last week and the rumble strips were added, that that would add an additional level of safety to alert drivers to the fact that there is a site distance restriction up ahead. He believes that with the

original location that was analyzed previously with those components, it will be a safe driveway location but with the caveat that the preferred is for the right in, right out for the reasons just expressed.

- Councilman Sindelar asked how Mr. Pierson proposes to do the right in, right out signs. Will there be signs only or will there be an added median that would prevent someone from making a left turn. A design was distributed to Council that shows a proposed concrete center island/median that would be raised. Mr. Pierson believes that this design would need to be tweaked slightly to force people not to make a left hand turn anyhow. Signage would be added too.
- Councilman Furry said this is similar to what the City of Westlake has done at Clemens Road.
- Councilman Sindelar asked if emergency vehicles would have room with this median. Mr. Pierson said the turn rates would have to be checked. It appears that the width will be sufficient for a standard one lane right in, right out driveway. Mr. Pierson said there was no sampling, that this was all done with a surveyed profile of the road.
- Councilman Shepherd asked about one proposal that had the drive curving further south. Was this option considered? Mr. Pierson said that to get the 155 feet of site distance, it would be close to the existing drive. The drive would have to be within 10 feet of the existing drive. Mr. Tony Valore said that the original plans submitted on 1.27.15 had the driveway where it is being discussed now. Mr. Valore responded to the neighbor's requests, moving the driveway and asking for an easement.

More discussion ensued. Director Costello would like Engineer MacKay to look at the storm sewer manhole because the elevation will change along the north side of the road with the new plans. Director Costello reiterated that the code is very specific about what can be in the public right away. It can be grass or concrete. If the plan is for planting, signs or anything else, it would require a variance. It can only be concrete with the approval of the Safety-Service Director.

Holly Tomasch, 820 Morewood Parkway, (Ordinance No. 89-15) thanked Valore Builders and Council. Mrs. Tomasch said that this is what the neighbors wanted was to find a safe solution for all the new, current and future. She feels there was a huge step forward and feels very gratified for all the work done by everyone here. Informed public discussion caused a greater understanding of the area to continue to go forward. Mrs. Tomasch is looking forward to seeing the finalized plans with the right in, right out and no rumble strips, improved signage with the further north driveway and larger to accommodate a restricted median. President Moran said this ordinance has only been read once and is not ready for passage.

Edward Nolan, Meadowhill Lane, (Ordinance No. 89-15) Mr. Nolan lives on Meadowhill Lane, but from 1972–1984 he lived at 842 Morewood Parkway. At that time the railroad crossing had cars that would fly over the tracks. One afternoon in the early 80's a car heading

south went over the tracks hitting a car coming north on Morewood Parkway. As he was reading about this proposal in the WestLife, he felt he should comment. The Mayor assured him that Council has all the police reports.

Mary Wood, 22740 Lake Road, (Ordinance No. 26-16) commented on the Ordinance not being amended. This ordinance will be amended at the next reading. Mrs. Wood has already voiced her objections for this rezoning. The developer is motivated by monetary gain and not what is best for the city. Her last plea is to not add more density, traffic and load on the city services in this location. Mrs. Wood asked whom the letters were mailed to regarding the Public Hearing on this ordinance. Mrs. Wood is concerned that the far end of Pond Drive residents didn't receive the letter. The Mayor read the charter to Mrs. Wood. President Moran explained that the far end of Pond Drive is outside the distance necessary to send letter to. Law Director Bemer suggested that Mrs. Wood ask to see the map in the Building Department.

Mr. John Carney spoke. (Ordinance No. 26-16) Mr. Carney will be present at the Public Hearing on July 25th and will answer any questions anyone has.

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 that there where a number of comments this evening regarding the traffic study. Members of the Valore development team were here this evening. Councilman Hunt had not planned on reading this ordinance until the approval of the Planning Commission Meeting minutes which will be approved next week. With all the discussion regarding this and Director Costello wanting Engineer MacKay to look at the plans, Mr. Hunt will keep this on hold.

Mr. Klym moved to refer this ordinance back to the Planning Commission to review the proposed changes to the easement that Mr. Valore suggested. Mr. O'Donnell seconded.

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

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 NOS. 302-01-007,
302-01-011, 302-01-014 FROM THEIR PRESENT CLASSIFICATION OF R-1 SINGLE
FAMILY TO R-5 MULTI-FAMILY, IN THEIR ENTIRETY, AS FURTHER

**DESCRIBED IN EXHIBIT “A”
ON HOLD**

Councilman Sindelar said this Ordinance would need to hold until the minutes of the last Planning Commission Meeting have been approved. This Ordinance will need to be amended to reflect the Planning Commission minutes. The Mayor asked if Council had received a copy of the draft of the minutes from the Planning Commission. Council has received the minutes. The next Planning Commission Meeting will be July 19th.

RESOLUTION NO. 34-16 **BY: JAMES W. MORAN**
**A RESOLUTION AUTHORIZING THE CERTIFICATION OF DELINQUENT
SANITARY SEWER ACCOUNTS TO THE CUYAHOGA COUNTY FISCAL OFFICER
FOR COLLECTION, IN ACCORDANCE WITH THE LAWS OF THE STATE OF
OHIO**
2nd READING

President Moran said that as done in the past, any delinquent sewer bills are passed across to the County Fiscal Officer for collection and added to the tax base. This is a fairly long list but this list will be amended due to payments being received by the City of Rocky River’s Finance Department. This will have a third read in two weeks.

ORDINANCE NO. 35-16 **BY: JOHN B. SHEPHERD**
**AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO
PAY ANDREW D. BEMER AND VALORE & GORDILLO, LLP THE SUM OF FOUR
THOUSAND FOUR HUNDRED THIRTY DOLLARS (\$4,430.00) FOR PROFESSIONAL
SERVICES RENDERED**
2nd READING

Councilman Shepherd will defer conversation to the next Committee-of-the-Whole Meeting.

NEW BUSINESS:

ORDINANCE No. 36-16 **BY: JOHN B. SHEPHERD**
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY
SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH UTILICON
CORPORATION FOR THE LAKEVIEW AVENUE AND HAMPTON ROAD WATER
MAIN CLEANING & LINING PROJECT, IN AN AMOUNT NOT TO EXCEED
\$400,362.00**
1st READING

This ordinance was discussed last week. There were questions regarding the cost of this project and the water line cost for Hampton. The Mayor said her conversations are continuing with the Cleveland Water Department. The Mayor asked Alex Margevicius to go back into the evaluation of this waterline. The city was prompted to do this water line because the city was doing the sewer project. The Mayor asked for the condition as they rate it for this water line.

There may be a change in this ordinance regarding that. The Cleveland Water Department is reviewing this. The Mayor said that this water line is in reasonably good shape. Breakages are very low, the fire flow exceeds standards by 500 gallons a minute what is required and there have not been any water quality issues. Those are the three things the Water Department rates a water line on, but they see the value and importance of coordinating the relining with a larger project. The Mayor will keep Council apprised.

- Councilman Klym commented about the barrels on Wooster going northbound and Linden going southbound that this is making it more difficult for residents of Ward 4 to get around. Director Costello said that Hampton and Lakeview would not be shut down for water relining. The Mayor said this is a good point but does illustrate that there are two different processes; a replacement vs. a heavy cleaning and relining.

The Mayor asked Director Costello to address the detour in Mr. Shepherd's Ward 4. Director Costello said that there is a detour on Linden Street heading southbound. The reason is that there are a lot of road repairs to do on Linden requiring a lot of construction. It is a busy road and to get this road done by the time school reopens for Lutheran West High School, the contractor needs space to work in, otherwise there are no guarantees to get this work done prior to school beginning. This was an important but difficult decision. Wooster is another issue. The waterline is being replaced on Wooster. This is going to be a dig and working project on the west side of the road. It is a truck route and also needed space for the contractor to work safely. Director Costello looked back at the last time ODOT worked on Wooster and discovered they had created this northbound only detour. It gives trucks more opportunities when they reach Detroit Road to head either east or west. This section needs to be completed by the beginning of November. A subcontractor put the barrels into the street on Saturday without permission. Subcontractors need permission to work on Saturday. It won't happen again. In pre-construction meetings, Director Costello will stress no Saturday work unless it has been cleared. Director Costello apologized to anyone who was inconvenienced on Saturday and thanked residents for their patience.

ORDINANCE NO. 37-16

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY SIGNAL SERVICES THE SUM OF SEVEN THOUSAND NINE HUNDRED SIXTY-NINE DOLLARS AND TEN CENTS (\$7969.10) FOR EMERGENCY REPAIRS TO TRAFFIC EQUIPMENT DAMAGED BY A MOTOR VEHICLE ACCIDENT
1st READING

Councilman Hunt said this will be discussed at the Committee-of-the-Whole Meeting next week. This is a similar situation of paying an invoice from 2015 relating to an insurance claim. Mr. Hunt will need to do a rule suspension and will seek passage on the second read.

MISCELLANEOUS BUSINESS: President Moran mentioned again Council's thanks to Director Costello, Director Mehling, Director Thomas, Ron Gottschalk and other service department staff for all their hard work this weekend. Mr. Moran thanked the Mayor and all the staff for such a great weekend!

COMMENTS: Mr. Bill Welch, asked if there were any signs posted at Wooster and Detroit Road advising southbound traffic that Wooster is closed at Hilliard? Director Costello said that she brought that up to the contractor. There are no signs for the northbound traffic as you approach Detroit detour. Director Costello sent an email bringing that to their attention. There are other signs that need adjustment also and she will bring that to their attention also. The truck routes on Detroit Road will head west to Columbia Road.

As there was no further business by members of Council, the meeting was adjourned at 9:19 p.m.

James W. Moran
President of Council

Susan Pease
Clerk of Council