

CITY OF ROCKY RIVER

September 12, 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

MOTION:

Moved by Mr. Moran, seconded by Mr. O'Donnell, that the reading of the minutes of the Special Meeting and the Legislative Meeting of July 25th 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 Special Meeting and the Committee-of-the-Whole Meeting of September 6th 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

MAYOR'S REPORT:

The Mayor thanked Council members that were present yesterday for the 9/11 Ceremony along with all of the residents that were in attendance. The ceremony was beautiful, highlighted by the bell ceremony, Charlie Rosol, the grandson of Emil Rosol, singing the National Anthem followed by Reverend Doctor Jon Fancher. Thank you to everyone who was a part of the ceremony. 9/11 is an important day that cannot be forgotten.

Applications are being completed for the District One, Public Works Integrating Committee Grants. These grants are Ohio Public Works dollars that the city has secured in the past for

grants and zero interest loans for some of the city's largest projects. The administration is anticipating two applications that will generate legislation for City Council. One application will be from the Waste Water Treatment Plant. Superintendent Rosemark is working along with AECOM in putting together a number of capital projects. Spencer Road will be another application to help with the cost of repaving along with sewer work. The city hopes to partner with the County on this project.

The Mayor shared the Building Department stats: As of this August there are 868 permits that have been pulled on the residential side along with 141 commercial permits with a total of 1009 permits. This is slightly lower than August 2015 but the valuation is greater for a total amount of \$16,740,000 for the year. Contact the Mayor or Director Reich if specific detail is needed.

The Mayor alerted residents and landscapers that yard waste is not to be dumped in the city parks. Garbage has also been dumped in park trashcans also. The parks are for park waste only; not household waste or yard waste.

The Mayor announced that analysts at WalletHub, an organization that analyzes throughout the state to find the livability of communities, has selected Rocky River as the fifth best Ohio city for job seekers. The analysts compared 145 cities in Ohio across 16 key indicators, i.e. job market, health, unemployment growth, median monthly starting salary, the unemployment rate, etc. This information is on the city's website in the scrolling portion of the upper right hand corner.

The "Twin Sale" will be held this Saturday from 8:00 a.m. until 12:00 p.m. at the Civic Center. This is a great sale and is always well attended.

The Fall Arts Festival will be held this Saturday from 10:00 a.m. until 5:00 p.m. on Old Detroit Road. There will be 50+ exhibitors.

The Residential Shredding Event will be held this Saturday from 9:00 a.m. until 12:00 noon. I.D.'s will be checked. This event is for Rocky River residents only; limited to two standard size boxes of residential material only.

Habitat for Humanity will also be at City Hall this Saturday for collection of tools, building materials and household items. If items are too large, Habitat for Humanity will come to your home to pick the item up.

LAW DIRECTOR'S REPORT:

Director Bemer said that during the August break, Mr. Bemer met with the Building Department to review some of the zoning and planning code ordinances for any changes or updates needed. These will be coming before Council soon. One of the more significant aspects is wireless communications which is becoming a hot topic within a number of suburban communities. Mr. Bemer is working on that legislation as well.

- Councilman Sindelar asked if Law Director Bemer looked at the solar panel issue. Mr. Bemer said that is one of ordinances that was discussed. Mr. Bemer said that the one thing he looked at was to create more space on roofs. Mr. Sindelar asked about structures in yards and if there would be more guidelines concerning that. Mr. Bemer replied that that ordinance would probably be modified in a more liberal sense and structures that are ground level have particular dimensions regarding setbacks. There will be more discussion regarding this.

COMMITTEE REPORTS: NONE

COMMUNICATION AND ANNOUNCEMENTS: NONE

PUBLIC COMMENT – LEGISLATIVE ITEMS:

Mrs. Mary Wood, 22740 Lake Road, Amended Ordinance No. 26-16: Mrs. Wood distributed a demographic chart that depicts what exists in the northwest end of Lake Road presently. Mrs. Wood said that there are 399 units in this area that are marketed towards “empty nesters”. There are no families with children living there. A conclusion that can be drawn from this chart is that this northwest section of Lake Road could officially become an “empty nester” retired community in Rocky River or the “Silver Coast” as opposed to the “Gold Coast” in Lakewood. Mrs. Wood said that by allowing more multi-family buildings in this corridor, it will discourage, destroy, deprive and ensure the demise of single family living on this part of Lake Road forever. Once these decisions are made, there is no going back to single-family living. Mrs. Wood said that if this is the intent of the administration then they should vote for the zoning change, but change the saying “Welcome to the neighborhood” to “Welcome to the Silver Coast”. The model for appealing to single families to move to Rocky River can then read, “Come and live in a nice community to raise a family but not in the northwest section of Lake Road, because that is only suitable for empty nesters and retirees”. Mrs. Wood feels that there is no need for more multi-family construction in this area. Mrs. Wood said that what the city should be concentrating on is keeping the young single family alive in this area by retaining the R-1 zoning so that any young family wanting to live on the lakefront and raise their family there, will have an opportunity to do so.

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”
2nd READING

Councilman Hunt said this ordinance has been read once. On August 23rd, the Planning Commission approved their meeting minutes and adopted some of the requested changes in regard to the Valore project on Morewood. Council has just received the new easements so Mr. Hunt would like to hold off amending the exhibits until Council has a chance to read them.

- Director Costello said that administration would still like to review where the sanitary sewer connections are proposed to be made so the city can be assured that the easement will not need to be adjusted. The administration would like to see a new preliminary sketch of where those connections will be made. Director Costello told the developer that the sketches can be done while Council reviews the new easement information. As Councilman Hunt said, tonight would only be the second read on this ordinance. This is why Councilman Hunt was not going to amend it, but would like to read it for the second time this evening.
- The Mayor clarified that what the administration is asking for does not necessarily change the exhibit, but it confirms the exhibit. On the outside chance that it would change it, the Mayor agrees that it shouldn't be amended this evening.

Mr. Hunt said that Council has been presented with the easements. Mr. Hunt asked Council to review the new easements received this evening along with the minutes of the Planning Commission Meeting on July 19th that were approved in August. The drawings reflect what was discussed in Council prior to recess regarding the right-in, right-out type of driveway with the island. Council will have a chance to discuss this next week, and if Council is in a position to read for passage Council will. If not, Council will continue to hold until such time as Council is satisfied that everything is in order.

- Councilman Furry asked if the overlay of the easement received today is the most current. Director Costello confirmed that it is.

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 NOS. 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 said that Council has received a request from Mr. Carney to hold off on a third read to give him and Mr. Brickman an opportunity to present a Development Agreement to Council for its review. Mr. Sindelar would like to grant this request and revisit this at the September 26th meeting.

- The Mayor clarified for Mrs. Wood that the administration does not bring this to Council. This is not the wish of the administration; this is not a project of the administration. This comes directly from a property owner and a developer of that particular property. They have the right to request a rezoning. It is not anything that was promoted or asked for by the administration. Mrs. Wood said that she meant voting on this by Council and incorrectly combined the administration with City Council. Mrs. Wood apologized for the confusion.

- Councilman Shepherd would like to have the Development Plan prior to the September 26th meeting, maybe for a Committee Meeting prior to the Legislative Meeting. Council could continue to hold until they have time to review the plan.

ORDINANCE NO. 38-16

BY: JAMES W. MORAN

**AN ORDINANCE DESIGNATING THE PUBLIC DEPOSITORIES FOR THE ACTIVE, AND INTERIM AND/OR INACTIVE FUNDS OF THE CITY OF ROCKY RIVER FOR THE PERIOD BEGINNING NOVEMBER 1, 2016 AND ENDING OCTOBER 31, 2021
2nd READING**

President Moran said that this is the second read on this ordinance. Mr. Moran said that Director Thomas has selected about 10 banks as possible depositories for the city's funds depending on interest rates. This needs to be put into effect from November 1, 2016 through October 31, 2021. Mr. Moran asked if this ordinance will need to be amended regarding the titles of the banks. Mr. Thomas said he would get the information to the Clerk concerning what will be filled in on this ordinance along with an informational email to Council.

ORDINANCE NO. 40-16

BY: JAMES W. MORAN

**AN EMERGENCY ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2016 AND TO AMEND ORD. NO. 77-15
2nd READING**

Council remembers that Ordinance No. 77-15 was the budget for 2016. Some of the major changes are Gardiner Trane who is working on energy improvements for the city facilities and needs \$695,000 to be moved into the Capital Improvement Fund. Purchasing of bullet proof vests, funds for wages for casual labor, schedule parking garage lease payments, revised estimate for a third-party-administrator services paid to Medical Mutual and the Recreation Director needs some additional funds for potential repairs.

- President Moran asked about the third-party-administrator services paid to Medical Mutual. Mr. Thomas said an additional amount was needed for the contract that has been in place.

RESOLUTION NO. 41-16

BY: JAMES W. MORAN

**A RESOLUTION ACCEPTING AMOUNTS AND RATES AS DETERMINED BY THE CUYAHOGA COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE CUYAHOGA COUNTY FISCAL OFFICER AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
2nd READING**

President Moran said that this resolution is the next step for City Council in the 2017 budget process. This is similar to what has happened in the past with one small change. The General Fund is at 6.3 mills and the other activities are at 10.8. Last year it was at 10.9 and the difference

is the Bond Retirement of .9 mills. This has to do with the amount of taxes that is generated from property taxes. The other mills are the Senior Center, Refuse and Recycling and Recreation, which have all been voted on in the past and continue to stay at .5, 1.0 and .5. This needs to be turned in by September 30th so this will need to be read for a third time before the end of September.

ORDINANCE NO. 44-16

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH SPECIALIZED CONSTRUCTION, INC. FOR THE 2016 CRACK & JOINT SEALING PROGRAM IN AN AMOUNT NOT TO EXCEED \$86,625.00

2nd READING

Mr. Shepherd said this is a yearly ordinance for the crack sealant to increase the useful life of the city streets. The budget this year is about the same as last year. Council received an email forwarded by Mr. Shepherd listing the 22 streets targeted. One bid was received and came in lower than last year from \$10.55 per unit to \$10.50 per unit of Level 3 sealant and it was the same company that won the bid last year. This will have a third read at the next legislative meeting.

NEW BUSINESS:

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

1st READING

Mr. O'Donnell said this is the first read and he anticipates three reads. This is a fairly straightforward ordinance for the purchase of a 2017 F-550 Dump Truck with a plow package. The Service Department has made a determination that the vehicle is necessary for operation and use in their department. The administration is satisfied with the pricing.

- Councilman Furry asked if this vehicle is not one listed in the state co-op. Director Costello said that it could not be found. Mrs. Costello called and ODOT and the State Cooperative Purchasing did not have this truck listed. Director Costello said they will continue to watch those state cooperative contracts.
- Councilman Sindelar asked if this was a replacement vehicle. Director Costello said that the city is trading a vehicle in towards this purchase. Trade-in dollars are on par with auctioning vehicles off and selling them. There isn't an advantage one-way or the other.

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****1st READING**

Councilman O'Donnell said that Council should have received in their packets a copy of the bid packages for both Ordinance No. 45-16 and 46-16. The bid for this ordinance that is being used is not the lowest bid. The administration believes it is the lowest and best bid because the lowest bid had a number of deficiencies. It did not meet the bid standards that were put out. The gage of the steel was not as thick as what is safe and should be used in the city. In addition, the company was not available to bring the vehicle out to the city for inspection. As a result, the administration decided it would not be worth it to pursue that vehicle but to go with Best Equipment Company, which the city has used in the past and has been satisfied with.

- Director Costello said that there were 38 exceptions made to the bid specifications and some of the other things that didn't meet specs were that the cylinder and pistons don't have the same heft that is necessary for the city's use. The city expects an excess of 20 years of service from these vehicles. If the bids can meet these specifications, they can meet the high expectation of being used for 20 years. Cleveland Freightliner is bringing a demonstration vehicle out tomorrow which will be a third bid of legislation in the near future. These vehicles are standard vehicles with delivery within 60-90 days.

This will have three reads.

MISCELLANEOUS BUSINESS: NONE**PUBLIC COMMENT: NONE**

As there was no further business by members of Council, the meeting was adjourned at 8:39 p.m.

James W. Moran
President of Council

Susan Pease
Clerk of Council