

CITY OF ROCKY RIVER

June 13, 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 Executive Session of June 6th be waived, and that the minutes be accepted as submitted

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

Moved by Mr. Moran, seconded by Mr. Furry, that the reading of the minutes of the Legislative Meeting of May 23rd 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

President Moran explained the process of this evening's meeting to those in attendance.

MAYOR'S REPORT:

The Mayor discussed the proposed demolition of the Executive Club Building on Center Ridge Road. As Council recalls, the city received a \$304,000 County Demolition Grant. Since that time, with the evaluation of the building and the asbestos abatement issues, the cost has been driven up to \$575,000. The Mayor met with the County representatives as well as the Land Bank. The County is considering giving Rocky River the entire \$400,000 grant giving the city

an additional \$96,000 for the asbestos abatement. The Land Bank has also offered some reserves, providing the city with an additional \$50,000. The County is also looking at other programs and Congressman Renacci's office is working on some federal programs for the city. The Mayor is hoping to have some answers within the next couple of weeks regarding the timing of the demolition.

The Mayor mentioned that there was a meeting with County Representatives including Mr. Ted Carter, the new Chief of Economic Development for the County. The Representatives took a tour of the city prior to meeting with the Mayor and had wonderful things to say about Rocky River. The Mayor explained at the meeting that the administration has been working on the TLCI Planning Grant that was received for Center Ridge Road. The Mayor is happy to report that the city has received a communication that Rocky River was selected as one of the four corridors that this Corporation would like to study. The County Representatives have engaged a corporation called the Local Initiative Support Corporation, which does research planning and development assistance in suburban areas. This aligns with the work the city is doing through the Transportation for Livable Communities Initiative Grant. The Mayor will be meeting with them again on the 23rd. The Mayor will report back to Council after that meeting.

The Mayor discussed beach cleanup. The beaches are currently in good shape but every day the beaches are filled with debris from the lake. The Mayor is putting together a plan to maintain the beaches. There are a large number of volunteers that assist the city along with initiatives that center around the health of the Great Lakes. These initiatives actually inventory the materials that are found on the beach to identify the source of the debris. If there are any members of the community, scout groups or church groups that would like to assist the city, please call City Hall.

LAW DIRECTOR'S REPORT:

Director Bemer said that the Land Use Commission Meetings this month are as follows: The Board of Zoning Appeals meets this Wednesday, June 15th and the Planning Commission Meeting is scheduled for next Tuesday, June 21st. The Planning Commission is deliberating over matters of which have council manic relationships.

COMMITTEE REPORTS: NONE

COMMUNICATION AND ANNOUNCEMENTS:

Council President Moran asked Council if they have any objections to granting a TREX Application to 5 Bliss, 19900 Detroit Road. Lieutenant Crates has approved this application. Council also approved the Trex Application for 5 Bliss.

PUBLIC COMMENT – LEGISLATIVE ITEMS:

- **Mrs. Holly Tomasch, 820 Morewood Parkway (Ordinance No. 89-15)** spoke regarding her public safety concerns of the Emergency Ordinance regarding an easement

for Joseph P. Valore and Valore Builders on 825 Morewood Parkway. Mrs. Tomasch distributed pictures of what she sees from “Ground Zero” on Morewood Parkway. Her concern is the drive that would service this development will be 40 feet closer to the railroad tracks, which is exactly right across from her driveway. She is not against construction that would not decrease public safety. Morewood Parkway is a secondary street, but has pronounced traffic. In her view, Morewood Parkway is the most dangerous of the four railroad crossings in Rocky River because of the curve of the street and steep slope creating blind spots. Mrs. Tomasch opposes granting an easement over city property to build this driveway to serve four households 40 feet closer to the tracks particularly for the dangerous left turn heading southbound.

- **Mrs. Sharon Daugstrup Solomon, 891 Morewood Parkway (Ordinance No. 89-15)** said she has been involved in this process since 2014 when Valore Builders first brought the proposal of two family homes behind 825 Morewood Parkway. This proposal was voted down by the Building Commission because of the egregious variances that were sought by Valore. The current Valore proposal has changed to cluster homes. Mrs. Solomon is also fine with the construction, but the location of this lane or private street over city land and the proximity to the train tracks is unnerving to her. She believes that it is a dangerous area and is a complete blind spot until cars reach the top of the tracks. The report states that they assume people will stop or lower their speed to 15 mph. Mrs. Solomon averages 22-23 mph southbound but slows a little more northbound due to the unevenness of the train tracks. Mrs. Solomon noticed men re-measuring by the tracks today. She approached the men with her cell phone videotaping and asked if they were the city or the builder. The men responded that they were with the builder and everything they have to say will be put into a report that will be shown next Tuesday. Mrs. Solomon said she noticed that their measures started from the north side of the tracks and came over. She requested that they take a measure from the top of the tracks when people can actually see because that is where people will become aware of what is waiting for them. The men said they are taking the measurer where they have to and she will get the report later. As the men were walking away, Mrs. Solomon asked if one of the men was Joseph Valore. He responded that he was, which is the first time Mrs. Solomon has met Joe Valore. Mrs. Solomon said that as far as having a handout to the neighborhood, they certainly haven’t gotten that. The men asked Mrs. Solomon not to videotape them but she said to them that this is a public matter and they are making it sound so conspiratorial and that she was just curious as to what they were doing. Mrs. Solomon will be posting this video and will send Council links to the video. The other gentleman was the TMS Engineer who said he works for his client and wouldn’t engage in conversation with Mrs. Solomon giving her the feeling that this Engineering Company may not be completely unbiased. In summary, Mrs. Solomon welcomes new building, she truly wishes that the old house would be removed and that they would set the new drive or private street on the same footprint as the existing drive moving it an additional 8 feet north of that because it gets the drive much further from the tracks and would be a safer issue. Mrs. Solomon also videotaped herself coming up to the stop bar and videotaped other cars approaching this area. Her concern is for the second car that has almost no time to stop and the car after that which would need to stop on the train

tracks. She is concerned about the safety and thinks it could be safer by taking down the old house and build new.

President Moran asked the audience if anyone has any questions or statements on any other item besides this ordinance. Some of the audience was also there to discuss the Breezevale Cove ordinance.

- **Mr. Sid Solomon, 891 Morewood Parkway (Ordinance No. 89-15)** commented on the extreme of their concerns on this issue. About 8 years ago there was a terrible crash at this intersection where teenagers went over the railroad track so fast crashing into cars parked 100-120 yards away taking out the two cars that were parked. The Mayor said that that is why there are no parking signs in that area now. Mr. Solomon said it was a bad crash.
- **Mr. Kevin O'Shea (Ordinance No. 89-15)**, owner of the boat repair business directly behind the proposed property, and also owns the lease on the Norfolk property that borders up against the easement that Valore is asking for. Mr. O'Shea is not 100% opposed to the building, but is concerned about the placement of the houses and their porches that will butt up against his property. He has brought this up in Planning, and the answers given were not to worry about things, that they will provide significant shading and buffering. What he and his business partner do not understand is how that will be possible as the new plans show the houses even closer than before. Mr. O'Shea said that they operate later in the evening, making noise and their big concern is the quality of life for these people who purchase these homes. Mr. O'Shea worries if it will be ok and will his business be affected when the homeowners complain about what they see and the noise. Mr. O'Shea has been in business now for five years and there have been other businesses there for 22 years before his business. Mr. O'Shea is a resident of the city and grew up here. These are his concerns and has never spoken with Mr. Valore. He has been completely in the dark other than the research he has done. Mr. O'Shea doesn't want what they are doing to get in the way of what he is doing. He thanked Council for listening this evening.

The Mayor commented that Mr. O'Shea's statement is appreciated. The Mayor said that this may be one of the first times a business owner recognizes the possible issues of residential and commercial abutting one another.

- **Mr. James Lucey, 843 Morewood Parkway (Ordinance No. 89-15)**, which is the property directly south of the Valore property. Mr. Lucey said that the safety issues have been covered well. His concern is that he does not want an 18-foot road right next to his property. He is not opposed to a development down the road as long as it is safe for everyone on Morewood and is done with proper landscaping and with the proper drainage for all properties. Mr. Lucey said that when it rains hard there is a lot of water that runs in that direction. Mr. Lucey said that there may be a way to do it, but without the 18 foot driveway.

- **Mr. Michael Hellebrekers, Breezevale Cove (Ordinance No. 26-16)**, has lived there for 14 years. He feels he has been in the dark and is disheartened by the involvement of the developers, Mr. Brickman and Mr. Carney. He is surprised at how advanced the proposal to rezone the properties next door along with a five story condominium have gotten and even saw his name in the minutes of the Planning Commission and no one has ever said a word to him. He knows there are procedures in place but he is disheartened to see how advanced the discussions between a private developer and the city can get before one word is exchanged with the homeowners. He has put his house up for sale because he does not want to live through the dirt and the dust. He can't believe it when he is told that a five-story condominium overshadowing his little house is beneficial to him. Mr. Brickman walked in one day wanting to buy his house and then disappeared returning with Mr. Carney who was much more convincing. They tried to convince him that zoning their properties from a single to a multi-family zone would benefit him. It has been a very sad place. There have been other issues, lawsuits regarding the beach, flooding along with a huge sewer project that is planned. He has had many conversations with Mary Kay Costello and has been pleased with the City of Rocky River. The developers want to take two houses on the street and zone them commercial and the adjacent property would be rezoned.
 - Councilman Sindelar asked who Mr. Hellebrekers thinks had advanced discussions.
 - The Mayor said that as a developer Mr. Brickman and Mr. Carney do have the opportunity to go to the Planning Commission in a pre-preliminary meeting just to begin discussion. Beyond the Planning Commission, there has not been any other discussion. These processes take a long time. In the Development Code the city improved the process for those impacted by developments so residents will always have a voice early on. This is early on but it does have a twist with the rezoning request of the properties on Breezevale Cove. As Mrs. Alexander and Mrs. Wood know, the Mayor was surprised to learn that Breezevale Cove was not an Association. The first thing the Mayor said to Mr. Brickman was that he needed to go to every one of the neighbors and tell them what his plan was. Those people sitting out there are the voices the city listens to.
 - Law Director Bemer said that the Mayor has accurately depicted the background. It is significant in that the city has a Planning Commission and a Board of Zoning Appeals if variances are needed. These are freestanding citizen boards with people that have an expertise in dealing with land use. There is a due process for proceedings. In many communities the Mayor sits on the Planning Commission because development and redevelopment of a city is very important. This Mayor has chosen to be neutral and impartial and does not sit on the Planning Commission meetings and does not have a vote. The Community should know the citizens on their Boards are citizens that are applying standards in the zoning code, looking at the Master Plan and making determination if this type of development is consistent with the goals of the city, regardless of what the Mayor has to say. This is an important feature. The administration tries to ensure that there is impartiality when it comes to these issues.

Mr. Hellebrekers thought he was in a stable environment where the zoning wouldn't change under his feet. He doesn't think anyone here would be happy if this proposal was coming their way. Whether this is discussed at an early stage or a later stage, it's a very disheartening development. It's been a very difficult place to live, but this is the icing on the cake and a difficult pill to swallow.

- President Moran said that Council appreciates Mr. Hellebrekers' comments and it will be on public record, but this administration is available at any time for your calls and any communications you may have. Tonight is not the end of everything. When Council has a piece of legislation it is read three times. It is read every other week so it takes a bit of time with a lot of communication in between. The Mayor interjected that this will also be referred to the Planning Commission so there is a very long process to a rezoning. The Mayor said that everyone here has done the right thing this evening. The administration realizes that there are a lot of residents here this evening who have never been through the development process and that is why the administration takes the time to explain what the process is. If anything, the Administration holds projects up so that residents do have an opportunity to understand the project and weigh in on all the impacts. Mr. Bemer added that the issue regarding the rezoning is referred by City Council to the Planning Commission, a Public Hearing is already set for next Tuesday, which gives residents an opportunity to come forward. It will be the Commission that makes the recommendation and that recommendation carries a significant amount of weight.

- **Mrs. Nigmeh Salti, 22656 Breezevale Cove (Ordinance No. 26-16)**, said she is opposed to the construction on the other properties. She doesn't understand why Breezevale Cove is on the agenda. There is already a traffic concern that this new building will have 29 units and two cars per unit. Breezevale Cove already has sewer issues on the east side of the street and the addition of more units will make it worse. She has four children and her husband was raised on that street. She has an older parent that they are taking care of and she would like to stay there much, much longer. They have spoken to Mr. Brickman many times but wish they could have met as a group instead of individually. She felt like it was a divide and conquer type of thing. She is completely opposed to the rezoning of Breezevale Cove.

- The Mayor said she is not sure if Mrs. Salti has seen the legislation or the request for the rezoning, but there are two homeowners on Breezevale Cove that are applicants for the rezoning.

Mrs. Salti said that one is exactly next door to her and she didn't think that was possible on such a tiny street to rezone one property to be a multi-family. Mr. Bemer said her inquiry is well taken, but Breezevale Cove itself as a development is not on the agenda, just the two property owners who signed the application for rezoning. Mrs. Salti asked how that would affect the other properties. The traffic issues this would cause would be the developer's job to figure out.

- **Mr. Issa Salti, 22656 Breezevale Cove (Ordinance No. 26-16)**, said he was born and raised on Breezevale Cove. He attended all the Rocky River Public Schools and

graduated in 1997. The traffic is already so congested on Lake Road and it is getting worse. During school hours, driving from Avalon heading east past Kensington is already a good 10 minutes to get through. Mr. Salti has met with Mr. Brickman on several occasions. Mr. Brickman called last year to solicit the purchase of his property. Mr. Salti does not see how this could work placing a 29-unit condominium on such a small piece of property and is against it. Mr. Brickman brought a real estate agent from Howard Hanna and insulted him that his house was worth only \$215,000. Mr. Salti was shocked with this price and felt insulted. Mr. Brickman said he was committed to building this structure no matter what. He has read the Breezevale Trust several times and knows it well. Mr. Salti told Mr. Brickman that purchasing one property would not help him. Mr. Salti said it would be a better project if Mr. Brickman purchased the entire Breezevale Cove and go from the Beach House to his lot for his project. Mr. Salti is against this project and will do everything in his power to stop this project.

- President Moran thanked Mr. Salti for attending this evening's meeting and thanked him for his comments.
- **Mrs. Mary Wood, 22740 Lake Road (Ordinance No. 26-16)**, which is the property exactly west of the two lots proposed for this project. Mrs. Wood had given the entire Council a letter of her opposition along with letters to the Planning Commission. Mrs. Wood called Council's attention to the fact that there has been no multi-zoning family done in that area since the Beach House. There have been a number of developments in that area, across the street, Pond Drive, Harbor Village, Maison du Lac and Brandon Place. None of those were ever zoned multi-family, but zoned as single family attached. Consequently, if the Planning Commission decides to rezone that would be a first in 40 or 50 years since the Beach House was built. There are other ways to use that property without it being rezoned multi-family and still get some extra units. Mrs. Wood thinks that the city should stick to what there already is and keep the zoning single family.
- **Ms. Madeline Weiman, 1032 Morewood Parkway (Ordinance No. 89-15)**, and she wanted to bring a perspective of growing up in Rocky River. She hopes that the home she lives in now is where she hopes to someday raise her own family. One thing that she thinks has been common regarding both issues is how important our community is to us. The residents want to be sure the relationships between developers and community members and commercial properties remains intact. There have been a lot of valid points brought up and every voice should be heard. Madeline thanked Council for letting the residents share their perspective. She is appreciative of the time it takes to listen and really appreciates it.
 - The Mayor said that in the State of the City, she always says that the most important work we do, is to build, strengthen and sustain a community that our children and grandchildren will be proud to call home. The Mayor is very proud right now of you, Madeline.
- **Ms. Antoinette Horn, 22664 Lake Road (Ordinance No. 26-16)**, and she said she is supportive of the project on Breezevale Cove because living along the lake all these

years she feels that if there could be more housing and more families having access to the lake would be a really good thing.

- **Mr. Scott Samek, 842 Morewood Parkway (Ordinance No. 89-15)**, lives adjacent to the proposed project. Mr. Samek sent an email to a couple of the Councilmen voicing his concerns. He is opposed to the project. Councilman Furry responded by saying that Council is not the deciders of the project, that it goes to the Commission. Mr. Furry said that eventually Council does make the decision. Mr. Samek asked what the exact procedure is. President Moran said that Law Director Bemer mentioned before that there is a Planning Commission and a Board of Zoning and Appeals. When something comes to Council, it is referred to the people that do it full time. Their decision comes back to Council and Council respects what they say along with all the facts. This is a long process. Mr. Samek receives a letter for every meeting but cannot always make it to every meeting. The Mayor assured Mr. Samek that the Commissions takes note and Council takes note of every piece of correspondence that is sent. If you have something new to add, or have changes or you want to punctuate something in another way, you always have the opportunity. The next Planning Commission Meeting is a public meeting but will not take public comment. You can always go home and write another letter to Planning. Mr. Bemer said there has already been a preliminary approval made. It is coming back to the Planning Commission specifically for an updated safety study. There was a request for photos to address the issues of visibility. The traffic engineer will be in attendance also. There will not be any public comment during that meeting regarding the Morewood Parkway issue.
 - Councilman O'Donnell asked if the study comes back and they've received preliminary approval is the only thing left to do for Council is to vote on the easement. Mr. Bemer said that the public comment is completed at this juncture. They do consider emails as part of the public comment, as the rules of evidence are very relaxed. This is not a court of law and there is due process to make sure everyone has an opportunity to be heard. The process of the Public Hearing for this issue was last month.
- **Mrs. B.J. Alexander, Breezevale Cove (Ordinance No. 26-16)**, reiterated that she is opposed to the rezoning. Mrs. Alexander mentioned that when she looked through the Rocky River Reference Book she was unable to find an address or telephone number for the Planning Commission Board. The Mayor said that City Hall is the address. Law Director Bemer said you are unable to speak to the members of the Planning Commission. You can only address them at a public forum. Mrs. Alexander said she has written letters and is wondering if they have been read. The Mayor assured her that they have already received the letters.
- **Mr. John Wenzinger, 701 Morewood Parkway (Ordinance No. 89-15)**, said that this is a safety issue that was laid out very well by his neighbors. This intersection is very dangerous and is already designated a dangerous zone. This neighborhood is full of young kids. The way it is proposed now, he has no idea how anyone could say this is a good idea.

- The Mayor asked who has made the designation of this being a dangerous area. The audience stated that there are signs that state that it is a dangerous area. Mr. Wenzinger is not aware of the whole history of it. It is his understanding that someone was killed at that intersection.
- **Mr. John Carney, 20664 Beach Cliff Blvd. (Ordinance No. 26-16)** has lived on Beach Cliff 35 ½ years along with his time on Wooster Road and Parklane and Gasser Blvd. it totals 50 years. Mr. Carney's two sons are in attendance and they are working on this project along with Mr. Brickman and himself. The project that is proposed is meant to serve the market of people who lived and grew older in Rocky River and do not want a large yard. Mr. Carney recognizes that whenever there is a new proposal, there are impacted neighbors that have concerns. Mr. Carney has met with a number of the neighbors and there is no conspiracy here. Every city in Cleveland has the same process as Rocky River. You commence a rezoning at Council, to the Planning Commission with hearings and an opportunity for everyone to be heard. The process of going to the Planning Commission informally early on is a way of finding what their concerns are and making them aware of the project. If this proposal succeeds, he will do everything he can to mitigate the concerns. There is multi-family zoning to the south of this and to the east of this site. Breezevale Cove was once one parcel that was subdivided into eight lots. This is what the proposal is to build a condominium to serve many Rocky River residents and residents from other communities who want to live on Lake Erie. The proposal is in compliance with the city's Master Plan and it is going to have a lot of benefits for the city. Mr. Carney recognizes that this is the beginning of the process. Everyone who lives on Breezevale Cove and Mr. and Mrs. Wood have their contact information. Their goal is to make it an open process and be available all the time. Mr. Carney thinks that Andrew is the best developer in the western suburbs.
 - Councilman Furry asked Mr. Carney that if they didn't want to divide and conquer, why didn't he meet with all the residents as a whole so everyone heard the same message. Mr. Carney replied that they all heard the same message. Breezevale Cove had already had a meeting where they were opposed to this project. Mr. Carney could not get anyone on the street to organize a meeting of all the neighbors at one time. He will meet with them now if anyone will put it together.

Mr. Carney said that if you rezone a property, it doesn't mean you have to do anything with it. It might help down the road when they are ready to leave their house but nothing ever has to be done.
- **Mr. Andrew Brickman, Brickhouse Partners (Ordinance No. 26-16)**, said that after building 11 River which was their first project in Rocky River, he had a tremendous amount of success. 11 River had the same type of rezoning with some of the neighbors being opposed. He tries to get out in front of that by meeting and addressing some of their concerns. He has done the exact same thing here. Mr. Brickman identified this property as a great opportunity for the City of Rocky River. Many people came to him wanting to stay in Rocky River, but no longer want the big house and want single floor living. There is so much demand for that. Mr. Brickman has already received phone

calls asking how they can buy one of these units. This will fulfill a need that the city desperately needs. Mr. Brickman wants to make it the finest residential development in the city and one that will get international recognition in much the same way as 11 River and Clifton Point. He has just sold a unit in River South in Fairview for \$850,000. This is a good indication that his product is well received and respected as developers.

- The Mayor wanted confirmation that the project could be completed on the two lots that go from Lake Road to the lake, and they would not need Breezevale Cove for this project. Mr. Brickman said that Breezevale Cove will not be developed at all now. He would like to see this project approved. He already has 8 reservations and at a future point he would like to develop Breezevale Cove. Mr. Brickman said that there may be less than 29 residences because the construction is clear span construction so some of the people have wanted a bigger residence which decreases the number of residences that will be there. When it is all said and done, it should bring in about ½ a million to ¾ a million dollars in new tax revenue to the City of Rocky River without any infrastructure costs for the city.
- Councilman Hunt thanked Mr. Brickman and Mr. Carney for attending this evening's meeting. Both of you have indicated a desire for single floor living. What is that exactly? Mr. Brickman said that the main building would be an elevator building and residents would live on one floor. The parking would be underneath the building with several stories above it with condominiums. The front section will have 5 townhouses on each side, 2 ½ stories a piece.
- Mr. Carney thanked Council for their time this evening.

President Moran reiterated that if there are any questions or concerns or additional points, feel free to communicate that with any of the administration.

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

As Council is well aware along with a lot of comment at this evening's meeting, this Ordinance still resides with the Planning Commission. The Commission is waiting for the expert traffic study to come in and continues to be on hold.

- Councilman Sindelar asked if the easement work is voted down, would that stop the project totally? No, the builders would have to figure out some other way without the easement. Mr. Sindelar said that essentially, Council cannot stop the project. The project is what it is and has already been referred to the proper board to be voted on.

Mr. Hunt said that the traffic study may or may not be ready for the next meeting on June 21st. At such time as the traffic study report is prepared for Planning and they make their final decision, Mr. Hunt hopes that an opportunity could be arranged for Building Commissioner Reich to come back to Council for any questions. The Mayor said that will be arranged.

- Mr. O'Donnell said that personally he had about 12-15 emails from various residents in the effected area for the Morewood Project. He said that this is the single most amount of emails in his time in Council including Whole Foods, the Marian Ramp, Railroad Quiet Zone, repaving the streets and basement flooding. All emails were all in opposition to this ordinance. Mr. O'Donnell will keep Council posted.

ORDINANCE NO. 17-16 **BY: DAVID W. FURRY**
AN ORDINANCE AMENDING SECTION 521.11 ENTITLED "COMPOST
ACCUMULATION" OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY
RIVER
3rd READING

Councilman Furry would like to amend by substitution the revised Exhibit A dated 5/20/16, seconded by Mr. Sindelar

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

Councilman Furry said this ordinance has been discussed for a few months. The exhibit has been changed several times. The revised Exhibit A, dated May 20, 2016 has been distributed. This includes the compost bins not be visible from the public right of way and the five foot restrictions with a commercial grade enclosed compost bin which mirrors the trash receptacles. Mr. Klym's suggestion of the container not being within 30 feet of a residential dwelling has been added. Mr. Furry moved for passage of Ordinance No. 17-16, seconded by Mr. Sindelar.

President Moran said that he was not in favor at the start of this discussion because of the possible problems composting could create. Mr. Moran thanked Councilman Klym for the additional verbiage of keeping the container 30 feet from another resident which is a key part of this ordinance. Mr. Furry concurs and will lean on the Green Team for some public information and education. Mr. Sindelar is happy with the commercial container piece of the ordinance.

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

ORDINANCE NO. 18-16 **BY: THOMAS J. HUNT**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE
TO ENTER INTO AN AGREEMENT FOR MUTUAL AID SERVICES BETWEEN THE
POLICE DEPARTMENTS FOR THE CITIES OF ROCKY RIVER AND CLEVELAND,

**IN SECURITY ASSISTANCE FOR THE 2016 REPUBLICAN NATIONAL
CONVENTION
ON HOLD**

Councilman Hunt said this ordinance is on hold. Mr. Hunt thanked Law Director Bemer for communicating with him this afternoon. Mr. Bemer has still not received an update from the City of Cleveland regarding this agreement of Mutual Aid Services for the Republican National Convention. Mr. Bemer is still waiting for some clarification of language regarding the insurance policy.

- Mr. Furry asked if this would be rectified before the RNC starts. Mr. Hunt said he is still unclear as to whether the grant was actually approved. Mr. Bemer said that the 10 million dollar figure is being revisited. The main concern is making sure our officers and city are named as additional insured. Mr. Bemer was verbally told by the Cleveland Law Department that this was not an issue and would be acceptable. Mr. Bemer and Director Costello are concerned about how to best protect our officers with some other type of a secondary special events policy. Mr. Bemer will continue to work on this for the next month.
- President Moran expressed concern over the great news of the police department enjoying their 12 hour shifts and fitting RNC coverage in with that. The Mayor said that they have several days off so officers will have available days.

ORDINANCE NO. 21-16 **BY: MICHAEL P. O'DONNELL**
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE
TO EXERCISE THE OPTION TO RENEW FOR ONE (1) YEAR THE PURCHASE OF
JANITORIAL SUPPLIES FOR THE CITY OF ROCKY RIVER FROM OHIO VALLEY
SUPPLY AND MAINTENANCE CO. AT A COST NOT TO EXCEED \$55,000 AS
FURTHER DESCRIBED IN EXHIBIT "A"
3rd READING

Councilman O'Donnell said that this has been discussed for six weeks now and is an annual housekeeping ordinance for the purchase of janitorial supplies from Ohio Valley Supply. This ordinance exercises an option from last year's agreement. The city has had a good experience with Ohio Valley and the administration is satisfied with the pricing. Mr. O'Donnell moved for passage of Ordinance No. 21-16, seconded by Mr. Furry.

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

RESOLUTION NO. 22-16 **BY: JAMES W. MORAN**
A RESOLUTION ACCEPTING THE ALTERNATIVE TAX BUDGET INFORMATION
OF THE CITY OF ROCKY RIVER, OHIO FOR THE FISCAL YEAR COMMENCING
JANUARY 1, 2017
3rd READING

President Moran said this is a mandatory requirement that we present this information to the County. These numbers are not final because that will happen in the fall in the final budget information. This is an outline for making sure that we are properly funded and an outline for a balanced budget. Mr. Moran moved for passage of Ordinance No. 22-16, seconded by Mr. Furry.

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

NEW BUSINESS:

ORDINANCE NO. 24-16: BY: CHRISTOPHER J. KLYM
AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO
PAY GARDINER THE SUM OF SIX THOUSAND FOUR HUNDRED FORTY-THREE
DOLLARS (\$6,443.00) PURSUANT TO THE SHARED SAVINGS PROGRAM
INITIATED IN 2014
1st READING

Councilman Klym said this was briefly discussed at last week's Committee-of-the-Whole Meeting. He will pass on comment until next week's meeting. It is concerning a budget and invoice issue from 2015.

ORDINANCE NO. 25-16: BY: JOHN B. SHEPHERD
AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
SAFETY-SERVICE TO EXERCISE THE OPTION TO RENEW FOR ONE (1) YEAR
THE PURCHASE PRINTING SERVICES FOR THE CITY OF ROCKY RIVER FROM
ADMIRAL PRODUCTS, INC. AS FURTHER DESCRIBED IN EXHIBIT "A"
1st READING

Mr. Shepherd said this was discussed at last week's meeting in detail. He will defer conversation until next week's Committee-of-the-Whole Meeting.

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"
1st READING

Mr. Sindelar said that a lot was discussed this evening from various residents and the developer. Mr. Sindelar said that because he is chairman of the committee for zoning, his name is on for sponsoring this ordinance but is not a voice of support one way or the other. He allows himself to still be available to all residents. Mr. Sindelar recommends that this ordinance be referred to

the Planning Commission and urges residents to attend the Planning Commission meeting on June 21st.

- The Mayor said that it is important to let the Public know that after that very public process through the Planning Commission, it comes back to Council for an official Public Hearing. City Council will set a date for a Public Hearing in addition to all the readings they will go through. It is a very detailed, lengthy process. Everyone is welcome back each time.

ORDINANCE NO. 27-16 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE TEAMSTERS LOCAL UNION 436 REPRESENTING CERTAIN EMPLOYEES OF THE ROCKY RIVER SERVICE DIVISION, AND CERTAIN EMPLOYEES OF THE RECREATION DEPARTMENT, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Councilman Shepherd wants to discuss a few things briefly and then defer an in depth conversation for next week's Committee-of-the-Whole Meeting. Mr. Shepherd stated that Council has been kept apprised of the negotiations and this contract has raises in line with what other unions have received. Mr. Shepherd asked Law Director Bemer about the timing of this ordinance and when this needs to be passed. Council will hold a Special Meeting next week to read this ordinance so it will be passed by the end of June.

ORDINANCE NO. 28-16 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH CROSSROADS ASPHALT RECYCLING, INC., FOR THE 2016 STREET REPAIR PROGRAM IN AN AMOUNT NOT TO EXCEED \$1,139,898.62

1st READING

This ordinance will receive a full three reads. This is the city's major repaving bid for this summer's project including Country Club Blvd., Devon Hill Rd., Elmwood Rd., (a section north of Lake to Aberdeen), Falmouth Dr., Linden Rd., Morewood Pkwy., (between the tracks and Lake Rd.), Northview Rd., (I-90 to Detroit Rd.), Northview Rd., (Hilliard to Westway) and Tonawanda Dr. This was put out to bid and six bids were received and Crossroads was the low bidder and lower than the Engineer's estimate. This will be discussed further at next week's meeting.

ORDINANCE NO. 29-16 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH FABRIZI TRUCKING & PAVING CO., INC. FOR THE WOOSTER ROAD WATER MAIN REPLACEMENT PROJECT, IN AN AMOUNT NOT TO EXCEED \$2,126,838.55

1st READING

Councilman Shepherd prefers to have an in depth discussion at next week's meeting. This was also put out to bid and received two responsive bids. Fabrizi Trucking was the low bidder and beneath the Engineer's estimate. The city has worked a lot with Fabrizi. The Mayor interjected that the city did receive a Capital Improvement Grant from Cleveland Water to cover the entire cost of this project.

ORDINANCE NO. 30-16 **BY: JOHN B. SHEPHERD**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY
SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH FABRIZI TRUCKING
& PAVING CO., INC, FOR THE TONAWANDA DRIVE WATER MAIN
REPLACEMENT PROJECT, IN AN AMOUNT NOT TO EXCEED \$129,237.00
1st READING

This other job for the water main replacement was put out to bid and received three responsive bids. Fabrizi was the low bidder and was beneath the Engineer's estimate. This will be discussed in more depth at next week's meeting. This is also covered by the same grant from Cleveland Water. These improvements have been done in concert with all the other sewer and re-paving projects. The city is very pleased.

ORDINANCE NO. 31-16 **BY: CHRISTOPHER J. KLYM**
AN ORDINANCE RATIFYING PAYMENT MADE TO CLEVELAND SUBURBAN
HOCKEY LEAGUE FOR REGULAR SEASON REFEREE AND LEAGUE FEES FOR
THE 2015-2016 SEASON IN THE AMOUNT OF EIGHT THOUSAND EIGHTY-ONE
(\$8,081.00)
1st READING

Councilman Klym said this will be discussed more next week. It is concerning a budget and invoice issue from 2015.

ORDINANCE NO. 32-16 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE ESTABLISHING THAT ROCKY RIVER CITY
COUNCIL SHALL RECESS DURING THE MONTH OF AUGUST IN 2016
1st READING

President Moran said that for the last 30 years City Council has taken off the month of August to allow for family vacations without missing meetings. Council will still be available for phone calls and emails.

ORDINANCE NO. 33-16 **BY: JAMES W. MORAN**
AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 15-16 WHICH
CREATED POSITIONS AND FIXED OR ESTABLISHED THE ANNUAL SALARIES
AND HOURLY RATES COMMENCING JANUARY 1, 2016 FOR THE APPOINTED

**EMPLOYEES IN THE SEVERAL DIVISIONS AND DEPARTMENTS OF THE CITY
OF ROCKY RIVER**

1st READING

As in negotiations in the past, usually when there is a situation with the Teamsters or any other groups, this is for the hourly appointed positions. This also includes the 1% from the Fire contract beginning July 1st. This is the companion to Ordinance 27-16 for the non-union employees. This will be discussed more at next week's meeting and will go for a full three reads.

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: Mrs. Wood asked about the Planning Commission Meeting next week. The residents are being notified to attend this meeting. There will be public comment allowed at this meeting for the Breezevale Cove Ordinance.

As there was no further business by members of Council, the meeting was adjourned at 9:58 p.m.

James W. Moran
President of Council

Susan Pease
Clerk of Council