

CITY OF ROCKY RIVER

June 27, 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

The meeting was opened with the Pledge of Allegiance.

President Moran mentioned that Councilman Klym is absent this evening but will be in attendance at next week's Committee-of-the-Whole Meeting, Tuesday, July 5, 2016 beginning at 8:00 p.m.

MOTION:

Moved by Mr. Moran, seconded by Mr. Furry, that the reading of the minutes of the Committee-of-the-Whole Meeting and the Special Meeting of June 20th 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. O'Donnell, that the reading of the minutes of the Legislative Meeting of June 13th 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:

The Mayor announced that Cuyahoga County has approved the city's request for additional grant dollars in the amount of \$96,000 bringing the total to \$400,000 which is the maximum allowed for the asbestos abatement and the demolition of the four buildings that make up the Executive Club. The Cuyahoga County Land Bank has approved additional dollars, giving the city an additional \$50,000 which leaves a balance of about \$125,000. The city continues to work with the County and Congressman Renacci's office for a possibility of some unused demolition funds. The Mayor will continue to keep City Council informed.

The Mayor discussed the work that has been going on at Rocky River Park by the Parks Crew and the Parks Service Department. New signage and plantings have been put in at the entrance. There are some issues with the bioswale and rain garden that was constructed last year as part of the storm water management demonstration project. Director Costello is working with the contractor to get this project up and flowing. There has also been an erosion control project in the eastern corner of the park at the lakefront. There was some erosion from the last few summers, and Director Costello along with Director Reyes, Director Mehling as well as others, have added some large boulders to protect and address the erosion. A fence has been temporarily erected along with "No Trespassing" signs to protect any individuals in that area. Thank you again to Director Costello for all of her work on this project.

R.I.T.A. has mailed out the estimated tax forms to residents. A Ready Notify update has been sent out, but if a resident has not received their estimated tax form, please contact R.I.T.A. with any questions. The contact information for R.I.T.A. is on the city's website.

Letters have been mailed to residents along Kensington Oval and Purnell describing the waterline work that will be commencing soon. The concrete on Avalon will be poured from Elmwood to Lake Road on the western border beginning tomorrow. The north side of Avalon was completed several weeks ago. This project is moving along well.

The Mayor discussed again the problem of placing refuse out in advance of collection day. Fellow residents do not appreciate garbage out on the tree lawn several days in advance of collection. A Ready Notify will be sent out again to all residents. If complaints are received the building department will send out a warning followed by citations if it continues. The administration hears from residents often regarding this issue.

The American Red Cross sent a thank you letter, addressed to Emil Rosol, the manager of the Civic Center and the person in charge of all City Hall Buildings, thanking Rocky River and the generosity of the residents for exceeding their blood drive goal. Rocky River hosts about 18 blood drives a year. There is a blood drive every month along with six special blood drives throughout the year collecting an average of about 35 pints of blood.

Jerry Jarc from Habitat for Humanity also sent a thank you to the residents of Rocky River for the huge success of their tool drive. Electric tools, a wide variety of hand tools and a brand new

power washer were donated. Many of the tools are used in the Habitat for Humanity projects or sold in the Restore.

The Rocky River Chamber of Commerce and the Merchants Association on Detroit Road along with the city are putting together approximately 500 “Welcome Bags” for the RNC. There are about 16 delegations that will be staying near and around Rocky River. Whole Foods has provided cloth bags, Cleveland Magazine has provided the “Rating of the Suburbs” Issue and the Chamber of Commerce businesses are providing special incentives for delegates. This same approach could be used for future large groups of visitors.

River Days is scheduled for July 8 through the 10th. Friday night there will be a concert on City Hall Campus along with the River Dogs Food Truck on the premises. This will be a great kick-off for River Days. Please come to create and celebrate your memories.

Rocky River City Hall will be closed on Monday, July 4, 2016 in observance of the holiday. City hall will re-open on Tuesday, July 5, 2016.

The first of the downtown “River” monument signs was put up today at the corner of Detroit and Wooster Road. Uplighting will also be added.

LAW DIRECTOR’S REPORT:

Director Bemer attended a Law Director’s Luncheon Seminar last Thursday. The topic of medical marijuana was discussed which was recently signed by the governor. This will go into effect on September 9, 2016. The presentation covered all facets of medical marijuana as it applies to municipalities and government agencies such as employment, zoning and qualifiers for federal laws such as CDL drivers. The law itself invokes home rule authority. With that, there are provisions for rezoning specific areas for medical marijuana as well as restrictions. Law Director Bemer has been in touch with a few communities that have already begun the process in consideration of distributorships of medical marijuana coming into their cities. Mr. Bemer will be looking at those and anticipates making a recommendation to Council hopefully before the August break. Anything that needs to be done in a restrictive sense would have to be completed before September 9, 2016.

Director Bemer also discussed a Public Hearing on the Rocky River Preservation Partners, the Brickman/Carney project on Lake Road. There needs to be coordination between the Council office and the Building Department to distribute notices for the Public Hearing. There will need to be a publication for at least two consecutive weeks in the newspaper and at least 20 days via mail for all properties that are contiguous to these properties. If Council is so inclined to have a meeting before the August break, it should be done on the 25th of July. By then, the Planning Commission Meeting minutes will be completed and approved and available for City Council.

- Councilman Furry asked if the process would need to start over with a new application. Mr. Bemer said this is a less intensive use so a new application is not needed. Even though the Planning Commission recommended the R-4 and it was approved by that

body and accepted by the developers the Public Notice will identify an R-4. The Ordinance in front of Council should be modified to reflect a request for an R-4 designation rather than the R-5.

- Councilman O'Donnell questioned what Mr. Bemer meant with the statement "it was apparently accepted by the developer". How does Council know that? Mr. Bemer said the builders said they were in agreement with it and that will be reflected in the minutes. Mr. O'Donnell said that otherwise, the builders would need to file an appeal and asked if there was any indication that they would do that. Mr. Bemer said no, the expressed statement was "we can work with that".
- President Moran said that before Council is a situation of putting out the information for a Public Meeting and that would have to be done 20 days prior to the meeting along with a publication in the Sunday newspaper for two consecutive weeks.
- Councilman Hunt asked if Council was under a mandate to have this meeting in July. Mr. Bemer said that everything comes back to Council when the Planning Commission minutes are approved. Minutes will be approved at the July 19th Planning Commission meeting.
- Council agreed to have the Public Meeting on July 25th.

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 that this Ordinance would continue to be on hold until the approval of the Planning Commission Meeting minutes. The Planning Commission had a meeting last Tuesday and reviewed the Valore Project as well as the Brickman Project. Council will wait to get the official minutes approved at which point this Ordinance will be read for a second time.

- Councilman Furry said that he has some questions regarding the Traffic Study. The Mayor said she suggested to President Moran, that Council may want to have Mike MacKay, the city's engineer review the study and assure that appropriate traffic engineering protocols were followed, etc. The Mayor said the study could be forwarded

to Mr. MacKay. Mr. Moran said there is a lot of information in this study and Mr. MacKay will be able to take a look at some of the points and weigh in on it.

- Mr. Bemer pointed out that Mr. Pierson is the traffic engineer and is in attendance at this evening's meeting. The Mayor thought Mr. Pierson should attend the Committee-of-the-Whole meeting next Tuesday for questions that will be forwarded to him for preparation. Mr. MacKay will have his report to Council later this week.

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 for another week so that Council has time to review the response from the City of Cleveland regarding the insurance issues. Mr. Hunt asked for a Special Meeting prior to the Committee-of-the-Whole Meeting next week on Tuesday, July 5, 2016.

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
3rd READING

President Moran spoke to this ordinance in Councilman Klym's absence. Mr. Klym has presented this information to Council for this bill to be paid. This invoice is dated 2015 and since it is the 2016 budget, it needs Council manic approval. Mr. Moran moved Ordinance No. 24-16 for passage, seconded by Mr. Furry and Mr. O'Donnell.

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

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"
3rd READING

Mr. Shepherd said this was put out to bid in 2014. Admiral Products has done the printing for the city for many years and has done a great job. Admiral Products has agreed to hold the pricing the same for a third year. Mr. Shepherd moved for passage of Ordinance No. 25-16, seconded by Mr. Furry.

Vote: Hunt – aye	Shepherd – aye	O'Donnell – aye	
Mr. Furry - aye	Sindelar – aye	Moran – aye	
6 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 that this is similar to Councilman Hunt's 89-15. This Ordinance will 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.

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"
3rd READING

Councilman Shepherd said he will be moving for passage of Ordinance No. 27-16 this evening. As Council knows through executive sessions with the administration during the negotiations of this Collective Bargaining Agreement and the numerous Council meetings that this Ordinance has been reviewed and discussed, that this was very productive and handled professionally by the union, their representative and the administration. There were numerous work rule changes and other modifications and adjustments to the contract. Mr. Shepherd said the administration was very positive with the relationship and the ability to work through these issues. The contract itself is inline with the increases given to the other unions at 2 ½% per year for the three years of the contract. Mr. Shepherd moved for passage, seconded by Mr. Furry.

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

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
3rd READING

This is the summer paving program that has been resumed since the city's financial situation has improved. Nine streets will be repaved; 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. Mr. Shepherd moved for passage Ordinance No. 28-16, seconded by Mr. O'Donnell.

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

Mr. Shepherd said that Ordinance No. 29-16 is a contract for the Wooster Road water main replacement project in the amount of \$2,126,838.55. Mr. Shepherd moved to amend this ordinance to reflect that the city is being fully reimbursed for this by a grant from the Suburban Water Main Renewal Program through the Cleveland Water Division. Also attached to the ordinance is a second exhibit, Exhibit B, which is the letter from the City of Cleveland granting the funds for this project and the next project. Mr. O'Donnell seconded the amendment. Councilman Furry asked about the two section 3's. The Mayor said that this will be amended by adding a new section 3, making the former section 3 a section 4.

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

AMENDED 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
3rd READING

Councilman Shepherd added that this was put out to bid and received two responsive bids. Fabrizi Trucking was the low bidder and beneath the Engineer's estimate. Mr. Shepherd moved for passage Amended Ordinance No. 29-16, seconded by Mr. O'Donnell.

Vote: Hunt – aye	Shepherd – aye	O'Donnell – aye
Mr. Furry - aye	Sindelar – aye	Moran – aye

6 ayes

0 nays

PASSED

Mr. Shepherd said he would like to amend Ordinance No. 30-16 which is an identical and equivalent amendment to the ordinance just passed which adds a section three indicating that the city will be reimbursed by the City of Cleveland Water Division, amending another Section three to four and adding Exhibit B which is the letter from the City of Cleveland granting the funds of \$129,237 for the Tonawanda Drive water main replacement project, seconded by Mr. O'Donnell.

Vote: Hunt – aye

Shepherd – aye

O'Donnell – aye

Mr. Furry - aye

Sindelar – aye

Moran – aye

6 ayes

0 nays

PASSED

AMENDED 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
3rd READING**

Mr. Shepherd said that this was put out to bid on May 27th, and received three responsive bids. Fabrizi was the low bidder and was beneath the Engineer's estimate. Mr. Shepherd moved for passage of Amended Ordinance No. 30-16, seconded by Mr. O'Donnell.

Vote: Hunt – aye

Shepherd – aye

O'Donnell – aye

Mr. Furry - aye

Sindelar – aye

Moran – aye

6 ayes

0 nays

PASSED

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)

3rd READING

President Moran said that Councilman Klym did present this information to Council. It is concerning a budget and invoice issue from 2015 for referee and league fees for the 2015-2016 season. President Moran moved for passage of Ordinance 31-16, seconded by Mr. O'Donnell and Mr. Furry.

Vote: Hunt – aye

Shepherd – aye

O'Donnell – aye

Mr. Furry - aye

Sindelar – aye

Moran – aye

6 ayes

0 nays

PASSED

RESOLUTION 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
3rd 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. Starting August 1st, through the rest of August, there will not be any Council meetings, beginning again in September after Labor Day. Mr. Moran moved for passage Resolution No. 32-16, seconded by Mr. Furry.

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

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
3rd READING

Mr. Moran said that this has been discussed before. This is a companion ordinance to Ordinance 27-16 which was passed earlier during this meeting. This is the salaries and appointed positions and will mirror some of that same information. Mr. Moran motioned for passage of Ordinance No. 33-16, seconded by Mr. Furry and Mr. O'Donnell.

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

NEW BUSINESS:

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
1ST 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 is the first read with two more reads during the month of July.

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****1ST READING**

Councilman Shepherd said that everyone on Council has received an itemization of this bill. These services have been rendered in conjunction with the collective bargaining with the Service Department for which an ordinance was just passed. Director Thomas, Finance Director, has a policy that states that if a Purchase Order has not been put in place prior to the services being rendered, the bill needs to be approved by Council. This will be discussed more at the Committee-of-the-Whole Meeting next week.

MISCELLANEOUS BUSINESS: President Moran mentioned that St. Demetrious Greek Festival went very well this weekend and had great weather. Congratulations to St. Demetrious.

COMMENTS:

- **Mrs. Mary Wood, 22740 Lake Road (Ordinance No. 26-16)**, said that she still does not agree with the change that the Planning Commission agreed to changing the R-1 to an R-4. Mrs. Wood distributed packets to Council along with signed petitions. The first sheet will tell Council Mrs. Wood's objections from the R-1 to the R-4. The second sheet gives Council Mrs. Wood's feelings as to what happened at the Planning Commission Meeting. Mrs. Wood's phone number is on the packet. President Moran thanked Mrs. Wood for the information that she presented. Council will read the packet presented by Mrs. Wood.
- **Mrs. B.J. Alexander, Breezevale Cove (Ordinance No. 26-16)**, said that it seems to her that Council is at a disadvantage because they do not know what went on at last week's Planning Commission Meeting. There was quite a bit of drama and now Council has to wait a month to receive the approved minutes. B.J. also commented about the two properties on Breezevale Cove that were removed from this ordinance and that was good news to her. She was disappointed that the Planning Commission recommended R-4 rather than R-3 because buildings across the street, Brandon Place, Maison du Luc and Lakeside Village, plus Harbor Village are all zoned R-3. Mrs. Alexander said that quite often the developers talk about the whole area being multi-family zoned while in fact much of it is R-3 single family attached. Mrs. Alexander said that it wouldn't be such a shock to their system if something that would fit into that area be chosen. Mrs. Alexander realizes that R-4 was recommended and also felt concern because Mr. Brickman was told that he would be getting what he asked for. So, if he is getting what he asked for, he asked for R-5. Would there be enough variances that Mr. Brickman could actually build a 50 foot building? That concerns Mrs. Alexander greatly. Her

feeling was that Mr. Brickman and Mr. Carney were catered to by the Planning Commission and it was very disappointing.

President Moran said that Council appreciates their comments.

As there was no further business by members of Council, the meeting was adjourned at 8:59 p.m.

James W. Moran
President of Council

Susan Pease
Clerk of Council