

CITY OF ROCKY RIVER

September 26, 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. Furry, that the reading of the minutes of the Legislative Meeting of September 12th 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. O'Donnell, that the reading of the minutes of the Committee-of-the-Whole Meeting of September 19th 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 extended a thank you to all the volunteers who were involved in the Fall Art Festival, on Saturday, September 17th. The weather didn't cooperate totally, but many artists still participated with many residents attending.

Habitat for Humanity also had a collection on Saturday, September 17th. Several donors donated along with several pick-ups that were scheduled collecting three new appliances. Habitat of Humanity is very impressed with the generosity of the residents of Rocky River. Habitat of Humanity will use the donations in their restore or the donations will be used in projects.

The Mayor also thanked Director Costello and Law Director Bemer for helping with the Shredding Event that was also held on Saturday, September 17th. The shredding event was a success.

The Mayor reported that budgets were due today from the city's directors. The Mayor and Director Thomas will begin work tomorrow and continue working on the budget through the month of October. The Mayor will be meeting with all the directors and will discuss all the Capital Projects and Capital Expenditures. The Mayor and Director Thomas will be prepared to present Council with the budget at the beginning of November. The Mayor applauded the directors for submitting their budgets on time.

Two Ohio Public Works applications were submitted. One application was for Spencer Road and the other for a number of capital projects at the Waste Water Treatment Plant. The Spencer project is a 2.2 million dollar project. The city has reached out to the County and hopefully the County will help with some of the expense. Ten percent of the project will be paid for with local funds totaling about \$224,000 along with a grant request and a zero interest loan request combination for this project also. Council will receive legislation for each of these applications. This will be a parallel process as the District One Public Works Integrating Committee is reviewing all of the applications. This is a very competitive process in Cuyahoga County. The city should know in December whether these projects have been funded.

The Mayor shared with Council a new door hanger that will be used by the Property Maintenance Inspectors from the Building Department. The Inspectors look for several things including: grass that needs mowed, weeds, peeling paint, broken or uneven sidewalks, accumulation of wastes and open storage of items that shouldn't be stored outside, etc. The inspectors will fill the door hangers out and leave them on residents' door handles. The duplicate door hanger will then be entered into a spread sheet that will allow the inspectors to carry out follow up inspections. Residents will also know when they need to respond by along with whom they need to respond to from the information on the door hangers.

This Friday the Senior Center will be hosting a Housing Fair for seniors. Speakers will be speaking on Senior Housing Options, Options for Veterans and How to Plan, etc. Director Huff said that there will also be another Fair that focuses on living independently and the resources available for someone who wants to stay in their home and live independently. The Fair this Friday is open to all seniors in the entire region.

The November ballot will have one Rocky River issue that only concerns Precinct 3D. It is for a Sunday liquor sale at Whole Foods. Whole Foods already holds a D-6 Liquor License, but to obtain a license for Sunday sales, the issue needs to go on the ballot.

The Mayor presented to Council this evening a resolution acknowledging the efforts of Emil Rosol and making a designation to honor his service to the community. This will be a very special surprise for Emil Rosol, who has been a part of many family celebrations, traditions and gatherings at the Civic Center.

LAW DIRECTOR'S REPORT: NONE

COMMITTEE REPORTS: NONE

COMMUNICATION AND ANNOUNCEMENTS: NONE

MOTION:

Moved by Mr. Moran seconded by Mr. O'Donnell that the 72-hour rule of notification be waived and that Resolution No. 54-16 be considered on this evening's agenda to honor Emil Rosol on his retirement.

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

PUBLIC COMMENT – LEGISLATIVE ITEMS:

Mr. John Carney, 20664 Beach Cliff Blvd. and Mr. Andrew Brickman, Amended Ordinance No. 26-16: Mr. Carney said that they listened carefully to Council members and have a revised site plan and information to address the concerns raised. Mr. Carney said that they added a provision stating that there will never be more than 40 units and that the sizes will range from 1,500 square feet to 5,000 square feet. In paragraph 3E of the Development Agreement they added a paragraph on landscaping and with no variances required. Exhibit A shows the relation of the building to the joint property owners and also shows the setbacks, the profile and the height of the sustained buildings that are currently on the site and where they sit. Mr. Carney said that he has sent Council a number of articles and a summary of single floor living and why it is important. David Hart said that this request complies with the City's Master Plan and complies with the requirements of Section 1135.21. Mr. Brickman showed Council a rendering of the front of the building from Lake Road. Mr. Brickman said that the parking is on the first level and the building is in steps. The fourth story does not show from Lake Road. The building has also been narrowed down and fits within the setbacks of 30 feet. Mr. Brickman said that this is still a work in progress but feels it will be a great addition. Mr. Carney hopes to give Council a full presentation next week at the Committee-of-the-Whole Meeting.

- Mr. Furry asked if this rendering is still in compliance with the first draft received. Mr. Carney said that they had received questions from Council on what the exterior of the building look like. The height of this building and the set back is how it is shown on the September 16th site plans.

Mr. Carney said that the units facing south will have balconies off the units. The Mayor asked for east and west renderings. Mr. Carney and Mr. Brickman said they would try to get renderings of the east and west side.

- Mr. O'Donnell asked for an explanation on a particular picture. Mr. O'Donnell asked if someone just dropped the building in where it would be built. Mr. Brickman explained that it is dropped in from Google Earth.

Mrs. Mary Wood, 22740 Lake Road, Amended Ordinance No. 26-16: Mrs. Wood distributed more information for Council to read. Mrs. Wood objects to the statement of Mr. Carney and Mr. Brickman that these homes are badly damaged and deteriorated buildings.

Mrs. B.J. Alexander, 22658 Breezevale Cove, Amended Ordinance No. 26-16: Mrs. Alexander stated that the roof top entertainment area concerns her on the proposed building. Mrs. Alexander hears the noise from the Beach House balconies on the top floor and she is worried about the noise level she will hear from the proposed building. Mrs. Alexander also objects to the statement of the badly damaged and deteriorated buildings. She said they became that way after the purchase and were neglected. She feels that putting a contemporary building between "cape cod" type homes will be the beginning of more buildings to be built on other areas of Lake Road. She does not think this building will fit into the architecture of the neighborhood.

UNFINISHED BUSINESS:

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

Councilman Hunt said this ordinance has been read twice. Mr. Hunt spoke with Director Costello and there is still work being done on language regarding the easements along with some recent changes that need to be looked at by City Engineer McKay.

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 this will continue to be on hold. A Development Agreement has been received by Council on a companion ordinance and Mr. Sindelar said that Council will need more time to look at it.

- Mr. Furry asked if it was setting dangerous precedence if Council allows open discussion at the Committee-of-the-Whole Meeting next week. Both the Mayor and Mr. Moran said that Council can invite someone to present at the meeting.

ORDINANCE NO. 53-16 **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
DEVELOPMENT AGREEMENT WITH ROCKY RIVER PRESERVATION
PARTNERS, LLC FOR THE PROPERTY LOCATED AT 22732 LAKE ROAD,
PERMANENT PARCEL NO. 302-01-007
1st READING

Mr. Sindelar said that this is the companion ordinance to Ordinance No. 26-16. This is an authorization allowing the administration to enter into a Development Agreement with Rocky River Preservation Partners, LLC for the property located at 22732 Lake Road. This will have three full reads and Mr. Sindelar will seek a vote on both ordinances at the same time.

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
3rd READING

President Moran said that this is the third read on this ordinance. Mr. Moran said that Director Thomas has selected these banks as depositories for the city's funds. This needs to be put into effect from November 1, 2016 through October 31, 2021.

- Mr. Furry asked if PNC Bank had responded. Mr. Moran said that they did not respond by the deadline.

Mr. Moran moved for passage of Ordinance No. 38-16, 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

AMENDED 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
3rd READING

Ordinance No. 77-15 is the budget for 2016. This budget is always completed before the year-end. There are occasions however where supplemental appropriations need to be made. 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. In addition, there is a

need for \$19,000 for Recreation Funds and an additional request of \$29,000 from Chief Stillman for additional equipment and \$2,000 for overtime for the Senior Center.

Mr. Moran moved to amend Ordinance No. 40-16 by substitution of the attached exhibit, 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

Mr. Moran moved to pass Amended Ordinance No. 40-16 to be sure the budget agrees with the need for additional requests of the directors, seconded by Mr. O'Donnell.

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

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”
3rd 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.

Mr. Moran moved for passage of Resolution No. 41-16, 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

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
3rd READING

Mr. Shepherd said this is a yearly ordinance for the crack sealant to increase the useful life of the city streets. 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. Mr. Shepherd moved for passage of Ordinance No. 44-16, 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

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
2nd READING

Mr. O'Donnell said this is the second read. This has been discussed several times. 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. This vehicle could not be found on the ODOT or State Coop lists.

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
2nd READING

This is the second read and it is for the purchase of a 2016 twenty cubic yard rear loading refuse packer for the Service Division. The administration believes it is the lowest and best bid. The lowest bid did not meet the bid standards with 38 exceptions to the bid package. The exceptions were not acceptable for the city including the gage of the steel and other things creating safety issues.

- Mr. Sindelar asked if the expense of purchasing is less than the expense of maintaining the current trucks. Director Costello confirmed that it was.

NEW BUSINESS:

RESOLUTION NO. 47-16 **BY: JAMES W. MORAN**
A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO
ADVANCE TAXES FROM THE PROCEEDS OF SPECIAL ASSESSMENTS FOR THE
TAX YEAR 2016 PURSUANT TO THE OHIO REVISED CODE
1st READING

This is a resolution that requests the Cuyahoga County Fiscal Officer to advance taxes from the proceeds of special assessments for the tax year of 2016. If this money is not requested, the city would have to wait six months to receive it.

RESOLUTION NO. 48-16

BY: JAMES W. MORAN

A RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO ADVANCE TAXES FROM THE PROCEEDS OF ALL TAX LEVIES FOR THE TAX YEAR 2016 PURSUANT TO THE OHIO REVISED CODE

1st READING

This is a resolution requesting the Cuyahoga County Fiscal Officer to advance taxes from the proceeds of all tax levies for the tax year 2016. If this money is not requested, the city would have to wait six months to receive it.

ORDINANCE NO. 49-16

BY: MICHAEL P. O'DONNELL

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

1st READING

This ordinance was discussed at the Committee-of-the-Whole Meeting last week. This is for the purchase of a 2016 twenty-five cubic yard rear loading refuse packer for the Service Division. There was a lower bid received, but again this bid had too many exceptions to the specification required by the city. This truck has a thicker metal body, a stainless steel exhaust, and a better hydraulic operation along with a heavy-duty transmission. The Service Department has determined a need for this vehicle and the administration has determined the price to be acceptable. This will have two more reads.

RESOLUTION NO. 50-16

BY: CHRISTOPHER J. KLYM

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

1st READING

Councilman Klym said that this resolution was discussed in depth at last week's Committee-of-the-Whole Meeting. This involves a Coastal Management Assistance Grant that the city received. The City has to match the grant that is being received in the amount of \$45,000. This Ordinance would allow the city to move along with the request of qualifications from companies that could help in evaluating the fishing pier, the stream, the restroom structure and the stabilization of the coastline and provide potential cost estimates for each of these improvements. This will be read two more times.

ORDINANCE NO. 51-16**BY: MICHAEL P. O'DONNELL****AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE GASOLINE, FUEL OIL AND ALLIED PRODUCTS ON THE OPEN MARKET AT THE BEST PRICES POSSIBLE FOR THE PERIOD JANUARY 1, 2017 TO DECEMBER 31, 2017****1st READING**

This is the first read on this Ordinance and it will have three reads. This ordinance permits the city to purchase gasoline and other related items on the open market. Although these products are available through the State and ODOT Coop, the city has found that prices are less expensive in the open market. This is an annual ordinance and will have three reads.

- Mr. Sindelar confirmed that this doesn't stop the city from purchasing from the Coop if the prices are less expensive. The Mayor concurred and said that the Coop list is checked each time prior to purchasing.

ORDINANCE NO. 52-16**BY: MICHAEL P. O'DONNELL****AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO PURCHASE TIRES ON THE OPEN MARKET AT THE BEST PRICES POSSIBLE FOR THE PERIOD JANUARY 1, 2017 TO DECEMBER 31, 2017****1st READING**

This ordinance allows the city to purchase tires in the open market. The State or ODOT Coop do not carry tires. The city obtains quotes and tries to buy in higher quantities to get better pricing. This will have three reads.

RESOLUTION NO. 54-16**BY: THE MAYOR, THE LAW DIRECTOR****AND ALL MEMBERS OF CITY COUNCIL****A RESOLUTION FORMALLY DEDICATING AND NAMING THE MAIN MEETING ROOM OF MEMORIAL HALL AT THE DON UMERLEY CIVIC CENTER "THE EMIL C. ROSOL ROOM"****1st READING**

This will be presented this Thursday. Moved by Mr. Moran, seconded by Mr. Sindelar, that the rule requiring that Resolution No. 54-16 be read on three separate days be suspended.

Vote: Hunt – aye
Sindelar – aye
7 ayes

Shepherd – aye
Klym – aye

O'Donnell – aye
Moran – aye
0 nays

Mr. Furry - aye

PASSED

Mr. Moran moved for passage of this resolution for the naming of a room at Memorial Hall for Emil Rosol who for more than 30 years has presented his outstanding service to so many people in the city, seconded by Mr. O'Donnell and Mr. Furry.

Vote: Hunt – aye
Sindelar – aye
7 ayes

Shepherd – aye
Klym – aye

O'Donnell – aye
Moran – aye
0 nays

Mr. Furry - aye

PASSED

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: NONE

As there was no further business by members of Council, the meeting was adjourned at 9:00 p.m.

James W. Moran
President of Council

Susan Pease
Clerk of Council