

## CITY OF ROCKY RIVER

April 10, 2017

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. Furry, that the reading of the minutes of the Legislative Meeting of March 27<sup>th</sup> be waived and that the minutes be accepted as submitted

|                  |                    |                     |                 |
|------------------|--------------------|---------------------|-----------------|
| Vote: Hunt – aye | Shepherd – abstain | O'Donnell – abstain | Mr. Furry - aye |
| Sindelar – aye   | Klym – aye         | Moran – aye         |                 |
| 5 ayes           | 2 abstain          | 0 nays              | <b>PASSED</b>   |

Moved by Mr. Moran, seconded by Mr. O'Donnell, that the reading of the minutes of the Committee-of-the-Whole Meeting of April 3<sup>rd</sup> 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          | <b>PASSED</b>   |

### MAYOR'S REPORT:

The Master Plan Community Meeting is being held on April 19<sup>th</sup> beginning at 6:30 p.m. at the Civic Center. The meeting will begin with an overview of the Master Plan, the process, highlights of the Community Survey, current conditions, the valuing process and the guiding principles along with engaging the residents present at the meeting. This will be the first of possibly four community meetings. Everything that is presented will be on the city's website. Residents can provide feedback to the city and the Cuyahoga County Planning Commission online.

Online registration for the Recreation Department went very well this weekend. There were equal numbers of residents using the online registration and those registering in person.

Residential Document Shredding will be held on April 22<sup>nd</sup> on City Hall Campus. A second document shredding will be held on May 6<sup>th</sup> along with Habitat for Humanity also on City Hall Campus. A third document shredding will be held on September 30<sup>th</sup> along with County Furniture Bank on City Hall Campus.

This Saturday is the Kiwanis Easter Egg Hunt which will be held on the City Hall Campus beginning at noon.

The Mayor congratulated Rocky River City Schools on being named as a “Best Community for Music Education”. This speaks to all the important work being done by administrators, teachers and the students.

City Hall will be closed this Friday in observance of Good Friday. There will be refuse collection this Friday and a Ready Notify will be sent out to residents.

City Hall received a notice from ODOT late Friday regarding the salt order that is due May 10th. This legislation is on Council’s desk this evening. The Mayor is asking that Council suspend the 72-hour notification rule enabling this legislation to be read this evening and have three full reads. The Mayor thanked Director Costello for preparing this legislation so quickly for Council.

The Mayor wished Council a Happy Easter.

#### **LAW DIRECTOR’S REPORT:**

Mr. Bemer announced that there will be a BZA Meeting this Thursday and a Planning Commission Meeting next Tuesday. This includes a Public Hearing on the rezoning on Lake Road. There will also be a pre-preliminary review of a potential rezoning from commercial to retail at the corner of Smith and Ingersoll with a potential eatery at that location. The Tide Development on Center Ridge Road is also on the docket.

- Mr. Sindelar asked about the lack of fencing around the Reehorst Cleaners demolition. Mr. Bemer said that this was addressed through the Building Department noting that it was not a safe situation over a weekend. Mr. Bemer said the property owner is debating whether or not he needs to have the property certified through Ohio EPA. The Mayor said that she will have the Building Commissioner take a look at the area and also said that the owner has been very responsive to resident concerns.
- Mr. O’Donnell asked if there was an update on the Morewood residential development. Mr. Bemer explained that there were some issues that Engineer MacKay had that were presented to the developer along with some fire safety issues. The Mayor said that the Building Commissioner told her today that construction would be starting this week. The Mayor also discussed the safety of children traversing through that area. The builders are aware of that issue and next week school will be out for spring break. Mr. O’Donnell asked if the project is running on time. The Mayor said that as long as there is forward progress, the city doesn’t push a time limit.

#### **COMMITTEE REPORTS: NONE**

**COMMUNICATIONS AND ANNOUNCEMENTS:** Councilman Shepherd moved for the suspension of the 72-hour notification rule in regard to the new legislation received this evening, seconded by Mr. O'Donnell. Ordinance No. 26-17 authorizes the administration to purchase an estimated 2,300 tons of salt for the 2017/2018 winter season.

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

President Moran distributed blue light bulbs to Council in support of April being Autism Awareness Month. On April 27<sup>th</sup> there will be a fundraiser to raise critical funds for families who are in need of additional treatments.

**PUBLIC COMMENT: NONE**

**UNFINISHED BUSINESS:**

**ORDINANCE NO. 13-17** **BY: CHRISTOPHER J. KLYM**  
**AN ORDINANCE AMENDING SECTION 957.01 ENTITLED “USE FEES AND SECURITY DEPOSIT” OF THE CODIFIED ORDINANCE OF THE CITY OF ROCKY RIVER, AND AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT A**  
**2<sup>nd</sup> READING**

This ordinance is to raise the fees for usage of the Elmwood Park Cabin. There has not been an increase since 2011. This will be read for a third time on April 24, 2017 and Mr. Klym would like to start a consent agenda.

**ORDINANCE NO. 14-17** **BY: CHRISTOPHER J. KLYM**  
**AN ORDINANCE AMENDING SECTION 958.01 ENTITLED “RENTAL FEES” OF THE CODIFIED ORDINANCE OF THE CITY OF ROCKY RIVER, AND AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT A**  
**2<sup>nd</sup> READING**

This ordinance seeks to increase the rental fees for the Gazebo located on City Hall Campus and the shelter located in Rocky River Park. These will be slight increases and fees have not been increased since 2011. Mr. Klym asked for this to be put on the consent agenda.

**ORDINANCE NO. 15-17** **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, 302-01-010, AND 302-01-011 FROM THEIR PRESENT CLASSIFICATION OF R-1 SINGLE FAMILY TO R-4 MULTI-FAMILY, IN THEIR ENTIRETY, AS FURTHER DESCRIBED IN EXHIBIT “A”**  
**ON HOLD**

Mr. Sindelar said that this ordinance was referred to the Planning Commission and he has nothing to report at this time.

**NEW BUSINESS:**

**ORDINANCE NO. 16-17**

**BY: MICHAEL P. O'DONNELL**

**AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE TWO STAINLESS STEEL DUMP BODIES WITH SNOW PLOW PACKAGES FOR THE SERVICE DIVISION FROM CONCORD ROAD EQUIPMENT MFG INC AT A TOTAL COST NOT TO EXCEED \$89,843.52**

**1<sup>st</sup> READING**

This is a companion ordinance to Ordinance No. 9-17, which was for the purchase of two 2- 2 ½ ton dump truck chassis. This ordinance is for the dump bodies that are to be installed on the truck chassis with snow plow packages. The administration is satisfied with the pricing. This will be read two more times.

**ORDINANCE NO. 17-17**

**BY: DAVID W. FURRY**

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ROCKY RIVER AND AECOM FOR PROFESSIONAL SERVICES RELATIVE TO THE PREPARATION OF A SEWER FLOW AND STRENGTH STUDY AS FURTHER DESCRIBED IN EXHIBIT "A" AT A COST NOT TO EXCEED \$51,000.00**

**1<sup>st</sup> READING**

This was discussed last week and comes around every four years. This sets the expenses for the WWTP. Mr. Furry will be looking for a rules suspension to pass after two reads because the process will begin on May 1<sup>st</sup>.

**ORDINANCE NO. 18-17**

**BY: THOMAS J. HUNT**

**AN EMERGENCY ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO TO GRANT UP TO \$30,000.00 FOR THE OPERATION OF THE MARINE PATROL FOR THE YEAR 2017, AND AS FURTHER DESCRIBED IN THE ATTACHED AGREEMENT**

**1<sup>st</sup> READING**

This agreement has been extended until May 8<sup>th</sup>. This ordinance is passed every year, as it is the grant for the Marine Patrol Boat. This year's agreement looks similar to last year's signed agreement. This will be discussed further in two weeks. Mr. Hunt thanked the Mayor, Director Costello and Chief Stillman for obtaining the extension.

- Mr. O'Donnell asked if the amount has increased this year. The Mayor will double check and will let Council know. The Mayor explained that this grant is only used for the city's portion of the operation of the Marine Patrol.

**RESOLUTION NO. 19-17**

**BY: DAVID W. FURRY**

**AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR AND HER DESIGNEE TO SUBMIT AN APPLICATION TO THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) FOR A STATE OF OHIO CONGESTION MITIGATION AND AIR**

**QUALITY (CMAQ) GRANT REGARDING CONGESTION REDUCTION, TRAFFIC FLOW IMPROVEMENTS AND INTELLIGENT TRANSPORTATION SYSTEMS (ITS) FOR CENTER RIDGE ROAD INTERSECTIONS**  
**1<sup>st</sup> READING**

This resolution allows the Mayor and/or her designee to submit an application to NOACA for a State of Ohio Congestion Mitigation and Air Quality Grant regarding congestion reduction, traffic flow improvements and intelligent transportation systems for Center Ridge intersections. This grant would fund improvements for signalization and better intersection striping as recommended in the Fairview Park/Rocky River TLCI study also funded by NOACA. The scope of the grant project includes the Northview/Linden intersection at Center Ridge and the Wagar/Center Ridge intersection and will include cellular signalization systems. The total project cost is estimated at \$436,000 of which the local city portion is 20% or approximately \$87,200. If the city is successful in obtaining this grant, the project will begin in 2018.

**ORDINANCE NO. 20-17** **BY: DAVID W. FURRY**  
**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ROCKY RIVER AND HAZEN AND SAWYER FOR PROFESSIONAL SERVICES RELATIVE TO THE PREPARATION OF A NO FEASIBLE ALTERNATIVES STUDY AS FURTHER DESCRIBED IN EXHIBIT “A” AT A COST NOT TO EXCEED \$274,600**  
**1<sup>st</sup> READING**

This ordinance is authorizing the Mayor to enter into an agreement with Hazen and Sawyer for professional services relative to the preparation of a No Feasible Alternatives Study at a cost not to exceed \$274,600. Per the NPDES permit with the Ohio EPA, the city is required to submit this prior to January 1, 2019. The intent is to investigate ways to eliminate bypass of secondary treatment of any sanitary wastes. Hazen and Sawyer were determined to be the most qualified. Funds will be paid out of the WWTP Capital Fund Professional Services Account. There will be three full reads.

President Moran said that next is a list of four different ordinances. These ordinances are all for elected positions. These must be put into effect before the positions are ready to be set with the County.

**ORDINANCE NO. 21-17** **BY: JAMES W. MORAN**  
**AN EMERGENCY ORDINANCE PROVIDING FOR THE COMPENSATION OF COUNCILMEMBERS OF THE CITY OF ROCKY RIVER FOR THE YEARS COMMENCING JANUARY 1, 2018 AND ENDING DECEMBER 31, 2019**  
**1<sup>st</sup> READING**

The Council positions will continue on at the same rate. There was an increase in 2014-2015 after approximately 10 years at the same rate. This part-time position will continue at the same rate.

**ORDINANCE NO. 22-17****BY: JAMES W. MORAN****AN EMERGENCY ORDINANCE PROVIDING FOR THE COMPENSATION OF THE PRESIDENT OF COUNCIL OF THE CITY OF ROCKY RIVER FOR THE YEARS COMMENCING JANUARY 1, 2018 AND ENDING DECEMBER 31, 2019****1<sup>st</sup> READING**

This follows along with the Council positions. The last time there was increase was four years ago and before that 10 years ago. There is no pay increase scheduled for this.

- Mr. Shepherd confirmed that this is for the position and not for the person. President Moran confirmed saying that the pay is for the elected position. This information has to be presented before it is put up through the County.

**ORDINANCE NO. 23-17****BY: JAMES W. MORAN****AN EMERGENCY ORDINANCE PROVIDING FOR THE COMPENSATION OF THE DIRECTOR OF LAW FOR THE YEARS COMMENCING JANUARY 1, 2018 AND ENDING DECEMBER 31, 2019****1<sup>st</sup> READING**

The Law Director position has been at the same pay schedule since 2009 and held at \$56,000. This ordinance shows an increase of \$3,000 for the years commencing January 1, 2018 through December 31, 2019. The pay has been held constant for the last 10 years. Council appreciates the fact that the Law Director has held the same salary through some tough times. The hourly rate and the maximums listed in the body of the ordinance will stay the same.

**ORDINANCE NO. 24-17****BY: JAMES W. MORAN****AN EMERGENCY ORDINANCE PROVIDING FOR THE COMPENSATION OF THE MAYOR OF THE CITY OF ROCKY RIVER FOR THE YEARS COMMENCING JANUARY 1, 2018 AND ENDING DECEMBER 31, 2019****1<sup>st</sup> READING**

The Mayor's position in the City of Rocky River has been held at the same salary for the last 10 years. This position salary will increase for the first time in 10 years to \$99,975.

**ORDINANCE NO. 25-17****BY: JOHN B. SHEPHERD****AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY-SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH UTILICON CORPORATION FOR THE 2017 WATER MAIN REHABILITATION FOR KENSINGTON OVAL, IN AN AMOUNT NOT TO EXCEED \$127,514.33****1<sup>st</sup> READING**

This was put out to bid and two bids were received. Both bids came in below the engineer's estimate of \$134,000. The City of Cleveland Water Department will reimburse all this money. This will have three full reads.

- Mr. Sindelar asked when this would happen. Director Costello said that this needs to be done as soon as the city can do it. There is no requirement from the City of Cleveland. The city will

meet with Utilicon before May 8<sup>th</sup> and they will then have 90 days. This will be a trench repair and Kensington Oval will be repaved during the repaving program this summer.

**ORDINANCE NO. 26-17**

**BY: JOHN B. SHEPHERD**

**AN EMERGENCY ORDINANCE AUTHORIZING THE ADMINISTRATION TO PURCHASE AN ESTIMATED 2,300 TONS OF SALT FOR THE 2017 / 2018 WINTER SEASON FOR THE SERVICE DEPARTMENT UNDER THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING CONTRACT NO. 18 FROM THE STATE-APPROVED VENDOR**

**1<sup>st</sup> READING**

Council received this ordinance this evening. Mr. Shepherd will discuss this further at the next meeting. Director Costello said that the amount listed is based on how much salt is left over. Last year the city ordered 2500 tons. The city will have over 2500 tons for the beginning of next year.

**ORDINANCES UNDER CONSENT:**

**RESOLUTION NO. 10-17**

**BY: THOMAS J. HUNT**

**AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION AND ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR AN INFRASTRUCTURE IMPROVEMENT PROJECT FOR THE SAFE ROUTES TO SCHOOL GRANT**

**3<sup>rd</sup> READING**

Council has been discussing this resolution since the first week in March. There have not been any questions or concerns. This is for additional grant funds for the upgrade at the Falmouth/Lake Road intersection. The infrastructure upgrades will be for a crossing light, new ADA enhancements and pavement markings in conjunction with the Safe Routes to School Grant.

**ORDINANCE NO. 11-17**

**BY: DAVID W. FURRY**

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND THE CITY OF ROCKY RIVER, ATTACHED HERETO AS EXHIBIT A**

**3<sup>rd</sup> READING**

This ordinance has been discussed for the last 5 plus weeks. This ordinance is a joint cooperation with the Cuyahoga Soil and Water Conservation District and the City. It is also related to the NPDES Storm Water Phase II permit. The Cuyahoga Soil and Water Conservation District shall provide technical assistance to the City for better conservation of resources. This ordinance is for PIPE (Public Information and Public Education), more specifically for the education and stewardship for the conservation of soil and water resources. The cost is \$5,500 and is in the budget. Since it is a fellow governmental entity, Council is providing full disclosure.

**ORDINANCE NO. 12-17**

**BY: DAVID W. FURRY**

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CUYAHOGA SOIL AND WATER**

**CONSERVATION DISTRICT AND THE CITY OF ROCKY RIVER, ATTACHED HERETO  
AS EXHIBIT A  
3<sup>rd</sup> READING**

This ordinance is a companion to Ordinance 11-17. This is also related to the City's NPDES Phase II Permit. In conjunction with the Cuyahoga Soil and Water Conservation District, the District shall provide technical assistance related to storm water pollution prevention on construction sites disturbing areas greater than one acre of land. At the City's request, there can also be assistance for projects under an acre. The cost for this ordinance is \$11,000. Since it is a fellow governmental entity, Council is providing full disclosure.

Moved by President Moran, seconded by Mr. O'Donnell that Resolution No. 10-17, Ordinance No. 11-17, and Ordinance No. 12-17 of the Consent Agenda be passed as read

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

**NEW BUSINESS: NONE**

**MISCELLANEOUS BUSINESS:** Next week's Council meeting on April 17<sup>th</sup> is canceled.

**PUBLIC COMMENT: NONE**

President Moran wished everyone a Happy Easter. As there was no further business by members of Council, the meeting was adjourned at 8:55 p.m.

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James W. Moran  
President of Council

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Susan G. Pease  
Clerk of Council