

CITY OF ROCKY RIVER

July 10, 2017

The Regular Meeting of Council was called to order by Mr. Moran, President of Council, at 7:00 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: Mrs. Costello, Mr. Thomas

Law Director: Mr. Bemer

Press: Ms. Botos

MOTION:

Moved by Mr. Moran, seconded by Mr. O'Donnell, that the reading of the minutes of the Legislative Meeting of June 26th be waived and that the minutes be accepted as submitted

Vote:	Hunt – aye	Shepherd – abstain	O'Donnell – aye	Furry - aye
	Sindelar – aye	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 Committee-of-the-Whole Meeting of July 3rd be waived, and that the minutes be accepted as submitted

Vote:	Hunt – abstain	Shepherd – abstain	O'Donnell – abstain	Furry - aye
	Sindelar – aye	Klym – aye	Moran - aye	
	4 ayes	3 - abstain	0 nays	PASSED

MAYOR'S REPORT:

The Mayor was unable to attend this evening due to a presentation she was giving.

LAW DIRECTOR'S REPORT: Law Director Bemer reported that the Planning Commission will meet July 11th and the BZA will meet on July 13th. The matter of interest is Ordinance No. 44-17, which is the rezoning of property on Eastlook from Public Facility to Office. The reason this same matter is on BZA is there is a potential for addressing the issue through a use variance, which would obviate the need for rezoning.

COMMITTEE REPORTS: NONE

COMMUNICATIONS AND ANNOUNCEMENTS: President Moran discussed the Liquor Control Application for Lake Road Market. As there was nothing to report from the Rocky River Police Department, the application was approved.

President Moran also received communication from John Carney who is out of the country along with Andrew Brickman requesting a two-week delay on Council's vote for Ordinance No. 15-17. President Moran said that there will be no more delays and the vote will definitely happen on July 24th, which will be the last Legislative Meeting in July.

President Moran moved that Council does not read Ordinance No. 15-17 this evening, seconded by Mr. Hunt and Mr. Furry.

- Mr. Furry asked if a motion is needed or should Council just not take any action. President Moran said this will need to be in the minutes so Mr. Carney and Mr. Brickman know that this is the last time there will be a delay.
- Mr. Sindelar asked for confirmation on the attendance of Council on July 24th. All Council members will be in attendance.

Vote: Hunt – aye
Sindelar – nay
6 ayes

Shepherd – aye O'Donnell – aye
Klym – aye Moran - aye
1 nay

Furry - aye

PASSED

PUBLIC COMMENT:

B. J. Alexander, 22658 Breezevale Cove, said that she is still against the rezoning. Mrs. Alexander asked Council to accept another petition that she received yesterday. Mrs. Alexander hopes that Council votes to oppose the rezoning change and to keep it at R-1.

Richard Hahn, 19443 Frazier Drive, said that there is no such thing in the code as an R-3 multi-family zoning. It does not exist. Multi-family zoning is R-4, R-5 and R-6. Code section 1155 deals with R-3 single family attached, and that is the terminology used by the Planning Commission in their recommendation. Mr. Hahn asked for this to be corrected.

Nancy Spelman, 19380 Frazier Drive, urges everyone to vote no on this rezoning change. She would like Council to think how they would feel if this would happen in their neighborhood. Mrs. Spelman feels that it is neighborhoods like Breezevale Cove that make the City of Rocky River as charming as it is.

Mary Wood, 22740 Lake Road, wanted to clarify Mr. Hahn's comments about an R-3 zoning. She said with R-3 zoning, a developer can put in a single-family attached/detached. However, if it is voted R-3 that means the developer can put in an R-2, which are two-family. Mrs. Wood is afraid this is what the developer is going to do. If the developer puts a two-family in, it would ruin the whole lakefront of Rocky River.

UNFINISHED BUSINESS:

AMENDED 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 NO. 302-01-007 FROM ITS PRESENT CLASSIFICATION OF R-1 SINGLE FAMILY TO R-3 MULTI-FAMILY, IN ITS ENTIRETY, AS FURTHER DESCRIBED IN EXHIBIT "A"

ON HOLD

AMENDED ORDINANCE NO. 32-17

BY: BRIAN J. SINDELAR

AN ORDINANCE TO CHANGE THE DISTRICT CLASSIFICATION OF PORTIONS OF CERTAIN REAL PROPERTY KNOWN AS AUDITOR'S PERMANENT PARCEL NOS. 301-15-012 AND 301-15-019 FROM THEIR PRESENT CLASSIFICATION OF SM SERVICE MANUFACTURING TO OB-1 OFFICE BUILDING DISTRICT AND MIXED USE OVERLAY DISTRICT, AS FURTHER DESCRIBED IN EXHIBIT "A"

ON HOLD

Mr. Sindelar said this is set for a Public Hearing on July 17th. Council will take into consideration the public comments and have a third read on July 24th.

RESOLUTION NO. 43-17

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 AND AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

2nd READING

President Moran said that this list has 537 names for delinquent sanitary sewer accounts. If these are not paid within the next couple of weeks, these accounts will be added to the homeowner's tax statement with an additional charge. This list has been trimmed down and there will be an amended exhibit prior to approval in two weeks.

ORDINANCE NO. 44-17

BY: BRIAN J. SINDELAR

AN ORDINANCE TO CHANGE THE DISTRICT CLASSIFICATION OF CERTAIN REAL PROPERTY KNOWN AS AUDITOR'S PERMANENT PARCEL NO. 301-23-069 FROM ITS PRESENT CLASSIFICATION OF PF PUBLIC FACILITY TO OB-1 OFFICE BUILDING DISTRICT, AS FURTHER DESCRIBED IN EXHIBIT "A"

ON HOLD

Mr. Sindelar said that this has been referred to the Planning Commission and he looks forward to their recommendation.

RESOLUTION NO. 45-17

BY: JAMES W. MORAN

A RESOLUTION AUTHORIZING THE CERTIFICATION OF UNPAID PROPERTY MAINTENANCE COSTS TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION IN ACCORDANCE WITH THE LAWS OF THE STATE OF OHIO AND AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

2nd READING

This resolution is similar to Resolution No. 43-17. This is a list of maintenance costs from 2015 and 2016 that will be added to the individual tax base if payment is not received prior to approval of this resolution.

ORDINANCE NO. 46-17

BY: MICHAEL P. O'DONNELL

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY SERVICE TO PURCHASE VEHICLE MAINTENANCE PARTS FOR THE CITY OF ROCKY RIVER FOR A TWO (2) YEAR PERIOD FROM CAR PARTS WAREHOUSE WITH AN OPTION TO RENEW AT A COST NOT TO EXCEED \$55,000 PER ANNUM

2nd READING

Mr. O'Donnell said that this ordinance was read for the first time two weeks ago. It is for the purchase of vehicle maintenance parts including brakes, hoses, filters, etc. Council received the bid packages and Car Parts Warehouse was the lowest and best bid. The administration is satisfied with the prices and the services that Car Parts Warehouse is offering. It is a two-year contract with an option to renew.

ORDINANCE NO. 47-17**BY: MICHAEL P. O'DONNELL****AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE SAFETY SERVICE DIRECTOR TO SELL USED CITY VEHICLES WHICH WERE PUBLICLY BID FOR A TOTAL SUM OF \$14,495.59****2nd READING**

This was discussed two weeks ago and is for the sale of 8 or 9 used city vehicles which are no longer serviceable for the city. This ordinance is for the city to accept money for these vehicles.

NEW BUSINESS:**ORDINANCE NO. 48-17****BY: MICHAEL P. O'DONNELL****AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2018 SEWER JET / VACUUM TRUCK FOR THE SERVICE DIVISION FROM BEST EQUIPMENT CO. INC. AT A COST NOT TO EXCEED \$298,760.00****1st READING**

Mr. O'Donnell said that Council received the bid package in packets this week showing that Best Equipment Co. was the lowest and the best bid. Best Equipment also gave a \$60,000 trade in value on the old Sewer Jet / Vacuum Truck. Currently the city is renting a truck for \$12,000 a month so it is important for Council to pass this legislation so the city no longer has to pay this rental fee. Mr. O'Donnell suggests that Council holds a Special Meeting next week to read this Ordinance for a second time, with a third read on July 24th or another two months of rental costs will be accrued.

- Mr. Sindelar asked if this truck is rented on an as need basis. Director Costello responded that it is rented by the month because it is used to address sanitary sewer back-up emergencies. The administration knows that the County Public Works has vehicles, but does not have the response time the city has with its own truck and city night-shift personnel that can get the equipment to the site of the emergency. Director Costello feels that this type of emergency happens enough that she feels very strongly that the city has it at its disposal when it is necessary. It is a health, safety and welfare issue.
- Mr. Klym pointed out that this is in the 2017 Budget. Director Costello said that this is a demonstration vehicle and the city is getting a great price and a \$60,000 trade in value. It is a very good deal. This equipment is also used to clean out catch basins and is used to pull soil out of areas where digging needs to be done.

Mr. O'Donnell feels that given the amount of this purchase it makes sense to read it three times.

President Moran said that the Special Meeting will be scheduled following the Public Hearing next week prior to the Committee-of-the-Whole Meeting.

ORDINANCES UNDER CONSENT:**ORDINANCE NO. 38-17****BY: JOHN B. SHEPHERD****AN ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH SPECIALIZED CONSTRUCTION, INC. FOR THE 2017 CRACK & JOINT SEALING PROGRAM IN AN AMOUNT NOT TO EXCEED \$88,687.50****3rd READING**

Mr. Shepherd said that this is for the Crack & Joint Sealing Program Contract. This program gives extra life to the streets. The final list of streets for this program are Linden, Leona, Carolyn, Hampton (north of I 90),

Lakeview (north of I 90), Smith Court (south of Ingersoll), Frazier (west of Buckingham), Argyle, Tonawanda, Center Ridge (Wagar to Spencer) and Lake Road (Wagar to Parklawn).

RESOLUTION NO. 39-17

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, 2018

3rd READING

Mr. Moran said that this is the budget estimate for 2018 and is put together without the formal budget process of the Directors and Mayor. This will be submitted this week.

ORDINANCE NO. 40-17

BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE ESTABLISHING THAT ROCKY RIVER CITY COUNCIL SHALL RECESS DURING THE MONTH OF AUGUST IN 2017

3rd READING

Mr. Moran said that Council and Administration takes a break for the month of August as has been done for the last 30 years.

ORDINANCE NO. 41-17

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 2017 STREET REPAIR PROGRAM IN AN AMOUNT NOT TO EXCEED \$789,947.40

3rd READING

Councilman Shepherd said that every year the city selects streets in the city to be repaved. This year there are roughly 13 area streets and some City Hall area that will be repaved. Mr. Shepherd said it is good to see the Capital Improvement Funds being put to good use. Six bids were received and Crossroads was the low bidder by \$44,000 at a price of \$789,947 and was well below the engineer's estimate of \$950,000.

ORDINANCE NO. 42-17

BY: CHRISTOPHER J. KLYM

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH R. E. WARNER & ASSOCIATES INC. FOR THE HAMILTON ICE ARENA ROOF PROJECT IN AN AMOUNT NOT TO EXCEED \$45,650.00 AND FURTHER APPROVES EXPENDITURES FOR CONTINGENCY

3rd READING

Councilman Klym said this has been discussed a couple of times and this ordinance is the placing of an over layer on top of the roof at the Hamilton Ice Rink. This is specifically for the engineering services of R.E. Warner & Associates Inc. The original contract was for \$45,650. Because of the over layer, this is also approving an extra \$20,000 of contingency funds if necessary and only if approved by the Mayor and Safety-Service Director.

Moved by Mr. Moran, seconded by Mr. O'Donnell that Ordinance No. 38-17, Resolution No. 39-17, Ordinance No. 40-17, Ordinance No. 41-17 and Ordinance No. 42-17 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 ayes	

PASSED

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: Director Costello reminded everyone that River Days is this weekend and the schedule for River Days can be found on the city's website. Saturday begins with the Bike Party and Bike Parade starting at Magnificat High School and processing across Wagar Road to City Hall just in time for an entertaining DJ. Outside, families will enjoy food, games, inflatables and entertainment featuring magician "The Great Brad". Taste of River/Buy River, sponsored by the Rocky River Chamber of Commerce, will be held at the Civic Center from noon until 3:00 p.m.

Sunday there will be Elle's Enchanted Forest 5K Run/Walk along with the Antique Appraisal Fair hosted by The Rocky River Public Library. Lolly the Trolley Tours will be conducted by the Rocky River Historical Society. The Memory Lane Antique Car Show will also be on City Hall Campus. The day ends at Rocky River Park with "Pie in the Park" and a summer concert featuring Rocky River's own Revolution Pie - a Beatle's tribute band.

President Moran mentioned that the fundraiser, "Prayers for Maria" that was held this Saturday was a great success. The Rocky River Police Department did a great job with security.

As there was no further business by members of Council, the meeting was adjourned at 7:40 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council