

CITY OF ROCKY RIVER

December 11, 2017

The Regular Meeting of Council was called to order by Mr. Moran, President of Council, immediately following the Public Hearing 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

MOTION:

Moved by Mr. Moran, seconded by Mr. O'Donnell, that the reading of the minutes of the Legislative Meeting and Executive Session of November 27th, be waived and that the minutes be accepted as submitted.

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

Moved by Mr. Moran, seconded by Mr. Furry, that the reading of the minutes of the Committee-of-the-Whole Meetings of December 4th be waived and that the minutes be accepted as submitted.

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

Moved by Mr. Moran, seconded by Mr. O'Donnell, that the reading of the minutes of the Special Finance Committee Meeting of December 1st be waived and that the minutes be accepted as submitted.

Vote: Moran – aye	Furry – aye	Hunt – aye	O'Donnell - aye
4 ayes		0 nays	PASSED

MAYOR'S REPORT:

The Mayor announced that NOACA has awarded \$47,000,000 to Northeast Ohio for Congestion, Mitigation and Air Quality Projects. This will fund 21 projects all aimed at relieving congestion and promoting active transportation and investing in transit and more. The chosen projects include signalization projects, bicycle and pedestrian facilities, transit vehicle replacement, one roundabout on the eastside and the construction of a multimodal corridor. This is a part of their Aim Forward Project which is a long range transportation plan for the region. The City of Rocky River will receive \$298,000 for signalization upgrades for Center Ridge Road. Director Costello submitted this grant three times. The total cost of the project is estimated to be \$654,000. The Mayor thanked Fairview Park for their letter of support and completing the TLCI Project together. Congratulations to Director Costello for

receiving these grant funds. The engineering will be completed next year with the construction project in 2019.

The Mayor asked Mr. Mark Taranto to attend the meeting this evening. Mr. Taranto is the head of Member's Services for R.I.T.A. While the Mayor has not received any phone calls, Councilman Shepherd received a phone call from a resident regarding their concerns about R.I.T.A. Director Thomas has received several calls and has addressed several resident's issues. R.I.T.A. has been working with local taxpayers on filing issues. This process has been a year and a half long. The first notice was mailed in June 2016, the second notice was December 2016, the third notice was in June 2017 and the final notice, an administrative subpoena to appear at the Civic Center with records so the issues could be cleared up in December 2017. A number of these issues have already been resolved. Many of these issues were with the data coming from C.C.A. and the conversion over to R.I.T.A. The City is pleased with the responsiveness of R.I.T.A. and what the Mayor has heard from the residents. This is the very thing that has been done with C.C.A. over the years. One of the questions that has been asked is what these letters cost the city. The Mayor said that the first three letters didn't cost the city anything. The final letter cost the city \$8.00 each. The second question was the criteria for waiving of fees and penalties. Any fees or penalties that have been assessed to taxpayers for missing filings, anything prior to 2016 would have been with C.C.A. This is monitored closely with R.I.T.A. The Mayor said that this is the City's responsibility. The City owes every taxpayer in the community to be conscientious about all the filings. Plenty of notification is given. R.I.T.A. is known for how effective they are in the collection of taxes for local municipalities.

The Mayor shared Building Department Statistics. The total commercial and residential permits are up by more than 100. The total valuation is \$30,886,000 as compared to a little more than \$22,000,000 in November 2016. Residential is up more than \$6,000,000 in investment. The Mayor is pleased that this is a community that people want to stay and invest. On the commercial side, the city is at \$11,500,000 as opposed to \$9,000,000 in 2016. The Mayor will have the year-end totals to share in a few weeks.

The Mayor congratulated Director Thomas who was appointed to the Rocky River Chamber of Commerce Board of Directors. Director Thomas is also a representative on the Board for R.I.T.A. so Rocky River's voice can be heard.

St. Christopher's D.A.R.E. Graduation will be held this Wednesday.

LAW DIRECTOR'S REPORT:

Law Director Bemer said that there is a Board of Zoning Appeals Hearing this Thursday. The agenda items are all residential in nature. The next Planning Commission Meeting is tentatively scheduled for January 9, 2018.

COMMITTEE REPORTS: Mr. Moran said that the Budget Review Meeting was held on December 1, 2017. There was a Public Hearing this evening regarding the Budget with no additional questions/comments.

COMMUNICATIONS AND ANNOUNCEMENTS: President Moran received a note from the Cuyahoga County Clerk of Council dated November 27, 2017. Ordinance No. 02017-003 was passed by the County enacting Chapter 720 of the Cuyahoga County Code levying taxes for the operation of

motor vehicles on public highways. There will be an additional \$5.00 tax along with an additional tax on trailers. This \$5.00 tax will go towards improvements for bridges, streets and other repairs.

PUBLIC COMMENT:

John Carney, 20664 Beach Cliff Blvd. Mr. Carney stated that he is backing Ordinance No. 106-17 for a rezoning request. Preservation Partners are requesting both an R-3 for townhouses and an R-4 for a flats/condominium building. This proposal is back to what it was when first proposed with townhouses along Lake Road and a couple of them on the east and west side of Breezevale Cove. Mr. Carney said they listened to Council's comments last July and worked with their architects and engineers to address those concerns. The condominium building and townhouses have been redesigned to make it more like "Rocky River". The layout and design is more acceptable. Mr. Carney stated that they have contracts to acquire five of the eight Breezevale Cove properties and support from a sixth Breezevale property. Preservation Partners has worked with the Planning Commission over the last six to eight weeks in informal meetings to discuss what they have in mind and to develop a site plan so it meets all the requirements of zoning including the lighting and landscaping plans. Mr. Carney is working closely with Director Costello, the City Service Dept. and the engineer to improve the flooding and other problems with the storm sewer and the sanitary sewer on the westside of Breezevale which is low and has a pump station.

- Mr. Sindelar asked if Mr. Carney's intent is to give the design to Council. Mr. Carney said it is not at the point to distribute to Council yet.
- Mr. Sindelar also asked if it is Mr. Carney's intent is to build these brownstones around the other three homes on Breezevale that he is not in contract with. Mr. Carney said no, that there are two on the westside of Breezevale and he is only requesting rezoning on the front two on the eastside that Preservation Partner's actually own.

Rob McCrae, 19313 Shoreland. During Mr. McCrae's campaign for City Council he heard a lot of support for Mr. Carney and Mr. Brickman's plan for the Lake Road property. It seems that the discussion is about the aesthetic quality of the buildings. People that he spoke with were concerned about development in the city and maintaining the standards here. The overwhelming support that he heard was that there was no large compelling reason to reject the initial claim. Mr. Carney, through his experience, has done a lot to accommodate the city and he is trying to improve the city. Certainly what is there now on Lake Road is not sufficient or up to city standards. The residents he spoke with had varying views but most of the people he spoke with are in support of this development.

Mary Wood, 22740 Lake Road. Mrs. Wood stated that obviously the gentlemen that preceded her did not speak with the people that live next door to this project or the people that live in close proximity to this project. Mrs. Wood wanted to say that every meeting she has attended with the Planning Commission the concern has been the landscaping. She said that the landscaping is not what they need to be worried about. Their concern should be with the topography of that piece of property. Preservation Partners have not addressed what type of walls they will build because of the different elevations. She feels that this is more crucial to the project than the landscaping. Mrs. Wood asked Mr. Carney if he would be around to take care of her liability if the walls come down. She doesn't think he would.

B. J. Alexander, 22658 Breezevale Cove. Mrs. Alexander lives on lakefront property on Breezevale Cove and has for 48 years and would like to live there a few more years. Unfortunately, there are other people that want her property. She has not been in approval of this project from the very beginning. It has been handled in such a way that it produced antagonistic feelings. If the approach was nicer in the beginning and the buildings were more like other buildings in Rocky River such as the Valore buildings on Detroit Road that are attractive but are not five stories tall, things might be different. She finds it hard to understand how a developer can move onto a street and ¾ of the people want to sell, but others do not and then what happens; does the majority rule and she has to leave? She believes there are many people that don't know about this project and also believe that there are many people who are against it. There was an initiative petition in August in which Mr. Carney and Mr. Brickman stated falsehoods. In that initiative petition it stated that all the property owners desire to have their zoning changed. They knew that was not true at the time. She had never said she was in favor nor did a couple of her neighbors. Procedures weren't followed properly and it was very dishonest. She is not impressed.

UNFINISHED BUSINESS:

Mr. Hunt said that Ordinance No. 56-17 has been discussed since September and is up for a third read this evening. Mr. Hunt moved to amend Ordinance No. 56-17 by substitution with the new attached Section 521.12, seconded by Mr. O'Donnell and Mr. Furry.

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

AMENDED ORDINANCE NO. 56-17

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE TO AMEND FIRE CODE CHAPTER 1501 BY MODIFYING SECTION 1501.01 ENTITLED ADOPTION AND ADDING SECTION 521.12 ENTITLED DRIFTING SMOKE NUISANCE TO CHAPTER 521 REGARDING HEALTH, SAFETY AND SANITATION OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER 3rd READING

Mr. Hunt presumed that there are no other questions or comments after the discussion last week. Discussion was had about the substance of which was the amendment component of Section 1501.01 and the enactment portion of 521.12, the new language on drifting smoke and the nuisance issue.

- Mr. Klym commented that he spoke with a resident this past week that was having an issue with drifting smoke. It turned out it was more of a venting issue as to where a chimney had been placed. The Building Department, Fire Department and Law Director Bemer were very helpful in getting that resolved but it was very specifically a smoke that was drifting into several homes and it was very distressful and actually causing headaches and other things. Mr. Klym said it was timely that this is being considered because it is something that does occur. Mr. Klym appreciates that this is in front of Council this evening. Mr. Hunt added that this was from a source of controlled equipment.

Mr. Hunt moved for passage of Amended Ordinance No. 56-17, seconded by Mr. Furry.

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

Mr. Shepherd said that Ordinance No. 79-17 through Ordinance No. 93-17 are not going to be read tonight. These are modifications of the building and zoning code and have been read twice and discussed in Committee-of-the-Whole Meetings. There are some questions and Council decided to have a dedicated Committee Meeting in January with a representative from the Zoning Board, a representative from the Planning Commission and the Commissioner of the Building Department to discuss the motivations and the problems that caused these changes to be proposed. If these were read for a third time, Council would have to vote on them. These will be on hold until January.

ORDINANCE NO. 79-17 **BY: JOHN B. SHEPHERD**
AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 558.04 ENTITLED “SPECIFIC PROHIBITIONS, RESTRICTIONS AND EXEMPTIONS”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
ON HOLD

ORDINANCE NO. 80-17 **BY: JOHN B. SHEPHERD**
AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1107.03 OF THE DEVELOPMENT CODE ENTITLED “PRELIMINARY DESIGN PLAN”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
ON HOLD

ORDINANCE NO. 81-17 **BY: JOHN B. SHEPHERD**
AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1123.02 OF THE DEVELOPMENT CODE ENTITLED “DEFINITIONS”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
ON HOLD

ORDINANCE NO. 82-17 **BY: JOHN B. SHEPHERD**
AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1371.01 OF THE BUILDING CODE ENTITLED “DEFINITION”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
ON HOLD

ORDINANCE NO. 83-17 **BY: JOHN B. SHEPHERD**
AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1125.03 OF THE DEVELOPMENT CODE ENTITLED “ZONING ADMINISTRATOR”, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
POSTPONED INDEFINITELY

ORDINANCE NO. 84-17 **BY: JOHN B. SHEPHERD**
AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, CHAPTER 1127 REGARDING DEVELOPMENT PLAN REVIEW PROCEDURES AS PROVIDED IN SECTION 1127.35 AND SECTION 1127.37, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBITS “A” AND “B”
ON HOLD

ORDINANCE NO. 85-17

BY: JOHN B. SHEPHERD

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1129.09 ENTITLED CERTIFICATE PROTEST; REFERRAL TO BOARD OF APPEALS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
ON HOLD

ORDINANCE NO. 87-17

BY: JOHN B. SHEPHERD

AN ORDINANCE AMENDING CHAPTER 1153 CAPTIONED SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT REGULATIONS OF THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, AND SPECIFICALLY SECTION 1153.03 ENTITLED USE REGULATIONS, SECTION 1153.07 ENTITLED SETBACK REQUIREMENTS, SECTION 1153.09 ENTITLED HEIGHT REQUIREMENTS, SECTION 1153.13 ENTITLED PROJECTIONS INTO REQUIRED SETBACKS, AND SECTION 1153.15 ENTITLED ACCESSORY USES AND STRUCTURES, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBITS "A-E"
ON HOLD

ORDINANCE NO. 88-17

BY: JOHN B. SHEPHERD

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1167.01 ENTITLED "INTENT" REGARDING BUSINESS DISTRICT REGULATIONS, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
ON HOLD

ORDINANCE NO. 89-17

BY: JOHN B. SHEPHERD

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1169.11 OF THE DEVELOPMENT CODE ENTITLED "DEVELOPMENT STANDARDS AND CRITERIA" PERTAINING TO THE MIXED USE OVERLAY DISTRICT, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
ON HOLD

ORDINANCE NO. 90-17

BY: JOHN B. SHEPHERD

AN ORDINANCE AMENDING THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1181.19 ENTITLED SOLAR REGULATIONS, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"
ON HOLD

ORDINANCE NO. 91-17

BY: JOHN B. SHEPHERD

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1301.01 ENTITLED ADOPTION AND SECTION 1303.01 ENTITLED PURPOSE AND ADOPTION, PERTAINING TO THE OHIO BUILDING CODE AND THE OHIO RESIDENTIAL CODE, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBITS "A" AND "B"
ON HOLD

ORDINANCE NO. 92-17**BY: JOHN B. SHEPHERD**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1311.01 ENTITLED “DEFINITIONS” PERTAINING TO CONSTRUCTION SITE REGULATIONS, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”
ON HOLD**

ORDINANCE NO. 93-17**BY: JOHN B. SHEPHERD**

**AN ORDINANCE AMENDING CHAPTERS 1151, 1155, 1157, 1163, 1165, 1169 AND 1171 OF THE DEVELOPMENT CODE OF THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER REGARDING WIRELESS TELECOMMUNICATION FACILITY USE WITHIN RESPECTIVE ZONING DISTRICTS AS FURTHER DESCRIBED IN THE ATTACHED EXHIBITS “A-H”
ON HOLD**

ORDINANCE NO. 97-17**BY: JAMES W. MORAN**

**AN EMERGENCY ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2018
ON HOLD**

Mr. Moran said that there was a Public Hearing on Ordinance No. 97-17 this evening with no additional questions or comments from the public. This has been read twice and is the Budget for 2018. Mr. Moran will hold this vote until next week’s Special Meeting.

Mr. Shepherd moved to amend Ordinance No. 99-17, seconded by Mr. O’Donnell. The Court has indicated that they would like some of the funds to come from their Technology A & B Fund. This is the same ordinance as before but Section 2 has been changed to show funds from the Technology A & B Fund.

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

AMENDED ORDINANCE NO. 99-17**BY: JOHN B. SHEPHERD**

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW A CONTRACT FOR VARIOUS INSURANCE COVERAGES FOR THE ROCKY RIVER MUNICIPAL COURT WITH JACKSON DIEKEN & ASSOCIATES FOR THE YEAR 2018 AT A TOTAL COST OF \$9,664.00
3rd READING**

This is the ordinance that authorizes the purchase of insurance for the Rocky River Municipal Court System. As discussed before, the cost is a slight decrease because of no claims. This along with the other two insurance ordinances will be put out to bid next year. Mr. Shepherd moved for passage of Amended Ordinance No. 99-17, seconded by Mr. Furry.

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

ORDINANCE NO. 101-17**BY: JOHN B. SHEPHERD**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MACKAY ENGINEERING AND SURVEYING COMPANY FOR PROFESSIONAL CONSULTING AND ENGINEERING SERVICES FOR 2018 AND 2019 AS FURTHER DESCRIBED IN EXHIBIT “A”

3rd READING

This ordinance has been read three times. Mr. Shepherd said that there is a rate increase of 2.5%, which is the same rate increase that the general non-representative employees of the City will receive in 2018. MacKay Engineering has served the city well for many years and has a deep institutional knowledge of the system, the sewers and what is underground.

- Mr. Klym added that Mr. MacKay has worked for the city for a number of years and has a tremendous knowledge of the city. Mr. Klym said that when Mr. MacKay sends things out to bid there is never any talk regarding change orders, cost overruns or any real problems with the projects. This has been a very busy six years since he has been on Council and was very busy before that. There are a lot of very big engineering projects going on in the city and that is a real testament to Mr. MacKay. Mr. Klym looks forward to supporting this ordinance.

Mr. Shepherd moved to pass Ordinance No. 101-17, seconded by Mr. O'Donnell.

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

PASSED**ORDINANCE NO. 102-17****BY: CHRISTOPHER J. KLYM**

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR THE DIRECTOR OF PUBLIC SAFETY SERVICE TO CONTRACT WITH AND PAY WESTLAND HEATING/AIR CONDITIONING THE COST FOR REPLACING FOUR (4) HVAC ROOFTOP UNITS AT THE HAMILTON ICE ARENA FOR AN AMOUNT NOT TO EXCEED \$235,580.00

2nd READING

This has been discussed a number of times and with Director Mehling at the Budget Hearing. These four units are right above the ice. These units are very important not only for heating and cooling but also dehumidifying that area and they are currently not working at all.

- Mr. O'Donnell disclosed that he represented another entity on the other side of Westland Heating/Air Conditioning and Mr. O'Donnell would like that known. He is leaning in favor of passing this ordinance so doesn't think there would be any conflict of interest but wanted to make this disclosure.

RESOLUTION NO. 103-17**BY: THOMAS J. HUNT**

A RESOLUTION APPROVING THE ADOPTION OF THE CUYAHOGA COUNTY 2017-2022 ALL-HAZARDS MITIGATION PLAN AND DECLARING AN EMERGENCY

2nd READING

Mr. Hunt said this will be discussed one more time next week and read it for a third time for perspective passage.

ORDINANCE NO. 104-17

BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE CREATING POSITIONS AND FIXING OR ESTABLISHING THE ANNUAL SALARIES AND HOURLY RATES COMMENCING JANUARY 1, 2018 FOR THE APPOINTED EMPLOYEES IN THE SEVERAL DIVISIONS AND DEPARTMENTS OF THE CITY OF ROCKY RIVER

2nd READING

Mr. Moran said this has been discussed and was part of the Budget discussions and Collective Bargaining Agreements to be sure things are consistent. This is for the appointed positions at a 2.5% increase of salaries for 2018. This will have a third reading at the Special Meeting next week.

NEW BUSINESS:

ORDINANCE NO. 105-17

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO REPAIR AND RESURFACE SECTIONS OF DETROIT ROAD AND WOOSTER ROAD REFERRED TO AS CUY-US20-08.0/VAR – (PID 85393) AS FURTHER DESCRIBED IN EXHIBIT “A”

1st READING

Mr. Shepherd said that this is a major Capital Improvement Project that was discussed in the Budget Hearings. This project covers Wooster Road from Center Ridge to Detroit and Detroit Road from the Westlake border to Wooster. It is a major expenditure. 80% of the asphalt costs are covered by ODOT funds which amounts to \$1.28 million. The city does have to pay for all the full-depth repairs to the concrete sub surface and work on intersections and sidewalks to make them ADA compliant. The city will need to pay \$2.14 million. This project will go from 2018 through 2019. More detail of the timing of this project will be discussed at the next Committee-of-the-Whole Meeting.

- Mr. Sindelar was asked this weekend when Wooster will be completed. He is happy that this project is on the agenda.
- Mr. Moran said that Director Costello has kept Council up to date on the plan. There have been many comments from residents regarding Detroit Road. It will be a real gem when Detroit Road is completed. Thank you for getting the additional funding.
- The Mayor said that it was ODOT’s decision to bid these projects out at the same time and have the project run over two years. ODOT is committed with the city to a Maintenance of Traffic Plan. This is important to the residents and the businesses. The intent is to start at the Detroit I-90 bridge and take the pavement to Wooster around the corner and get past Heinens in 2018. There is a considerable amount of concrete work that needs to be completed along with ADA compliance issues. Traffic will move in both directions throughout the project.

ORDINANCE NO. 106-17

BY: BRIAN J. SINDELAR

AN ORDINANCE TO CHANGE THE DISTRICT CLASSIFICATION OF PART OF CERTAIN REAL PROPERTY KNOWN AS AUDITOR'S PERMANENT PARCEL NO. 302-01-007 AND BREEZEVALE COVE TRUST COMMON AREA EASEMENT (PARCEL 1), FROM ITS PRESENT CLASSIFICATION OF R-1 SINGLE FAMILY TO R-4 MULTI-FAMILY (36'), AND PART OF PERMANENT PARCEL NO. 302-01-007, AND PERMANENT PARCEL NOS. 302-01-010, 302-01-011, 302-01-015, AND 302-01-016 AND BREEZEVALE COVE TRUST COMMON AREA ROAD (PARCEL 2) FROM THEIR PRESENT CLASSIFICATION OF R-1 SINGLE FAMILY TO R-3 SINGLE FAMILY ATTACHED, AS FURTHER DESCRIBED IN PARCELS 1 AND 2

1st READING

Mr. Sindelar moved to refer this ordinance to the Planning Commission.

CONSENT AGENDA:

AMENDED ORDINANCE NO. 98-17

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW A CONTRACT FOR VARIOUS INSURANCE COVERAGES FOR THE CITY OF ROCKY RIVER WITH MCGOWAN INSURANCE FOR THE YEAR 2018 AT A TOTAL COST OF \$196,832.00

3rd READING

Mr. Shepherd explained that this ordinance authorizes the city to renew a contract for various insurance needs for the City of Rocky River. There was an increase on this contract due to some claims history. The city has a good relationship with this insurance provider but will go out to bid next year.

ORDINANCE NO. 100-17

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO RENEW A CONTRACT FOR VARIOUS INSURANCE COVERAGES FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT WITH MCGOWAN INSURANCE FOR THE YEAR 2018 AT A TOTAL COST OF \$68,175.00

3rd READING

This is the insurance for the Rocky River Wastewater Treatment Plant with a modest increase of less than 2% and Mr. Shepherd said this will go out for bid next year.

Mr. Shepherd moved to approve the Consent Agenda, Ordinance No. 98-17 and 100-17, seconded by Mr. O'Donnell.

Vote: Hunt – aye

Shepherd – aye

O'Donnell – aye

Furry - aye

Sindelar – aye

Klym – aye

Moran - aye

7 ayes

0 nays

PASSED

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT:

John Clifford, 22480 Lake Road. Thank you Mayor and Council. Council knows that Mr. Clifford is not in favor of Ordinance No. 106-17 but would like to propose something to the city and R.I.T.A. He has a very small taxable income from consulting which causes him to pay an even smaller amount of city income tax. Mr. Clifford proposes that just like the Federal Income Tax there should be a minimum amount of income that a return does not need to file. This would save the taxpayer work and save R.I.T.A. the cost of processing. Everybody wins.

Joe Amschlenger, 19489 Purnell Ave. Mr. Amschlenger moved here in 1993 and his parents still live in Rocky River. They love this community. He has not had a very good experience with R.I.T.A. over the years. The papers that he brought this evening are a year's worth of work to prove to R.I.T.A. that he and his wife paid taxes in 2015 in the amount of \$208.02. R.I.T.A. didn't respond to calls from his wife. He did not receive a subpoena but he has heard about the subpoenas being mailed out right after the election. He is concerned about his fellow citizens especially elderly citizens having to run around to prove their payment of taxes. Director Thomas has been a huge help to him.

- Mr. Sindelar commented that he had nothing to do with the timing of the subpoenas being mailed out.
- Mr. Furry asked if this was a snowballing issue with R.I.T.A. Mr. Amschlenger responded no, his wife would submit the documentation with imagery but the Amschlingers kept receiving the same invoice.
- The Mayor asked if his issue is resolved. Mr. Amschlenger is assuming now that it is resolved but has never received a phone call or a letter stating this issue has been resolved which is a concern about the customer service of R.I.T.A. Mr. Amschlenger was asked to meet with Mr. Taranto after the meeting to receive a response.

Lisa Moliterno, 20654 Morewood Parkway. Mrs. Moliterno has lived in Rocky River for most of her life. For a short period of time she lived in Lakewood and had issues with R.I.T.A. then. She was upset when the city went with R.I.T.A. She received an audit notice from R.I.T.A. for seven years. Her father, an accountant, couldn't figure out where R.I.T.A. was getting their numbers from. Her penalties and interest are over \$2,500. Director Thomas met with her and was very nice and helpful. Ms. Moliterno asked if she is obligated to pay this money for penalties and interest. The Mayor explained that R.I.T.A. doesn't have the authority to negotiate fees and penalties for filings that were filed initially with C.C.A. Discussion has to be with the City of Rocky River through the Director of Finance. Mrs. Moliterno continued that R.I.T.A. is denying that they have received any taxes for 2017 even though it's been taken out of their checks.

- Mr. Moran asked how long this has been going on. Mrs. Moliterno said that she received the audit notice August 23, 2016. Mr. Moran said that it was carried over from C.C.A. then. Her dad visited R.I.T.A. twice on her behalf and the numbers do not match.
- The Mayor asked if she has presented R.I.T.A. with all the tax documentation they have requested. Ms. Moliterno said yes she complied immediately.

- Mr. Furry asked if she said that they went back seven years. She confirmed that they did. Mr. Berner asked if she filed all those years. Ms. Moliterno said she had and gave them the documentation. Mr. Berner said that it is inconsistent with IRS rules. Mr. Berner asked for the R.I.T.A. representative to give the city an accounting of her particular case. Mrs. Moliterno was asked to meet with Mr. Taranto to address her specific tax issues.

Melissa Holman, 2326 Northview Road. Ms. Holman thanked Councilman Shepherd to speak with her on Sunday. She moved here in 2011 and everything the city has to offer is amazing. However, the day before Thanksgiving she received a subpoena. She was shocked. Her CPA said to ignore the original letter which was his error. She has been challenged to locate documents because the statute of limitations on collections is three years if you have filed. She has filed. Her checking account from then has been closed. Her Councilman responded immediately and she is working with Director Thomas. She is also questioning the timing of the subpoenas being sent out a week after the elections. She wanted to bring this to Council's attention. She is also concerned about the set-up of the hearings regarding taxes in a large open room for everyone to hear. She also commented that there was not a Ready Notify that went out warning the residents that the letter from R.I.T.A. is not a scam.

- Mr. Moran thanked her for bringing this to Council's attention. He feels that moving to R.I.T.A. has been a good move for the city as well as the residents. There are individual situations and Council wants to be sure that everyone is paying their fare share but also wants to understand what is happening. He is glad Ms. Holman contacted her councilman who in turn suggested she contact Director Thomas. Council hears what is happening and is looking forward to trying to help get this solved.
- Mr. Furry asked if R.I.T.A. has the records from C.C.A. He is concerned that R.I.T.A. is giving the burden of proof to the taxpayers. The Mayor said the city does have the records from C.C.A. and Director Thomas has helped several residents with their issue. It is just a matter of contacting the Director and if it is not in the records transferred from C.C.A. it does become an issue because where are the filings.
- The Mayor said that until this issue there had been positive feedback regarding R.I.T.A. This gets complicated with emotion when people are told they are not paying their taxes. A call to the Mayor would have helped solve these issues. The Mayor asked how R.I.T.A. handled her case. She stated she received a 30-day extension, however the taxpayer who was in front of her was yelled at and Ms. Holman heard her tax information at the meeting. The Mayor told Mr. Taranto that residents should be able to discuss their tax information confidentially. The Mayor will communicate with R.I.T.A. regarding room set-up and how the City of Rocky River communicates with residents.

Rob McCrae, 19313 Shoreland. Mr. McCrae has prepared tax returns for individuals for 26 years. City Income Tax are difficult for many people. The administrative subpoena is representative of the city. Mr. McCrae asked Council to familiarize themselves with this document that fills fear within people. People are so afraid that they pay money they already have paid. The city has every right to collect every penny of the tax the city is entitled to but his concern is that this subpoena works on the fringes of what may be allowed. He is not sure this is how the city should enforce these laws. Mr.

McCrae said that the city may come to the point to have their own tax office with the technology available.

President Moran thanked the audience for attending this evening's meeting.

As there was no further business by members of Council, the meeting was adjourned at 8:39 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council