

CITY OF ROCKY RIVER

May 22, 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 May 8th 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 May 15th be waived, and that the minutes be accepted as submitted

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

MAYOR'S REPORT:

The Mayor reported that the Rite Aid Marathon was a successful event this past Sunday. The Mayor thanked the Community along with the Rocky River Police Department for helping this to be a great success.

The Cleveland Water Department approved the funding for Homeland and Riverwood for a waterline replacement program totaling more than \$1.1 million dollars. Beaconsfield, Rivergate and Morewood Parkway did not score high enough for placement in this program at this time. The city will follow up with the Cleveland Water Department regarding the three streets that weren't approved. Thank you to Director Costello, Kim Kerber and Mike Mackay for submitting all of the information on behalf of the city. The Mayor said that this puts the city well over \$7 million dollars in programs from the Cleveland Water Department.

This Thursday evening from 10:00 p.m. to 5:00 a.m. Center Ridge Road will have night work being completed with utility connections for the commercial project at the intersection of Wagar Road and Center Ridge Road in Fairview Park being done. This work will be done in the travel lanes, but traffic will never be totally stopped. There will be more shut downs during the night on Center Ridge Road sometime after Memorial Day.

The Mayor announced the activities scheduled for Memorial Day Weekend for the city:

Saturday morning will be the placement of approximately 3,600 flags in Lakewood Park Cemetery on the graves of Veterans. All volunteers are invited to the American Legion Hall on Lake Road to have lunch at 12:00 p.m.

Sunday there is a “Garden Party” fundraiser for “River Sprouts” that is being held at the Community Garden beginning at 4:00 p.m. to raise money for a proposed greenhouse. “River Sprouts” was spearheaded by Samantha Manoloff along with a group of fellow Middle School students. The Rocky River High School Jazz Band will be playing at 7:00 p.m. in the Gazebo following the fundraiser, kicking off the Summer Concert Series. The River Dog Café Food Truck will also be on City Hall Campus during the concert.

Monday morning is the Memorial Day Parade and Ceremony. The parade will kick off promptly at 10:00 a.m. Please be at the high school by 9:30 a.m. if participating in the parade. The parade will traverse down Detroit Road to Lakewood Park Cemetery where the Ceremony will begin about 10:30 a.m. A Ready Notify will be sent out to residents with these details.

The Senior Art Show is on display at the Senior Center with 150 works of art, produced by 77 participants and representing 8 communities. Some of the pieces are for sale if interested.

On June 3rd there will be a Rocky River Reservation clean up beginning at 9:00 a.m. until noon.

On June 8th the D.A.R.E. Graduation will take place followed by the opening of the outdoor pool.

LAW DIRECTOR’S REPORT: Mr. Bemer announced that there is a Public Hearing scheduled at the Planning Commission Meeting next Wednesday, May 31st to discuss Ordinance No. 32-17.

Mr. Bemer also discussed a trial that took place last Wednesday at Rocky River Municipal Court pertaining to a property maintenance issue. There is a state statute under 3767.41 which is a civil action to declare a public nuisance. This statute gives the Court discretion as a remedial measure to appoint a receiver. The receiver then has authority to lend against the property, order a demolition or ask for an order of sale of the property. The trial was concluded last Wednesday and the City had a successful result. Thank you to Building Commissioner Ray Reich, Fire Marshall Rob Crowe and several Goldengate residents who testified in support of the city.

COMMITTEE REPORTS: Mr. Klym reported on the Parks and Recreation Committee Meeting last week. The online registration is going very well with about 60% of registrations being done online. Mr. Klym also stated that the pool will open on June 8th. Over the last three years, about \$75,000 worth of improvements has been completed to the pool floor. This year there are two new floor areas at the pool,

one by the concession area and also two new large blue umbrellas, life guard chair umbrellas and thirty new lounge chairs. The Splash Zone was also opened last week on the very hot days.

COMMUNICATIONS AND ANNOUNCEMENTS: President Moran said that there will not be a City Council Meeting next week due to the holiday as well as it being the fifth Monday of May.

PUBLIC COMMENT: Mrs. B. J. Alexander, 22658 Breezevale Cove, spoke to Council regarding Ordinance No. 15-17. Mrs. Alexander stated her opposition to any zoning change for the properties on Lake Road and Breezevale Cove. Her understanding is that Mr. Brickman has purchased her next door neighbor's house. Mrs. Alexander is worried that the house will become derelict property as the homes on Lake Road have that Mr. Brickman owns. Mrs. Alexander would like the zoning to stay at R-1 on Breezevale Cove as well as on Lake Road.

Mrs. Mary Wood, 22740 Lake Road, said that Mr. Brickman has created two more entities of Limited Partnerships called Rocky River Breezevale LLC and Rocky River Breezevale East LLC. The Salti property has been sold to Mr. Brickman in a short sale. Mrs. Wood also said that Wally Smith's property has been put into the Rocky River Breezevale LLC but no money has been exchanged. Toni Horn's house has not transferred at all. Law Director Bemer confirmed that Mr. Smith and Ms. Horn both signed the application for rezoning.

UNFINISHED BUSINESS:

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 a Public Hearing has been scheduled for Monday, June 12, 2017. There is nothing new to report at this time. The Mayor stated that she spoke with Building Commissioner Reich this morning and he said he would be happy to provide Council with any more information that is needed.

ORDINANCE NO. 30-17 **BY: JAMES W. MORAN**
AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF ROCKY RIVER, OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017 AND TO AMEND ORDINANCE NO. 66-16
2nd READING

Mr. Moran said that this ordinance is to make supplemental appropriations for the budget presented last year in Ordinance No. 66-16. The purpose for the appropriations are as follows:

- Special Project - \$2,000
- Printing - \$3,000
- Lakewood Fees - \$62,000
- Meter Read Cost - \$36,500

This is the second read on this ordinance and will have a third read at the next Legislative Meeting.

ORDINANCE NO. 31-17

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE DIRECTOR TO ENTER INTO A CONTRACT WITH FABRIZI TRUCKING AND PAVING COMPANY, INC. FOR THE HAMPTON ROAD (SOUTH) LAKEVIEW AVENUE SEWER IMPROVEMENT PROJECT AT A COST NOT TO EXCEED \$5,078,920.70

2nd READING

Mr. Shepherd said that this ordinance accepts the low bid from Fabrizi. There were seven bids received for this major sewer project for Hampton and Lakeview sewer systems. This will be discussed at the next Committee Meeting and will be read for the third time at the next Legislative Meeting.

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 NO. 301-15-012 FROM ITS PRESENT CLASSIFICATION OF SM SERVICE MANUFACTURING TO OB-2 OFFICE BUILDING, AS FURTHER DESCRIBED IN EXHIBIT "A"

ON HOLD

Mr. Sindelar said that this is currently referred to the Planning Commission and is set for Public Hearing on Wednesday, May 31st. The Mayor spoke with Commissioner Reich and he indicated that Councilman Furry had asked him for similar information regarding the residential zoning classification on Office and Service Manufacturing. Mr. Reich is putting this information together for Council. President Moran thanked Mr. Reich again for attending last week's Council meeting and for the information he distributed.

NEW BUSINESS:

ORDINANCE NO. 33-17

BY: MICHAEL P. O'DONNELL

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO AGREE TO RENEW A CONTRACT FOR ONE (1) YEAR THE PURCHASE JANITORIAL SUPPLIES FOR THE CITY OF ROCKY RIVER FROM OHIO VALLEY SUPPLY AND MAINTENANCE CO. AT A COST NOT TO EXCEED \$55,000.00 AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. O'Donnell said that this is literally the annual housekeeping ordinance to buy janitorial supplies. Ohio Valley has agreed to renew this contract for one year at the 2015 bid prices. In 2015, Ohio Valley Supply and Maintenance was the lowest bidder out of five bids received. Ohio Valley has had a great service record and the city has not had any problems with them as a vendor. This will have three full reads.

RESOLUTION NO. 34-17

BY: THOMAS J. HUNT

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CUYAHOGA COUNTY TO RECEIVE FUNDING FROM THE CUYAHOGA COMMUNITY DEVELOPMENT SUPPLEMENTAL GRANT (CDSG)

PROGRAM IN THE AMOUNT OF \$49,950.00 FOR THE WOOSTER ROAD SIGN, SIGNAL AND PEDESTRIAN SAFETY PROJECT

1st READING

Mr. Hunt reminded Council that at the end of 2016 and the beginning of this year the city had applied for grant funds in the amount of \$50,000 for remediation of some safety issues on Wooster and Shoreland. The city will be awarded \$49,500 as stated in the contract attached to this ordinance. This was a companion request to the Community Development Block Grant that was not granted for the Wooster area, but this resolution is for the corner of Wooster and Shoreland. This project will make the crossings ADA compliant along with signalization improvements for pedestrians heading east and west on Wooster. This will have three full reads.

ORDINANCE NO. 35-17

BY: JOHN B. SHEPHERD

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GARDINER COMPANY FOR A THREE YEAR MAINTENANCE SERVICE AGREEMENT FOR THE PUBLIC BUILDINGS OPERATED BY THE CITY OF ROCKY RIVER IN AN AMOUNT NOT TO EXCEED \$36,028.00 ANNUALLY, AS FURTHER DESCRIBED IN EXHIBIT "A"

1st READING

Mr. Shepherd said that Gardiner has a contract with the city now to check the efficiencies of the electrical usage, lightbulbs, etc. This is a new service contract for HVAC, humidifiers, water pumps, hot water tanks etc. This is a three year contract at \$36,028 per year. The funds come from the General Fund, the Senior Center and the Recreation Center Funds. This will have three full reads.

ORDINANCE NO. 36-17

BY: DAVID W. FURRY

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CUYAHOGA COUNTY BOARD OF HEALTH AND THE CITY OF ROCKY RIVER FOR PHASE II STORMWATER SERVICES IN 2017-2018, ATTACHED HERETO AS EXHIBIT A

1st READING

Mr. Furry said that based on the full agenda this evening and the anticipation of three full reads, this will be discussed more at the Committee-of-the-Whole Meeting on June 5, 2017.

ORDINANCE NO. 37-17

BY: DAVID W. FURRY

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO PAY LAKE ERIE ELECTRIC THE COSTS FOR REPLACING A TRANSFORMER AND NECESSARY REPAIRS TO THE ELECTRIC SERVICE AT THE ROCKY RIVER WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$60,000.00

1st READING

This ordinance is using emergency language for the replacement of a transformer that is a secondary power source to the WWTP. Per the NPDES Permit with the EPA, the WWTP needs a primary and secondary power source to maintain operations. Interruptions could jeopardize power to the settled sewage pumping and disinfection systems at the WWTP. The WWTP has a bad transformer that is not

giving out correct voltage. Lake Erie Electric checked the primary high voltage cables and found no problem. They also sampled the oil in the transformer and sent it for testing. Preliminary tests show a bad transformer. This was also checked last year and the tests came back fine.

This ordinance is for a reconditioned transformer that matches the specs on the current transformer. In addition it has primary fuses which offer protections from primary voltage spikes. A supplier can have this prepped in a week and then another 4-5 days for the install.

The administration is not sure if the current transformer has another 6 days or 6 months. Ohio CAT stated that they can have a mobile generator on site within 4 hours at a price of \$7,150/week or \$21,500 per month. This expenditure is not in the original 2017 budget but will be paid out of the WWTP Capital Fund-Contractor Repair Account.

Mr. Furry moved that the rule requiring that Ordinance No. 37-17 be read on three separate days be suspended, seconded by Mr. Shepherd who also pointed out that the cost will be shared with the other cities served by the WWTP. The Mayor said that there will not be an additional assessment to those communities however because the resources already exist in the Capital Account. First Energy has also been to the WWTP to look at this transformer.

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

Mr. Furry then moved for passage of Ordinance No. 37-17, seconded by Mr. O'Donnell. Mr. Furry said that the administration will be looking for a grant for a back-up generator. Mr. Hunt asked about the rental generator. Director Costello said that Lake Erie Electric would secure the generator from CAT because Lake Erie Electric would have to install it. If this is necessary, the cost is covered in this ordinance.

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

ORDINANCES UNDER CONSENT:

ORDINANCE NO. 27-17 **BY: JOHN B. SHEPHERD**
**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND SAFETY SERVICE
DIRECTOR TO ENTER INTO A CONTRACT WITH UNITED SURVEY, INC. FOR THE 2017
SANITARY SEWER AND MANHOLE REHABILITATION AT A COST NOT TO EXCEED
\$192,720.00
3rd READING**

This ordinance is to recondition the sewer lines on Elmwood, Kenwood and Parklawn. It was put out to bid and two bids were received. United Survey was the low bidder by \$21,900.

ORDINANCE NO. 28-17**BY: CHRISTOPHER J. KLYM****AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN EIGHT (8) YEAR BEVERAGE SERVICE AGREEMENT WITH CLEVELAND COCA-COLA BOTTLING COMPANY, INC. FOR THE ROCKY RIVER RECREATION DEPARTMENT****3rd READING**

Council has discussed this numerous times. Proposals were received from Coca-Cola and Pepsi. Coca-Cola's bid was starkly better. Coca-Cola is willing to pay a \$6,000 a year sponsorship fee and Pepsi was willing to pay zero. Coca-Cola included other incentives including \$2,500 towards a scoreboard and to purchase \$1,500 in Dasher Board Advertisements for each year of the contract. Coca-Cola has also given a slightly lower price for the actual product itself. Mr. Klym is seeking passage of Ordinance No. 28-17.

ORDINANCE NO. 29-17**BY: JOHN B. SHEPHERD****AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO AGREE TO RENEW A CONTRACT 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**

Admiral Products bid this in 2014. It was the only bid the city received. Admiral Products, Inc. has offered to extend this contract for a fourth year at the same price. The funds come from various departments that use the printing services.

Moved by Mr. Moran, seconded by Mr. Furry that Ordinance No. 27-17, 28-17 and 29-17 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	

PASSED

MISCELLANEOUS BUSINESS: President Moran has a request from the Ohio Division of Liquor Control for Pizzafire. Council approved this request.

President Moran reminded Council of the Memorial Day Parade at 10:00 a.m. this Monday. Council should be at the high school by 9:30 a.m.

PUBLIC COMMENT: NONE

As there was no further business by members of Council, the meeting was adjourned at 8:45 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council