

CITY OF ROCKY RIVER

March 27, 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. Furry, Mr. Sindelar, Mr. Klym, Mr. Moran
Absent: Mr. Shepherd, Mr. O'Donnell

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 13th and the Committee-of-the-Whole Meeting of March 20th be waived and that the minutes be accepted as submitted

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

PASSED

MAYOR'S REPORT:

The Mayor thanked the public and Council members for attending the State of the City last week. It is such a privilege and honor to share good news about the community. She will also give similar presentations at civic organizations in the near future. Thank you to the Chamber of Commerce for hosting the event.

The Mayor reported the City received notification from the landfill provider that landfill costs will be increasing \$0.85/ton. Fortunately, Director Costello planned for the increase within her budget. The rate will increase in April. It represents an approximate 2% increase. Director Costello stated there was an increase two years ago. The Mayor encourages residents to recycle in order to keep garbage out of the landfill. In addition to our co-mingled recycling program, the City would appreciate residents recycling cardboard, fabrics and household items. The City currently recycles 40% of their waste stream. The average in the County is about 35%. There will not be additional charges for recycling that is contaminated as the report from the provider on the City's recycling waste stream was positive.

Cuyahoga County Health Department submitted their 2016 Annual Report for the City of Rocky River, as well as the entire county. The City will make copies of the report for the council members. The Health Department provides important services to our community such as immunizations and assisting with environmental impacts.

The Lakeview/Hampton/Westway sewer improvement project will be commencing at the beginning of April. Notices will be sent out to residents who will be impacted by the project.

Tomorrow evening there will be a community meeting on solutions for preventing and treating heroin addiction. That will take place at the Civic Center at 7pm.

The Mayor wanted to thank the City of Fairview Park, along with property owners of Minervas and the old Swinging Door. The fire department used both of the facilities for training.

The Storybook Ball was last Saturday with over 200 attendants. It has become a beautiful event and a great tradition within the city.

Next Monday from 10am until 2pm, Representative Greenspan along with Representative Arndt, who is the chairman of the Ohio House Committee on Aging and Long-term Care, will be presenting a roundtable discussion at the Senior Center. The discussion will be for seniors and those considering long-term care. Everyone is welcome to attend.

Mr. Moran asked about the situation of the fabric recycling. He inquired about whether or not it should be placed in separate recycling bags, and not in bins. Director Costello stated he was correct. She stated that recycling of clothing would be in white bins at City Hall next to the paper bins. There is also a clothing white bin located at the Service Garage. Director Costello stated that fabric is the number one item that causes a complete shut down for the materials recycling facility. The clothing bins are for items people do not want to donate to charity and are too heavy for the landfill. The City receives a moderate stipend for the recycling at \$0.01/pound. It adds up to a good cost savings due to it not being placed into the landfill.

The Mayor stated that Simple Recycling will be launching soon throughout the City. It allows residents to fill a specified green bag with fabric items and house hold items. It will be placed alongside residents' garbage bins on regular garbage days. The green bags will then be replaced with another bag to be used the following week. It will help remove extra material from the waste stream and landfill. This program will be discussed in further detail in the near future.

LAW DIRECTOR'S REPORT:

Mr. Bemer announced that last week his office received an email from the applicant regarding the potential redevelopment/rezoning of the Rockcliff properties, identified as Ordinance 74-16, that he was withdrawing that application. That information has been forwarded to Council.

The litigation the City signed on to regarding the challenge to Senate Bill 331, the small cell telecommunication system, was filed on March 17. There is a hearing on a temporary restraining order motion this coming Friday, March 31. The hearing will be held in Summit County's Court of Common

Pleas. Twenty-six communities have joined in the suit, primarily within Cuyahoga County including the cities of Cleveland and Independence. There are sister suits being filed throughout the state of Ohio. Avon Lake, located in Lorain County, Medina, located within Medina County have also joined in the suit. Franklin County has a number of suits filed as well.

COMMITTEE REPORTS: NONE

COMMUNICATIONS AND ANNOUNCEMENTS: NONE

PUBLIC COMMENT:

John Carney, 20664 Beach Cliff Blvd, Rocky River, Ohio 44116

Mr. Carney stated he was speaking as both a resident and a representative of Rocky River Preservation Partners. He introduced one of his partners, Ben Pfeiffer, as well as his son John Carney. Mr. Carney requested a first reading of an ordinance to rezone a property and refer it to Planning Commission so they can begin their process. Mr. Carney has had an informal meeting with the Commission, along with Council members, and has requested more Council members attend the Planning Commission meeting for additional details and recommendations. Mr. Carney has made revisions to his plan and hopes the Council finds them more attractive. He has listened to Council, neighbors and other residents' requests. He has reduced the size of the building with the flats by 25%, added 14 townhouses, with the new building having approximately 22 flats. He has increased the footprint of the area with the addition of two properties on Breezevale Cove. Mr. Carney believes this is a great project and will be beneficial to the city. He believes it is consistent with the city's Master Plan and he believes it will help retain residents who want single floor living and want stay in the city. It is his hope that the Planning Commission will work with Council and residents to make this a great project.

UNFINISHED BUSINESS:

ORDINANCE NO. 74-16 **BY: BRIAN J. SINDELAR**
AN ORDINANCE TO CHANGE THE DISTRICT CLASSIFICATION OF CERTAIN REAL
PROPERTY KNOWN AS AUDITOR'S PERMANENT PARCEL NOS. 301-32-099, 301-32-100,
301-32-101, AND 301-32-102 FROM THEIR PRESENT CLASSIFICATION OF R-1 SINGLE
FAMILY TO R-3 SINGLE FAMILY ATTACHED, IN THEIR ENTIRETY, AS FURTHER
DESCRIBED IN EXHIBIT "A"
POSTPONED INDEFINITELY

Mr. Sindelar stated this has been withdrawn by the developer to regroup and work together with the MetroParks on this development. There are a lot of deed restrictions, and the plan needs to be redesigned. Mr. Sindelar moved for indefinite postponement.

Moved by President Moran, seconded by Mr. Furry, that Ordinance No. 74-16 be postponed indefinitely and removed from the agenda.

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

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****2nd READING**

This resolution is the legislative support for the grant application that was submitted by Safety-Service Director Costello mirroring the application submitted last year. Safety-Service Director hoped to use last year's legislation but the approval language needed to be updated and approved by Council. This resolution is asking for the balance of \$200,000 for the infrastructure project near Kensington School. This will have three full reads.

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****2nd READING**

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. Ordinance 11-17 and 12-17 are related however, this Ordinance is PIPE (Public Information and Public Education), more specifically for the education and stewardship for the conservation of soil and water resources. This item is \$5,500 and was placed in the budget. Since it is a fellow governmental entity, Council is providing full disclosure. This can be renewed at the City's discretion. Councilman Furry is anticipating three full reads.

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****2nd READING**

This ordinance is a companion to Ordinance 11-17 offering more depth. 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. The most recent activity was the Brighton Chase project. At the City's request, there can also be assistance for projects under an acre. This Ordinance is

for \$11,000, and was placed in the budget. Since it is a fellow governmental entity, Council is providing full disclosure. This can be renewed at the City's discretion. Mr. Furry is anticipating three full reads.

NEW BUSINESS:

ORDINANCE NO. 13-17 **BY: CHRISTOPHER 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
1ST READING

This ordinance looks to raise the fees for usage of the Elmwood Park cabin. It has been reviewed and recommended by the Parks and Recreation Commission at their meeting last month. It is a small increase, with the previous increase being in 2011. During the Parks and Recreation Commission meeting, they provided a review of adjoining cities and their fees. Rocky River is more than competitive with their fees. Mr. Klym is anticipating three full reads.

ORDINANCE NO. 14-17 **BY: CHRISTOPHER 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
1ST READING

This ordinance is similar to Ordinance 13-17. It has been a number of years since the rental fees have been increased. It is a modest increase of \$10.00 for both residents and non-residents. This fee increase would be for the gazebo located on City Hall's campus, and the shelter located in Rocky River Park. Mr. Klym is anticipating three full reads.

ORDINANCE NO. 15-17 **BY: BRIAN 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"
1ST READING

Mr. Sindelar inquired about whether or not the rezoning was proper for the new townhouses. He asked if they would need to be rezoned with a different classification. The Mayor stated they would be lesser residential use. Mr. Bemmer stated the setbacks were less restrictive as well as the height. Mr. Sindelar asked for this ordinance be referred to the Planning Commission for a review, report and recommendation.

ORDINANCES UNDER CONSENT:

ORDINANCE NO. 7-17

BY: JAMES W. MORAN

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY THE CITY OF CLEVELAND DIVISION OF WATER FOR A REIMBURSEMENT FOR THE 2016 TONAWANDA WATER MAIN REPLACEMENT PROJECT IN THE AMOUNT OF \$32,310.09

This ordinance is authorizing the Finance Director to pay the City of Cleveland Division of Water for reimbursement for the 2016 Tonawanda Water Main Replacement Project. President Moran said that the Tonawanda Project estimate was for \$146,037.81 and the net cost was \$113,727.72 thus the project cost was \$32,310.09 under the budget distribution from the Cleveland Water Department. Mr. Moran explained that if all funds are not used, the city has to repay the balance.

ORDINANCE NO. 8-17

BY: MICHAEL P. O'DONNELL

AN ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE TWO (2) 2017 FORD INTERCEPTORS, ONE FOR THE RECREATION CENTER AND ONE FOR THE WASTE WATER TREATMENT PLANT UNDER THE STATE COOPERATIVE PURCHASING ACT FROM LEBANON FORD AT A TOTAL COST NOT TO EXCEED \$56,006.00

This ordinance is for the purchase of two 2017 Ford Interceptors at a cost not to exceed \$56,006. The vehicles are being purchased through the State's Cooperative Purchasing Plan. The administration is satisfied with the pricing. One vehicle will be purchased from the vehicle purchase account and one from the Waste Water Treatment Plant account. The cost of the vehicle for the Waste Water Treatment Plant will be shared with all four cities. Mr. O'Donnell said that the vehicle for the Recreation Director will replace a 2002 Rav4 and the other car will be replacing an older pick-up trucks at the Plant.

President Moran spoke on behalf of Mr. O'Donnell, who was absent. Mr. Moran discussed that the stainless steel bodies were \$3400 more than the plastic options. Mr. Moran stated that Director Costello had the opportunity to review the bed liner options, a spray product option, and the stainless steel option. The stainless steel bed option offers more elasticity, would not rust out as easily, and would last longer.

ORDINANCE NO. 9-17

BY: MICHAEL P. O'DONNELL

AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE TWO (2) 2017 FREIGHTLINER TWO AND ONE HALF TON (2 1/2) SINGLE & TANDEM AXLE CAB AND LIGHT DUTY CHASSIS FOR THE SERVICE DIVISION UNDER THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING PROGRAM FROM VALLEY FREIGHTLINER, INC. AT A COST NOT TO EXCEED \$150,344.00

This ordinance is for the purchase of two 2017 2 ½ ton dump trucks for the service department. This is just the cab and the chassis only. The dump truck itself will be publicly bid at a later time. These will be purchased from ODOT's Cooperative Purchasing Plan. The administration is satisfied with the pricing. These will replace a 1998 & 1999 vehicles that will be traded in for \$2,500 each for a total of \$5,000. The administration is satisfied with the value of the trade.

Moved by President Moran, seconded by Mr. Furry that Ordinance No. 7-17, Ordinance No. 8-17, and Ordinance No. 9-17 of the Consent Agenda be passed as read

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

NEW BUSINESS: NONE

MISCELLANEOUS BUSINESS:

Mr. Sindelar stopped in at both Gormley's Pub and the new Swinging Door and stated they both looked beautiful. The owners did a great job.

Mr. Moran stated Mr. Cullen Viancourt from Pack 190 will be receiving his Eagle Scout this week. It is a great honor for him and his family.

The Reehorst building is officially down and the land is being filled in today. It is still unknown how the land will be redeveloped.

Next week's Council meeting, on April 3, will be moved to 7pm.

PUBLIC COMMENT: NONE

As there was no further business by members of Council, the meeting was adjourned at 8:33 p.m.

James W. Moran
President of Council

Jane P. Reich
Clerk of Council, Acting