

CITY OF ROCKY RIVER

March 12, 2018

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. Klym, Mr. Moran

Absent: Mr. Sindelar

Administration: Mayor Bobst, Mrs. Costello, Mr. Thomas

Law Director: Mr. Bemer

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 Committee-of-the Whole Meeting and the Public Hearing of March 5th be waived and that the minutes be accepted as submitted.

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

Moved by Mr. Moran, seconded by Mr. Furry, that the reading of the minutes of the Legislative Meeting of February 26th be waived and that the minutes be accepted as submitted.

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

President Moran asked Director Costello to report on the event she attended today. Director Costello said that she attended an event sponsored by Congressman Renacci entitled “Insightful Women”. One of the keynote speakers was Mayor Pamela Bobst. The Mayor received an award today as a result of attending and participating in this event. Director Costello said that it was a challenging format to speak in with questions being asked of the panel. Director Costello said that the Mayor’s responses were very insightful. President Moran, along with City Council and the administration, congratulated Mayor Bobst. The award is inscribed with “In Appreciation for your Contributions to the Insightful Women Who Advance Northeast Ohio Event.”

MAYOR’S REPORT:

The Mayor said that it was a great afternoon today spending it with the head of the V.A. Hospital and a retired Rear Admiral of the Coast Guard. Thank you to Director Costello for attending the event.

The Mayor discussed the Detroit/Wooster ODOT Paving Project beginning this spring. The project will pave from the I-90 bridge east to the Lakewood line in 2018. The city is hopeful that the paving will make it to the northern section of Wooster by Detroit Road in 2018. There is a fair amount of concrete work to be completed along with ADA compatible intersections and full depth repairs on the roadway. There will be a maintenance of traffic plan that will allow for east and west bound traffic on Detroit Road at all times. The city will work with residents by having a Public Meeting and information being shared on Ready Notify. There will also be communications with the business owners, churches and other institutions assisting with traffic movement at peak times. In 2019, Wooster will be completed. Eighty percent of the pavement cost is being paid for by ODOT. The city is thankful that ODOT is taking care of two major roads in the city. The project will be advertised on March 16th, the 23rd, and the 30th with bids being opened on April 6th. Bids will be reviewed the following week and the city is anticipating several bids due to the scope of the project. After reviewing the bids, an ordinance will be before Council by April 16th. The hope is that the ordinance will be passed by May 14th. There may be a need for a Special Meeting to make this happen but then the construction can begin during the bulk of the construction season.

The Small Cell Wireless Legislation has passed through the House with resounding support and is now with the Senate. There are several aspects of this that are extremely important. Some of the highlights that make this legislation different from what exists now are the number of companies or operators being limited in applying for the permits to put up poles and infrastructure; the uniformity to the process in communities including the fees associated with that process and protections for residential and historical areas of communities.

The Summer Concert Series is set. Several wonderful concerts are planned with some of the resident's favorites along with some new bands. The schedule will be on the city's website.

The New Barley Corn Irish Folk Singers will be performing this Thursday at the Senior Center beginning at noon.

The Basketball Challenge Cup game is this Friday at Rocky River High School. Community members will compete against the school administration and staff. Law Director Bemer will be coaching and the Mayor will be there for support.

LAW DIRECTOR'S REPORT: Mr. Bemer said that this Thursday the Northeast Ohio Law Director's Association will be holding a one-hour seminar regarding the Small Cell Wireless Legislation that the Mayor spoke about. The Mayor will accompany Mr. Bemer to this seminar. The Mayor has been quite significant in the down state discussions regarding the revisions that are still pending.

There will be a Planning Commission Meeting on March 22nd. Mr. Bemer is hopeful that there will be time on their agenda to address the land use ordinances that were referred by Council.

President Moran announced to the audience, that Ordinance No. 106-17 will not be read for a third time this evening. Preservation Partners has requested a two-week stay regarding this ordinance and Council would not want to vote on this without a full compliment of Council members at the meeting.

COMMITTEE REPORTS: Mr. Moran attended the Planning Commission Meeting last week. The four items on the agenda were the Vitality Bowl Café, Big Bear Remodeling, Inc., Magnificat High

School and Brent Zimmerman, the multi-family development on Hilliard Blvd. The first three items were approved for continuing building in Rocky River and the development next to the Hilroc has been referred to the BZA.

On Thursday there was a BZA meeting that Mr. Moran attended. There were four items discussed as there is continuing investment in the city, with all four items on the agenda being approved.

COMMUNICATIONS AND ANNOUNCEMENTS: NONE

PUBLIC COMMENT: NONE

UNFINISHED BUSINESS:

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

Mr. Shepherd said that he has had communication from the Law Department regarding 81-17 and 82-17 regarding Airbnb’s and they are waiting for sample legislation from neighboring communities. Mr. Shepherd is looking forward to this being received in the near future.

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

Mr. Shepherd said that this is also on hold waiting for information to be received by the Law Department.

AMENDED 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 1127.03, SECTION 1127.35, AND SECTION 1127.37 AS FURTHER DESCRIBED IN THE ATTACHED EXHIBITS “A”, “B” AND “C”
ON HOLD

This ordinance has been referred to the Planning Commission.

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

This ordinance has been referred to the Planning Commission.

AMENDED 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

This ordinance has been referred to the Planning Commission.

AMENDED 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

This ordinance has been referred to the Planning Commission.

AMENDED 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

This ordinance has been referred to the Planning Commission.

AMENDED 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

This ordinance has been referred to the Planning Commission.

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**

This ordinance is in regard to Wireless Communication and will stay on hold pending receipt of State Legislation.

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
ON HOLD

Mr. Moran said that this will not be read this evening and Council will have more discussion on this next week.

ORDINANCE NO. 4-18: **BY: BRIAN J. SINDELAR**
AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2017 LADDER TRUCK FOR THE FIRE DIVISION FROM ADVANTECH SERVICE AND PARTS LLC AT A COST NOT TO EXCEED \$1,153,291.00
ON HOLD

This ordinance is on hold waiting for more information.

ORDINANCE NO. 14-18 **BY: DAVID W. FURRY**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ROCKY RIVER AND HAZEN AND SAWYER FOR PROFESSIONAL CONSULTING SANITARY ENGINEERING SERVICES FOR 2018 AND 2019 FOR THE ROCKY RIVER WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$66,000.00
2nd READING

Mr. Furry will report more on this at the Committee-of-the-Whole Meeting next week.

ORDINANCE NO. 15-18 **BY: CHRISTOPHER J. KLYM**
AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY SERVICE TO ENTER INTO A CONTRACT WITH E. LEE CONSTRUCTION INC. FOR THE HAMILTON ICE RINK ROOF REPLACEMENT PROJECT AT A COST NOT TO EXCEED \$768,816.00
2nd READING

Mr. Klym said that Director Mehling and Mr. Balla discussed earlier information regarding this ordinance. Mr. Klym asked Director Mehling to provide more information on E. Lee Construction, Inc.

Mr. Mehling said that E. Lee Construction, Inc. has been in business for over 60 years and is a family owned company. Four different projects they have recently worked on include: 1) 5 River Metroparks which was a \$500,000 project, 2) a court house roof repair in Williams County in the amount of \$1.5 million, 3) Edison State Community College, and 4) a project in Jackson County. This will be read for a third time in two weeks.

- Mr. Furry asked if there were any unresolved findings concerning E. Lee Construction, Inc. Mr. Klym will find out.

NEW BUSINESS:

ORDINANCE NO. 16-18

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”

1ST READING

This was discussed briefly at the last Committee meeting and will have three full reads. This ordinance prohibits large trucks in excess of 7,000 lbs. from idling for a period longer than 5 minutes. Mr. Shepherd said that there were situations where large trucks were parked in commercial districts but it is infringing on neighboring residential districts.

ORDINANCE NO. 17-18

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2019 JEEP CHEROKEE FOR THE MAYOR UNDER THE STATE COOPERATIVE PURCHASING ACT FROM VISION AUTOMOTIVE, LLC, AT A COST NOT TO EXCEED \$26,234.74

1ST READING

Mr. Moran said that the cost of this jeep is less than the Ford Interceptors, which are comparable size vehicles. The Jeep Cherokee has a standard V6 engine. A 2007 Ford Focus was taken out of service due to significant deterioration on the framework. The Mayor’s vehicle, a 2007 Ford Focus will be given to the Building Department. There is one other jeep in the fleet and the mechanics are confident they will be able to maintain this vehicle. This purchase is in the budget.

CONSENT AGENDA:

ORDINANCE NO. 8-18

BY: MICHAEL P. O’DONNELL

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY COURTVIEW JUSTICE SOLUTIONS, INC. THE SUM OF FIFTY-FOUR THOUSAND SEVEN HUNDRED SEVEN DOLLARS (\$54,707.00) FOR SUPPORT SERVICES FOR VARIOUS SOFTWARE APPLICATIONS FOR THE ROCKY RIVER MUNICIPAL COURT AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT “A”

3RD READING

Mr. O’Donnell said this has been discussed for five or six weeks. This is to authorize a payment for software support for the Court’s software provider, CourtView Justice Solutions. The Court uses various components from CourtView and there are 45 licensed users at the Court on these various

software components. The Court has a great relationship with this vendor and would like to maintain that relationship. These funds are included in the 2018 Budget.

ORDINANCE NO. 9-18

BY: MICHAEL P. O'DONNELL

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO PAY COURTSMART DIGITAL SYSTEMS, INC. AN AMOUNT NOT TO EXCEED SIXTY-FIVE THOUSAND TWO HUNDRED TWENTY DOLLARS (\$65,220.00) FOR SERVERS AND VIDEO CODEC REFRESH FOR THE ROCKY RIVER MUNICIPAL COURT AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

3rd READING

This has been discussed for five or six weeks. This is to authorize payment for certain hardware and software component upgrades related to video needs of the Court. CourtSmart is an existing vendor of the Court for the video needs of the Court and is satisfied with their services. Funds for this expenditure were budgeted in 2018.

ORDINANCE NO. 10-18

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) 2018 FORD F-350 PICKUP TRUCK WITH SNOW PLOW PACKAGE FOR THE SERVICE DIVISION UNDER THE STATE COOPERATIVE PURCHASING ACT FROM VALLEY FORD TRUCK, INC. AT A COST NOT TO EXCEED \$34,681.00

3rd READING

Mr. Moran said this has been discussed several times with no questions. This is for the purchase of an F-350 Pick-up Truck with Snow Plow Package for the Service Division. This truck will have more maneuverability and will be used for some of the cul-de-sacs and tighter areas in the city for snow removal. The Parks Department will also utilize this vehicle. Director Costello said that this vehicle will be able to pull a chipper as well as remove debris and plow snow. It will be used all year round.

RESOLUTION NO. 11-18

BY: JOHN B. SHEPHERD

AN EMERGENCY RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT(S)

3rd READING

Mr. Shepherd said that the City of Rocky River is a member of NOPEC and as such is eligible for grants that are issued under the NOPEC Energized Grant Program. To participate the city has to execute an agreement with Northeast Ohio Public Energy Council (NOPEC) to participate in the Energized Community Grants and Rebate Program. There is no cost for this agreement.

ORDINANCE NO. 12-18

BY: DAVID W. FURRY

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY-SERVICE TO ENTER INTO AN AGREEMENT TO PURCHASE SERVICES FOR THE REMOVAL OF DIGESTED SLUDGE CAKE FROM THE WASTEWATER TREATMENT PLANT BY JAMES DIAZ AT A COST OF \$22.00 PER WET TON FOR 2018

3rd READING

Mr. Furry said that this is the most cost effective way of removing the digested sludge cake from the Wastewater Treatment Plant. Last year the cost was \$42.10 and in 2015 it was \$60.98 a ton. This has decreased considerably.

ORDINANCE NO. 13-18

BY: BRIAN J. SINDELAR

AN EMERGENCY ORDINANCE AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO PURCHASE ONE (1) COMPACTOR REFUSE EJECTOR 75 CUBIC YARD TRANSFER TRAILER FOR THE SERVICE DIVISION FROM REFUSE EQUIPMENT & TRUCK SERVICES, INC. AT A COST NOT TO EXCEED \$68,075.00

3rd READING

Mr. Moran said this is in the 2018 Budget and is to replace a trailer that has been out of service. There is usually three being used in the fleet. The former trailer was traded in for \$1,000.

Mr. Moran moved to approve the Consent Agenda, Ordinance Nos. 8-18, 9-18, 10-18, 12-18 and 13-18, and Resolution No. 11-18, seconded by Mr. O'Donnell.

Vote: Hunt – aye Shepherd – aye O'Donnell – aye

Furry - aye Klym – aye Moran - aye

6 ayes

0 nays

PASSED

Mr. Hunt asked about the fire hydrant side parking enforcement. He asked if warnings were still being given or are tickets being issued. Director Costello said the warnings are just now being issued. There were other signs in conflict with the new law and Chief Stillman went out and looked at every instance that phone calls were received. Hilliard Blvd. for example will not be ticketed on the hydrant side due to the two lanes of traffic and the median. The Mayor said that when the city feels that the requests for specific areas have been addressed another Ready Notify will be sent out.

Mr. Moran asked how residents are being warned. Director Costello said that the Chief has designed and printed warnings that reference the parking law and where cars should be parked.

Mr. O'Donnell asked in reference to Ordinance No. 106-17, why the developer has asked for a stay for the next two weeks. Mr. Bemer said that it is the issue of the Common Area/Trust Property and a decision if they are going forward on that.

MISCELLANEOUS BUSINESS: NONE

PUBLIC COMMENT: Mrs. Mary Ellen Shannon, 18699 High Parkway, addressed Council regarding the large amount of deer population on Hyde Parkway. The vegetation is destroyed on Hyde Parkway. The Mayor said that the jurisdiction would be the ODNr and the Division of Wildlife. The Mayor also said that Officer Mike Jarvis, the Animal Control Officer for the Rocky River Police Department is very good. He worked with the residents regarding the wild turkey issue and is very good with the deer population. He can work with you on how to deter the deers. The Mayor pointed out that it is culling season, so the deer behavior has changed. Mrs. Shannon said that in 30 years she has never seen so many deer. Mrs. Shannon has contacted the MetroParks.

Mrs. Cheryl Bendik, 18579 Hyde Parkway, said she also has a problem with the deer. They are destroying the vegetation and something needs to be done with them. Mrs. Bendik also thanked the city for the new legislation limiting parking on the hydrant side of the street. She has witnessed school busses and emergency vehicles not be able to get through on her street. Her concern is the western

curve on the Hyde Parkway. Low riding cars or bicycles cannot see vehicles coming around the curve and she is concerned there is going to be an accident in the near future. Mrs. Bendik said that this curve has always existed, but now with more people parking on the other side of the street, more cars are driving in the other lane, which aren't visible due to the curve. The hydrants are on the south side with the parking on the north side of the street.

Mr. Bemer added that the Animal Control Officer has drafted suggested legislation language concerning animals, dangerous dogs along with prohibition on feeding wild animals including wild turkeys, deer and vermin. This may assist in helping with the control of the deer in this neighborhood.

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 7:45 p.m.

James W. Moran
President of Council

Susan G. Pease
Clerk of Council